

The Ombudsman's final decision

Summary: Mr X complains that the Council will not award a council tax discount on his property. We will not investigate this complaint because there is a right of appeal to a Valuation Tribunal.

The complaint

1. Mr X complains that the Council will not award a council tax discount on his property.

The Ombudsman's role and powers

2. The law says we cannot normally investigate a complaint when someone can appeal to a tribunal. However, we may decide to investigate if we consider it would be unreasonable to expect the person to appeal. (*Local Government Act 1974, section 26(6)(a), as amended*)
3. The Valuation Tribunal deals with appeals against decisions on council tax liability and council tax support or reduction.

How I considered this complaint

4. I considered information provided by the complainant and the Council.
5. I considered the Ombudsman's Assessment Code.
6. The complainant had an opportunity to comment on my draft decision.

My assessment

7. Mr X says that his property attracted an empty property council tax discount until his ex-wife claimed the property was occupied.
8. Any dispute about council tax discounts or exemptions can be appealed to a Valuation Tribunal. The tribunal is an expert body and their decisions are binding on the Council. I see no reason why an appeal could not be made in this case.

Final decision

9. I do not intend to investigate this complaint because there is a right of appeal to a Valuation Tribunal.

Investigator's decision on behalf of the Ombudsman