

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

Summary: We will not investigate this complaint about an empty homes premium because there was a right of appeal to Valuation Tribunal.

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## **The complaint**

1. Ms X complains that the Council unreasonably imposed an empty homes premium to her property despite the Council's existing policy.

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

2. The law says we cannot normally investigate a complaint when someone has a right of appeal, reference or review to a tribunal about the same matter. However, we may decide to investigate if we consider it would be unreasonable to expect the person to use this right. (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.
5. I considered the Ombudsman's Assessment Code.

## **My assessment**

6. Ms X says that the Council imposed an empty homes premium to her property 6 months before the Council imposed its policy. She also says that the property has been up for sale for the previous 18 months.
7. The Ombudsman cannot determine whether an empty homes premium should apply; only a Valuation Tribunal can do this.
8. Any dispute about such matters is therefore a matter for the Valuation Tribunal. The tribunal is an independent body which can determine any dispute about such decisions. I see no reason why an appeal could not be made in this case and so the complaint is out of jurisdiction.

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## **Final decision**

9. We will not investigate Ms X's complaint because she could appeal to a Valuation Tribunal.

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