

The Ombudsman's final decision

Summary: We will not investigate Mr X complaint about the Council placing a tenant in a property he owns or its relationship with the letting agent. There is no worthwhile outcome achievable by investigating.

The complaint

1. Mr X complains about an inspection of a property he owns in 2023 and its possible involvement in a court case between him and the property agent. He says he is concerned the Council may be housing families in unsuitable accommodation.

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 a complaint about the start of court action or what happened in court. (Local Government Act 1974, Schedule 5/5A, paragraph 1/3, as amended)
4. We investigate complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse impact on the person making the complaint, which we call 'injustice'. We provide a free service but must use public money carefully. We do not start or continue an investigation if we decide:
 - there is not enough evidence of fault to justify investigating, or
 - any injustice is not significant enough to justify our involvement, or
 - there is no worthwhile outcome achievable by our investigation.(Local Government Act 1974, section 24A(6), as amended, section 34(B))

How I considered this complaint

5. I considered information provided by Mr X.
6. I considered the Ombudsman's Assessment Code.

My assessment

What happened

7. Mr X owns a property, which he let out, using a lettings agent (the agent). He says the agent generally contracts with the Council to assist it accommodate homeless families.
8. In February 2023, there was a leak from another property that caused significant damage to Mr X's property. The agent arranged for some repairs, following which a tenant moved in. I understand the tenant did not complain about the suitability of the property. In court action between Mr X and the agent, it emerged the Council had inspected the property and was satisfied with its condition. However, Mr X says only superficial repairs had been done.
9. The court action concluded in June 2024, following which Mr X complained to the Council. The Council declined to investigate because it no longer had a connection to the property concerned.
10. Mr X is concerned about what he considers was a poor inspection of the property in 2023 and the risk the Council may be placing homeless families in unsuitable accommodation. He is also concerned about the "cosy" relationship between the Council and the agent.

My assessment

11. It appears the inspection in 2023 was by the homeless team. Following repairs by the agent, they were satisfied with the condition of the property. It would not be possible, given the lapse of time, to establish whether the Council acted with fault when carrying out the inspection so there is no worthwhile outcome achievable by further investigation.
12. If the property was used as temporary accommodation, the tenant would have had the right to ask for a review of its suitability if they were concerned, but they apparently did not do so. The same would apply to any other homeless families placed in temporary accommodation by the Council. If a property is offered to a homeless applicant to end a homelessness duty, they would also have the right to ask for a review of the suitability of the offer. In such cases, we would expect people to use relevant review and appeal rights rather than complain to us.
13. Mr X is unhappy the Council became involved in the court case between him and the agent. The law says we cannot investigate complaints about court action, so we cannot consider this further.
14. Mr X is also concerned about the relationship between the Council and the agent. He has not provided evidence to show any misconduct by Council officers, and we cannot go on a "fishing expedition" to explore whether there is any fault. Further, Mr X has not himself suffered a sufficient injustice due to the Council's relationship with the agent to justify our involvement.
15. For all the above reasons, we will not investigate further.

Final decision

16. We will not investigate Mr X's complaint because we could not achieve a worthwhile outcome.

Investigator's decision on behalf of the Ombudsman