

15 May 2019

Complaint reference:
18 019 868

Complaint against:
London Borough of Havering

The Ombudsman's final decision

Summary: The Ombudsman will not investigate this complaint about the Council's decision to reject the complainant's housing application. This is because there is insufficient evidence of fault by the Council.

The complaint

1. The complainant, whom I refer to as Mr X, complains about the Council's decision to reject his housing application.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start an investigation if we believe it is unlikely we would find fault. (*Local Government Act 1974, section 24A(6), as amended*)

How I considered this complaint

3. I read the complaint and letters the Council sent to Mr X about his housing application. This includes the review decisions, a letter to his MP and Mr X's emails to the Council. I also considered medical evidence provided and an email the police sent to the Council. I considered comments Mr X made in reply to a draft of this decision.

What I found

Housing allocation policy

4. People can only join the housing register if they have a housing need as defined by the policy. This can be on hardship or welfare grounds when a move is supported by the police. It also applies where the housing conditions affect the applicant's health and a move would be beneficial.
5. People who join the housing register often have to wait many years before being offered accommodation.

What happened

6. Mr X lives in a ground floor flat. He has a long-term history of anxiety and depression. He applied to join the housing register in November 2018. He provided medical evidence of his mental health needs and explained his health

was being affected by noise from a neighbour. He explained he was being affected by noise from the neighbour's child running around the flat.

7. The Council rejected his application on the grounds that he had no housing need.
8. Mr X has been a victim of homophobic abuse. In December he received homophobic letters which he reported to the police. The police recommended a panic alarm and flagged his number on their system.
9. Mr X challenged the Council's decision not to approve his housing application. He reported the homophobic abuse and repeated that his health has deteriorated due to the noise from the child.
10. The Council considered all of Mr X's points and his additional evidence. It noted that the police have not recommended a move but, if they did, then the Council would reconsider the application. It confirmed its decision not to award medical priority. It accepted Mr X's health is affected by the noise but it also said that the noise is ordinary living noise which could be repeated if Mr X moved and his neighbours had children. On that basis there is no guarantee a move would be beneficial. The Council confirmed its decision. The Council said Mr X could make a homelessness application if he thought he was threatened with homelessness. If the Council accepted him as homeless it would, ultimately, offer a permanent home although this might still be somewhere where the neighbours had children.
11. I have seen an email the police sent to Mr X's adviser in January. This email gives more details about the homophobic abuse and says the police advised Mr X to consider moving. I have checked with the Council and it has not seen this second email.

Assessment

12. I will not start an investigation because there is insufficient evidence of fault by the Council. The Council has considered all the medical evidence and got an email from the police. But, it has decided not to approve the application. The police, while confirming homophobic abuse, have not recommended a move in the email the Council received. And, while the Council accepts Mr X is affected by noise, it has also decided it is ordinary noise which could be replicated if Mr X moved. The decision made by the Council is consistent with the evidence and policy so there is no reason to start an investigation. Mr X could send the second police email to the Council but I do not know if it would change the Council's decision. Mr X could also make a homelessness application. The Ombudsman does not act as an appeal body. He cannot intervene simply because a council makes a decision that someone disagrees with.
13. Mr X has accused the Council of being homophobic and he does not think the Council is supportive of the LGTBQ community. Mr X has clearly experienced homophobic abuse from unknown perpetrators but there is nothing to demonstrate such behaviour by the Council.

Final decision

14. I will not start an investigation because there is insufficient evidence of fault by the Council.

Investigator's decision on behalf of the Ombudsman