

The Ombudsman's final decision

Summary: The Ombudsman cannot investigate Ms B's complaint about the Council's response to her reports of pigeon droppings in her garden. The Ombudsman cannot investigate the Council's actions as the landlord of Ms B's building.

The complaint

1. The complainant, whom I shall call Ms B, complains her garden is badly affected by pigeon droppings that get walked through her flat. Ms B has a respiratory illness and says she will need a heart transplant in the future. Ms B complains the Council has not taken any action to resolve this matter and her health is affected.

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 have considered the information Ms B provided and the complaint correspondence between Ms B and the Council. I sent a draft decision to Ms B and invited comments before I made a final decision.

What I found

5. In October 2017, Ms B contacted the Council to complain about the level of bird droppings in her garden. She asked the Council to remove the droppings and explained she believed they were hazardous to her health.
6. Ms B is a council tenant and the Council is the landlord of the building. Responsibility for dealing with problems caused by wild birds rests with the property or landowner concerned. The Council has inspected the building and decided there was no practical remedy to prevent pigeons perching on the brackets between the gutters and soffits, on guttering or on satellite dishes. The Council also explained the programme of cleaning it carries out and where responsibility for cleaning falls to a tenant.

-
7. The Council's decision not to carry out any pigeon prevention work to the building is not one the Ombudsman can investigate. This is because it is a decision the Council has taken in its capacity of managing social housing. The restriction in paragraph 3 applies and the Ombudsman cannot investigate.

Final decision

8. The Ombudsman cannot investigate this complaint. This is because the Ombudsman cannot investigate the Council's actions as the landlord of Ms B's building.

Investigator's final decision on behalf of the Ombudsman