

13 June 2019

**Complaint reference:**  
18 014 539

**Complaint against:**  
London Borough of Havering

## **The Ombudsman's final decision**

Summary: Mr X complained about the Council giving insufficient priority to his housing application. The Ombudsman should not investigate this complaint. This is because there is insufficient evidence of fault which would warrant an investigation.

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## **The complaint**

1. The complainant, whom I shall call Mr X, complains that the Council has not given sufficient priority to his application for rehousing. He says he is overcrowded and has little chance of being offered a larger home in his present position.

## **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 or continue with an investigation if we believe:
  - it is unlikely we would find fault, or
  - it is unlikely we could add to any previous investigation by the Council, or
  - it is unlikely further investigation will lead to a different outcome.

*(Local Government Act 1974, section 24A(6), as amended)*

## **How I considered this complaint**

3. I have considered all the information which Mr X submitted with his complaint. I have also considered the Council's response and Mr X has commented on the draft decision.

## **What I found**

4. Mr X lives in a one-bedroomed flat which the Council leases and manages from the private sector. He says he has two children under five years old and they are now in overcrowded circumstances. The block of flats includes a staircase which Mr X feels is unsafe and unsuitable for his family. He has applied for rehousing but at present has a low priority which means he is unlikely to be successful in bidding for larger properties.

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5. The Council told Mr X that he is in a low banding because he does not meet the residence criteria of being in the borough for 6 years until January 2020. He needs an additional bedroom but he is not statutorily overcrowded and is in a similar position to many other applicants.
  6. Mr X complained about his flat being cold and damp in the winter due to an air vent in the bedroom. The Council has inspected but says the vent is required to ensure proper air circulation in the flat. It has also given him advice on using the heating system.
  7. We investigate complaints of injustice caused by 'maladministration' and 'service failure'. I have used the word 'fault' to refer to these. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached.
  8. We cannot question decisions taken by the Council if they were taken properly and fairly. It may be the case that, although Mr X needs to move to a larger property, there are other applicants who have an even greater need.

### **Final decision**

9. The Ombudsman should not investigate this complaint. This is because there is insufficient evidence of fault which would warrant an investigation.

### **Investigator's decision on behalf of the Ombudsman**