

APPEALS PANEL NO. 3

THURSDAY 30 APRIL 2015 AT 10.00 am

PRESENT: Councillors Stothard (Chairman), Bell and Collier

OFFICERS: Director of Resources
Shared Services Revenues Manager
Recovery Officer
Committee Clerk

APOLOGIES: None

ALSO

PRESENT: Appellant

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of the complaint.

3. PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

4. COMPLAINT REGARDING COUNCIL TAX

Consideration was given to a complaint regarding Council Tax.

The Chairman introduced the Panel and Officers and outlined the purpose of the hearing.

The Chairman asked the appellant to summarise her appeal as clearly as possible and what outcome she hoped to achieve from the hearing.

The appellant introduced herself and explained that whilst she acknowledged and appreciated that the Council had apologised for the error she had suffered a lot of stress and a lot of time had been taken up trying to resolve the matter. The appellant stated that she had written letters and made numerous phone calls, in particular to the debt recovery agency. She left several voice messages from early on the morning but did not receive a response until later that evening. Whilst certain that the matter was not her fault the appellant found the whole matter very stressful. The debt collection agent had been very rude to the appellant and said that unless she paid the stated amount the bailiffs would return early the next morning to remove items from her flat to recover the debt. The appellant believed that a hard line had been taken for a small amount of debt.

It took two weeks until it was determined that the error was on the part of the Council as information regarding a change of address, sent to the Council by the letting agents, had not been updated on the appellant's account. Therefore letters were being sent to the wrong address which had led to the debt being incurred and enforcement action being taken. The appellant had called into the Civic Centre and spoke to the Recovery Officer, who had been courteous throughout. The Recovery Officer who carried out a preliminary search on the appellant's account but could find no error. The appellant had called at the letting agent's office and received a copy of their notification of change of address that they had sent to the Council. The appellant took that information to the Recovery Officer who carried out more investigations. At that point it was determined that there had been an error and that the appellant's address had not been updated on the system. The Council wrote to the appellant and apologised for the error and reimbursed her for any costs with regard to the debt recovery. The Council also made a payment by way of compensation, made without prejudice. The appellant was not happy with that payment as she did not believe it compensated her for the stress that had been caused. The appellant further believed that she could have lost her job as a result as she had been called to the Magistrates Court for non-payment of Council Tax.

A Member queried whether the letter from the letting agent had been sent electronically or through the mail. The appellant advised that she did not know.

The Member asked the appellant if she had a figure that she believed should have been sent to her as compensation. The appellant advised the Panel of such a figure as she had been through a traumatic time and was at times unable to do her work properly, although she had not taken time away from work.

In response to a query from a Member the appellant advised that she did not know that she owed money in respect of Council Tax as the letters had been sent to a previous address. The appellant stated that she did not wish the Officer concerned to lose their job but stated that for what she had been through she should have been offered more than that which she had received.

The appellant stressed that in all her dealings with the Council Officers had been courteous and were not rude at any time. The appellant knew that she was in the right but was advised that if she could not produce evidence to prove that the Council had been notified of her change of address it would be one person's word against another's.

The Chairman summarised the appellant's complaint as that there had been an administrative error by the Council which had caused stress and upset to the appellant which had led to her spending time in resolving the issue. The appellant was seeking appropriate compensation from the Council for the stress caused. The appellant agreed with that summary.

The Panel thanked the appellant for her input and advised that she would be advised by letter within 20 working days of the Panel's decision. If the appellant was not happy with the decision her next course of action would be to take the complaint to the Local Government Ombudsman, details of which would be included in the letter. The appellant left the hearing at 10.20 am.

The Panel invited the Director of Resources, the Shared Services Revenues Manager and the Recovery Officer to the meeting.

The Chairman summarised the appellant's complaint and invited the Director of Resources to explain the circumstances from the Council's viewpoint.

The Director of Resources stated that the Council had made a mistake but that was not apparent until debt recovery proceedings were well underway. The letting agency had advised the Council that the appellant had changed her address but that had not been updated on the system. The Council acknowledged the error and reimbursed the appellant in respect of court costs, etc plus a further payment as a gesture of goodwill.

The Shared Services Revenues Manager explained that the Recovery Officer had dealt with the complaint very well and arranged the refund of all costs. The Officer believed that the Council had dealt with all of the appellant's queries and advised that there had been no request for compensation until the second letter was received. The amount sent as compensation was a token gesture and had been cashed. No specific amount had been requested.

A Member advised that the appellant had stated that she had no issue with how she had been dealt with by the Council.

A Member queried whether the letter from the letting agency, advising the Council of the change of address had been sent electronically or by post. The Member further queried whether processes had been tightened to ensure such an incident would not happen in future. The Shared Services Revenues Manager advised that there had not been any error in the receipt of the letter but that the error had been made by the Officer updating the appellant's account and they had not updated the address. That change had since been made.

The Officers were happy that the processes were robust and acknowledged that people can make mistakes.

A Member pointed out that small errors could quickly escalate as they had done in this instance and that a minor outstanding amount had led to bailiffs being called in.

In response to a query from a Member the Shared Services Revenues Manager advised that the Council only used one debt recovery agency. They were a nationwide agency.

The Member stated that part of the appellant's complaint was the manner in which she had been treated by the debt recovery agency and suggested that there should be personal training in place. The Director of Resources advised that agents now wore vest cameras to avoid unpleasant situations but they were not in place at the time of the complaint.

A Member queried whether it was made clear to the appellant what the compensation payment was to cover. The Shared Services Revenues Manager read that part of the letter to the appellant which stated that the payment was by way of compensation, made without prejudice. The Member suggested that if the letter had stated that the payment was to cover telephone costs, etc it would have been clearer for the appellant.

A Member reminded Officer that when recovery agencies were used they were representing the Council and queried whether their standards met those of the Council. The Shared Services Revenues Manager explained that such agencies were covered by the Civil Enforcement Association who set the standards of behaviour. The Council held quarterly meetings with the agency concerned and any issues were raised at those meetings. However the appellant's complaint had not been raised at the meeting. The time that the

appellant had waited for a response from the agent was within guidelines of the standards of operation for the bailiffs.

The Recovery Officer explained that the Council had a Service Level Agreement with the agency to ensure an appropriate level of service.

Members believed that the standard of behaviour of the debt recovery agent could have damaged the reputation of the Council and suggested that Officers should consider who was used to ensure the high standards.

The Director of Resources advised that as no-one was party to the conversation Members had only been given the appellant's point of view. The compensation had been paid due to the distress caused and was not on behalf of the appellant.

The Panel thanked the Director of Resources and Officers for their input and they left the hearing at 10.50 am.

The Panel invited the Director of Governance into the hearing to advise the Panel on the issue of compensation. The Director of Governance explained that if the Panel were minded to approve a further payment to the appellant it would require a report being submitted to Council and approval by Council as set down in the Council's Constitution.

The Director of Governance left the hearing at 11.15.

The Panel then considered the evidence that had been presented to them, prior to and during the hearing and:

RESOLVED – 1) The Panel were satisfied with the manner in which the issue had been dealt with by City Council Officers. However the Panel suggested that Officers make it clear to the debt recovery agents that when they are representing the City Council their standard of behaviour should mirror the same high standards set by the City Council.

2) That it be recommended to Council that the appellant receive a payment of £225, in addition to the £25 already received, to compensate her for any inconvenience caused as a result of any error on the part of the Council which contributed to the issues leading to the instigation of debt recovery proceedings.

3) That the Chairman would write to the appellant advising her of the final decision of the Panel including information regarding the Local Government Ombudsman.

[The meeting ended at 12.25 pm]