

SPSO decision report

Case: 201500516, Scottish Borders Council
Sector: local government
Subject: council tax
Outcome: some upheld, no recommendations

Summary

Mrs C told us that when she and her son (Mr A) moved onto a caravan site they were told by the site owner it was an all-year-round residential site. They later found out that there was a site licence condition which limited residency to eight months per year. Mrs C and Mr A said that when they went to register to pay council tax, the council should have alerted them to the licence condition. We accepted the council's position, which was that the site licence condition was not of significance in relation to council tax liability. Officers responsible for council tax only had to establish whether the caravan was occupied as Mrs C and Mr A's main or only residence. The council said, and we agreed, that the terms of Mrs C and Mr A's lease or rental agreement was a matter between them and the site owner.

Mrs A and Mr C said a council officer came on site without good reason and discussed their private business within hearing distance of other people. We found that the council officer did not show his identification when he went on site and we upheld this aspect of Mrs C's complaint. The council had already apologised for this. Mr A refused to speak to the council officer. Mrs C and Mr A said that there was no need for the council's visit as they had already been to the council office to tell the council that they were moving and where they were going to. The council confirmed the visit but said Mrs C and Mr A did not provide a forwarding address. We found that the council were entitled to visit the site either to check the information they were given or to get further details. In this case they needed a forwarding address and to confirm a leaving date so they could end the council tax liability. We found, on balance, that there was not enough evidence to confidently say whether Mr A's private business had been discussed in front of other people and, therefore, we did not uphold this aspect of the complaint.