

The Ombudsman's draft decision

Summary: Miss L complains the Council has treated her unfairly because it is charging her council tax but not her neighbour. She believes this is wrong because they both claim employment support allowance. The Ombudsman will not investigate because she has not experienced a personal injustice.

The complaint

1. Miss L is unhappy the Council requires her to pay £21 a month in council tax whilst her neighbour, who claims employment support allowance (ESA) and personal independence payments (PIP), does not pay council tax. Miss L believes her neighbour is claiming support fraudulently and she wants the Council to investigate this.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start or continue with an investigation if we believe:
 - the fault has not caused injustice to the person who complained, or
 - there is another body better placed to consider this complaint*(Local Government Act 1974, section 24A(6), as amended)*

How I considered this complaint

3. I have considered Miss L's complaint letter. She has had an opportunity to comment on my draft decision.

What I found

4. Miss L says she has observed her neighbour on a number of occasions and noted she does not have a carer or make use of her wheelchair very often.
5. Miss L therefore believes her neighbour is not disabled and should not benefit from ESA and PIP. She also believes her neighbour should be paying council tax.

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6. Miss L has requested that the Council look into her neighbour's eligibility for ESA and PIP as she does not believe it is fair she has to pay council tax but her neighbour does not.

Analysis

7. The Ombudsman should not investigate Miss L's complaint as, whilst she may feel aggrieved, she has not directly suffered because of or been personally disadvantaged by her neighbour's situation.
8. Further, we cannot investigate whether Miss L might herself be entitled to a council tax exemption. Miss L could put this to the Council and, if it disagrees, appeal to the Valuation Tribunal.

Final decision

9. The Ombudsman will not investigate this complaint. This is because ultimately Miss L has not suffered any personal injustice.

Investigator's decision on behalf of the Ombudsman