

## SPSO decision report

**Case:** 201302920, Argyll and Bute Council  
**Sector:** local government  
**Subject:** local housing allowance and council tax benefit  
**Outcome:** not upheld, recommendations

### Summary

Mr C complained that the council did not reasonably assess his and his wife (Mrs C)'s income and expenditure when determining their entitlement to a discretionary housing payment (DHP). He complained that the income and expenditure figures on the application form had been tampered with without his permission. He said some of the expenditure figures had been ignored completely and the council failed to ask him for further proof of the figures he submitted. Mr C also said the council's figures did not give a true level of monthly expenditure for food, heating and clothing.

The Department of Work and Pensions guidance says that it is for a council to decide whether they provide applicants with financial assistance with their housing costs and how they treat an applicant's income or expenditure when doing so. The overriding principle is that a council should act reasonably. The evidence showed that the council converted Mr and Mrs C's monthly income and expenditure figures to weekly figures - which we found reasonable. In the instances where the council's figures differed from Mr and Mrs C's, there was documentary evidence to show that the figures the council used were accurate.

The evidence also showed that the council disregarded £100 per month that Mr C listed for personal items. It was for the council to decide how they treated an applicant's income or expenditure when assessing their entitlement to DHP, and we did not consider their reason for disregarding the £100 to be unreasonable.

In their reconsideration process, the council had advised Mr C to include any special factors or items of essential expenditure that he thought they had not taken fully into account. This was Mr C's opportunity to explain the figures he submitted for heating, clothing, food and personal items. Mr C did not appear to provide any information on special factors in these areas to support his case. The fact that the council did not ask for supporting documentary evidence did not, in our view, have an adverse effect on their consideration of this. The evidence also showed that the council acted in accordance with their guidance for expenditure on food, heating and clothing.

### Recommendations

We recommended that the council:

- ensure that, in future, where their income and expenditure figures differ from an applicant's, they explain their reasons for this in their DHP claim decision letters.