

12 July 2018

Complaint reference:
18 003 694

Complaint against:
London Borough of Havering

The Ombudsman's final decision

Summary: The Ombudsman cannot investigate this complaint about damage caused to the complainant's house when the Council worked on the next door property. This is because the Ombudsman cannot investigate a council when it is acting as a landlord.

The complaint

1. The complainant, whom I refer to as Mrs X, is unhappy with the Council's response after it damaged her home while working on its property next door.

The Ombudsman's role and powers

2. The Local Government Act 1974 sets out our powers but also imposes restrictions on what we can investigate.
3. We cannot investigate complaints about the provision or management of social housing by a council acting as a registered social housing provider. (*Local Government Act 1974, paragraph 5A schedule 5, as amended*)

How I considered this complaint

4. I read the complaint and the Council's responses. I spoke to Mrs X after she received a draft of this decision.

What I found

What happened

5. Mrs X owns her home. The Council owns the neighbouring property and rents it to tenants.
6. The Council did repairs to the neighbouring property. Mrs X complained that the Council had damaged her home and car while it worked on the neighbouring property. The Council has offered to pay damages and compensation. Mrs X complains of delay and that the Council plans to pay the money to her builder.

Assessment

7. I cannot start an investigation because the Council was acting as a landlord when it did repairs to the neighbouring property and when it responded to Mrs X's claim for damage. The law says the Ombudsman cannot investigate a council when it is acting as a landlord and carrying out housing management functions. This means I have no power to start an investigation.

Final decision

8. I cannot start an investigation because I have no power to investigate a Council when it is acting as a landlord.

Investigator's decision on behalf of the Ombudsman