Local Government &
Social Care
OMBUDSMAN

The Ombudsman's final decision

Summary: The Ombudsman cannot investigate this complaint about changes the Council is making to the complainant's accommodation. The complainant is a Council tenant. The Ombudsman has no power to investigate a council when it is acting as a landlord.

The complaint

1. The complainant, whom I refer to as Mr X, complains that the Council plans to stop second floor tenants using the lift.

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 considered comments Mr X made in response to a draft of this decision.

What I found

What happened

5. The Council wants to make changes to the complainant's accommodation. Mr X is a Council tenant and lives on the second floor of a block of flats. He is particularly concerned by the Council's plan to stop second floor tenants from using the lift. He says the use of the lift is included in his tenancy agreement. Mr X wants the Council to keep the lift available for use by all tenants.

Assessment

6. The law says the Ombudsman cannot investigate a council when it is acting as a landlord and carrying out housing management functions. Mr X is complaining about changes the Council wants to implement to his home and he believes the Council is breaching his tenancy agreement. These are all actions and decisions made by the Council when it is acting as a landlord. This means I have no power to start an investigation.

Final decision

7. 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