



Item

## **COMPLAINT UPHeld BY THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGSCO) RELATING TO A HOUSING ALLOCATION**

**To:**

Councillor Richard Johnson, Executive Councillor for Housing  
Housing Scrutiny Committee 15/01/2020

**Report by:**

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**Wards affected:**

All

Not a Key Decision

### **1. Executive Summary**

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) has upheld a complaint relating to a housing allocation to a vulnerable customer who subsequently became the victim of anti-social behaviour (ASB) from a neighbouring tenant.
- 1.2 In these circumstances, the Head of Legal Services, as the Council's Monitoring Officer, has an obligation to report the findings to the Executive. The Executive is obliged to set out what action has already been taken in respect of the findings, what action it intends to take and the reasons for taking the action.
- 1.3 This report summarises the complaint, acknowledges that there were shortcomings in relation to working practices and sets out the action taken in response.

## **2. Recommendations**

The Executive Councillor is recommended to:

- 2.1 Note the findings of the LGSCO in respect of this case and the actions taken by the Council in response to these findings.

## **3. Background**

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The Council allocated a one bedroom ground floor flat to a single applicant (Mr X) at the end of November 2017 after the applicant made a successful bid for the accommodation on the Home-Link system.

- 3.2 Within a short space of time Mr X was experiencing a number of problems with his neighbour (Ms Y) who lived in the flat above.
- 3.3 Ms Y embarked on a campaign of harassment against Mr X including noise nuisance, false and vexatious allegations and taking photographs and making audio recordings of him.
- 3.4 By May 2018 the Council obtained an interim injunction against Ms Y and a full injunction by September 2018; the injunctions were breached on several occasions
- 3.5 From July 2018 to January 2019 the Council made 4 separate offers of accommodation to Mr X, which it had agreed to 'direct let' to him; Mr X did not accept any of these offers as he felt Ms Y should be moved.
- 3.6 The Council also made several attempts to move Ms Y during this period until it was eventually successful at the end of March 2019. Ms Y was also a vulnerable person and this was a key consideration in the decision about whether to take repossession action against her and, after service of a Notice of Seeking Possession and consideration of her medical condition, this course of action was halted.
- 3.7 Before Mr X moved in to his flat the Council had received complaints of anti-social behaviour made against Ms Y but, at that point, had been unable to substantiate these allegations.

3.8 The case went through the Council's complaints process and the Council accepted it was at fault in allocating the accommodation to Mr X as he was a vulnerable person and there was an indication that there could be a risk to him. The Council agreed to pay Mr X £850 in compensation for this injustice and apologise for the error, acknowledging that it had not flagged this property as a 'sensitive let', had not risk assessed the allocation and had not informed Mr X about the complaints it had received about his prospective neighbour.

#### **4. The Ombudsman's findings and the Council's response**

4.1 The LGSCO made it clear that its remit was to look at the allocation.

4.2 A separate investigation by the Housing Ombudsman looked at the Council's management of the anti-social behaviour and concluded that the compensation offered was fair.

4.3 The LGSCO took a different view and decided that, in assessing the level of compensation offered by the Council should be £3800 to reflect the length of time it took to remedy the allocation error.

4.4 The Council has taken the following actions to mitigate the risks of future allocations errors of this nature:

- In August 2019, the Council conducted a cross-departmental review meeting of this case, which has reinforced to housing officers and those shortlisting applicants that, for sensitive lets, incoming tenants should be risk assessed in terms of the risk they pose *and* the risk they are exposed to.
- As part of the wider CCC Local Lettings Policy review, a Sensitive Lettings Procedure will be developed to ensure that vacant properties are given a 'sensitive let' status not just when considering the risk posed by a new applicant moving in but also the vulnerability of that applicant.

4.5 The Council used the LGSCO's Remedy Guidance to calculate the compensation due in this case. However, the Ombudsman pointed out that only part of its guidance was applied in this case. Therefore, Housing Services has drafted its own Complaints Handling Procedure;

one of its objectives is to make it easier for officers to assess where compensation should apply and how it should be calculated.

## **5. Implications**

### **a) Financial Implications**

A compensation award has been made to the claimant as set out in 4.3 of this report

### **b) Staffing Implications**

None

### **c) Equality and Poverty Implications**

No Equality Impact Assessment has been carried out as the principle response to the complaint is a minor change to procedure.

### **d) Environmental Implications**

None

### **e) Procurement Implications**

None

### **f) Community Safety Implications**

Procedural changes as set out in 4.4 of this report will act as a preventative measure to offset community safety risks.

## **6. Consultation and communication considerations**

None

## **7. Background papers**

Background papers used in the preparation of this report:

Complaints Handling Procedure (Housing Services)

## **Appendices**

None

## **8. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact David Greening, Head of Housing, tel: 01223 - 457997, email: david.greening@cambridge.gov.uk.