

## **The Ombudsman's final decision**

Summary: We will not investigate this complaint about the way the Council is trying to recover council tax arrears from the complainant. This is because there is insufficient evidence of fault by the Council.

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## **The complaint**

1. The complainant, whom I refer to as Ms X, says the Council is using aggressive tactics to recover council tax arrears.

## **The Ombudsman's role and powers**

2. The Ombudsman investigates complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse impact on the person making the complaint, which we call 'injustice'. We provide a free service, but must use public money carefully. We do not start an investigation if we decide there is not enough evidence of fault to justify investigating. (*Local Government Act 1974, section 24A(6)*)

## **How I considered this complaint**

3. I considered information provided by Ms X and the Council. This includes the complaint replies and emails between Ms X and the Council. I considered our Assessment Code and comments Ms X made in reply to a draft of this decision.

## **My assessment**

4. Ms X complains about the way the Council is trying to recover council tax arrears. She complains it took money from her wages without warning and did not take money for the agreed payment plan. She says the Council has used aggressive and bullying tactics.
5. The Council sent a Final Notice to Ms X in November explaining that if she did not pay the arrears of £1434 then taking money from her wages was one of the options it might use after it had a liability order.
6. The court issued a liability order in December and the Council arranged to take money from Ms X's wages. But, it withdrew the instruction after Ms X complained that her employer had deducted too much money. The Council asked Ms X to submit wage slips so it could check the deduction but it did not receive any payslips from Ms X.
7. Ms X offered to pay £10 a month towards the arrears. The Council rejected this as it would take more than six years to pay the debt. The Council agreed Ms X

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could pay £150 a month but Ms X did not keep to the plan. The Council could not take the money because Ms X had not set up a direct debit and the Council was reliant on Ms X making payments.

8. The Council is considering reimposing deductions from Ms X's pay. But, it has encouraged Ms X to resume the payment plan because this will be less than deductions from her pay. The Council is aware that Ms X has applied for discretionary hardship support and it is waiting for the outcome of that application before taking any further recovery action.
9. I will not investigate this complaint because there is insufficient evidence of fault by the Council. I appreciate Ms X may have found it difficult to have money taken from her pay but it is one of the recovery options available to the Council. And, after Ms X indicated there may be a problem with the deductions, the Council withdrew the instruction. The emails show the Council worked with Ms X to try to set up a payment plan; this includes re-sending the bills, explaining how the arrears arose and cancelling the court costs. There is nothing aggressive in the Council's approach. It may reimpose deductions from Ms X's pay but it hopes this can be avoided if she makes regular payments in accordance with the plan. The Council will take into account the outcome of Ms X's application for discretionary support.
10. Ms X says the Council broke the coronavirus act by pursuing her for the arrears. However, the recovery of council tax was not suspended. There was a suspension on the use of bailiffs but the Council has not used bailiffs and the suspension ended before the Council issued the final notice.

### **Final decision**

11. I will not start an investigation because there is insufficient evidence of fault by the Council.

### **Investigator's decision on behalf of the Ombudsman**