



Appeals Panel 2

Date: Wednesday, 20 April 2022

Time: 14:00

Venue: Slupsk Room

Present: Councillor David Shepherd

Councillor John Mallinson (for Councillor Mrs Marilyn Bowman), Councillor Ruth Alcroft (for Councillor Peter Sunter)

Also Present: Complainant

Officer: Head of Revenues and Benefits Services

AP2.11/22 APPOINTMENT OF CHAIR

RESOLVED - That Councillor Ruth Alcroft be appointed as Chair of the Appeals Panel 2 for this meeting only.

AP2.12/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Marilyn Bowman and Councillor Peter Sunter.

AP2.13/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

AP2.14/22 PUBLIC AND PRESS

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

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 to the 1972 Local Government Act.

AP2.15/22 APPEAL AGAINST COUNCIL TAX ARREARS

(Public and Press excluded by virtue of Paragraph 1)

The Chair welcomed the Complainant and introduced the Panel, she invited the Complainant to set out the complaint.

The complaint related to the handling of council tax arrears and the collection process.

The Complainant set out how she had been made aware of the council tax arrears in 2016 for a property she had been a tenant in in 2014. She detailed the information she had provided to evidence that she had not been liable for the council tax at that time and how the Council had chosen to believe the word of her previous landlord over her black and white evidence.

She explained her personal situation at the time that the debt had been passed on to bailiffs. She felt harassed by the bailiffs and was forced to pay the outstanding balance from her personal university bursary. She stated that the action had caused unnecessary emotional and mental stress and had impacted her financial situation and impacted her degree work. She was then given a further bill and received further letters from bailiffs as a result of which she set up a payment plan despite knowing she was not liable for the amount.

Despite providing evidence that she was not liable in 2016 she received a further bailiff letter in 2019. This had caused unnecessary emotional and mental stress which resulted in serious tension headaches. She had been in touch with the Citizens Advice Bureau (CAB) who agreed that she was not liable for the monies and, because the Council insisted she was, the CAB brought in a specialist to look at the tenancy agreement, which the Council did not ask for until 2021 despite the Complainant having the document. The review of the tenancy agreement proved that the Complainant had not been liable for the council tax.

During this time the Complainant reported that she continued to receive bailiff letters and one, which had been hand delivered, stated a date and time that they would attend her property. On the advice of the CAB the Complainant remained in the house with doors and windows locked for three days, leaving the Complainant feeling like a prisoner in her own home; this had impacted severely on her mental health.

Once the tenancy agreement had proved that there was no liability the Council refunded the Complainant £200 in 2021 and she had to push to receive the remaining outstanding monies which she had paid, and there was still a balance of £67 outstanding.

The Complainant stated that she would like a written apology for the trauma caused, the refund of the outstanding £67 and compensation.

In response to the Panel's questions the Complainant commented that she felt the majority of the issue had been caused by the Council not taking account of the evidence she had provided. She set out how she had received the tenancy and her personal circumstances at the time. She had sought advice from the Law Centre on how to end the tenancy and had provided the landlord with written notice. She did not know why there had been a gap in contact between 2016 and 2019.

The Chair thanked the Complainant for her submission and summed up the complaint as follows: council tax arrears had been pursued for six years starting in 2016; a balance had been paid on two separate occasions and bailiffs continued to pursue the debt; the contact in 2019 had been unexpected and there was no clarity on the reason for it; the Complainant had provided all the evidence as requested; the Complainant felt ignored by the Council and pursued for monies despite providing written evidence - the word of the landlord was taken over the evidence; £67 balance was outstanding; the Complainant requested a refund, written apology and compensation for the trauma and stress as well as confirmation that the matter was closed.

The Complainant left the meeting at 2.30pm.

Consideration was given by the Panel as to which Officers they wished to speak to in order to clarify any issues relating to the complaint.

The Head of Revenues and Benefits Services was invited to attend the meeting at 2.36pm. The Chair outlined the complaint. A Panel Member asked the Officer to respond.

The Head of Revenues and Benefits Services drew attention to the timeline of events as set out in the report. He highlighted that the initial council tax bill had been issued in November 2014 due to a change in the Complainant's circumstances. In line with standard practice a reminder was sent three months later and then a summons for the outstanding charge was issued a month after that. In April 2015 a letter was sent to the Complainant advising that enforcement action would be taken. Between September 2015 and February 2016 the account was amended as additional information was supplied. In June 2016 the Complainant disputed the liability; from there the CAB represented the Complainant.

Between June 2016 and December 2019 there had been no contact with the Complainant as her whereabouts were unknown. The enforcement agency found her through their tracing mechanisms. Once contact was re-established, information and evidence was passed between the Council and the CAB including, in May 2021, a copy of the tenancy agreement which showed that the Complainant could not be held liable for the council tax. In May 2021 a refund of £200.83 was issued in respect of payments collected by the enforcement agency due to evidence that the Complainant was a student and not liable for a period of council tax.

A corporate complaint was received in August 2021 and dealt with according to the Council's procedures. In February 2022 a refund of £386.90 was issued for the enforcement fees the Complainant had paid.

In response to the Panel's questions the Head of Revenues and Benefits Services explained that it was not common practice to hold face to face meetings, it was expected that residents raised issues or queries and engage with the Council as detailed on the council tax bills. In this case there had been little engagement. There was no evidence of an outstanding balance of £67, the Council had refunded the council tax charge and the amount that the enforcement agency stated they had charged. He confirmed that the Council had followed its policy and issued bills based on the information it held at that time. The bill was adjusted as information was provided, resulting ultimately in no council tax charge.

Referring to the tenancy agreement, the Head of Revenues and Benefits Services explained that it was not usual for a customer to be asked for the tenancy agreement. The tenancy agreement in question was a very unusual one, he had only seen one previously and therefore the council tax staff would not have been aware of the complexity of the agreement. Asking for the agreement was exceptional in this case.

The Head of Revenues and Benefits Services left the meeting at 15:05.

The Panel then considered all the evidence presented to them prior and during the heard and:

RESOLVED - 1) That the Panel noted that the Council had a legal duty to pursue debt including council tax arrears and the process undertaken was standard practice;

2) The Panel noted that the process had taken a lengthy time to resolve and that the Complainant was not contactable for a number of years;

3) The Panel acknowledged that the process had caused the Complainant distress and would provide a written apology to the Complainant along with confirmation that the matter was closed;

4) That it be recommended to Council that the Complainant receive a payment of £500, to compensate her for the distress and inconvenience that the process had caused.

The Meeting ended at: 15:19