

Digest of Cases 2008/09

Section A

Antisocial behaviour

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A1: Antisocial behaviour

Problems caused by tenant in block of flats occupied mainly by elderly people – council failed to deal with letting properly – council failed to consider and plan for possible consequences properly

The complaint

Mrs W complained that the council unreasonably allocated the flat directly above her mother's to a person with a known history of crime and antisocial behaviour, knowing that the other tenants of the block were elderly and vulnerable. She also complained that the council failed to deal properly with the consequent problems when they arose.

What happened

Mrs W's mother lived in a block of six flats designated for people over 40 and occupied predominantly by elderly and vulnerable people. The council let the flat above Mrs W's mother's to a man in his 40s, who had a history of antisocial and criminal behaviour, and his younger partner. Soon after he moved in Mrs W's mother, who was in her 70s, began to have problems with his behaviour and complained to the council. The council responded by installing noise monitoring equipment, investigating the other allegations made against the man, and issuing him with a warning about possible breach of his tenancy conditions. During the Ombudsman's investigation the man was arrested and imprisoned for an offence unconnected with his behaviour in the flats. His partner then surrendered the tenancy.

The Ombudsman's findings

The investigation established that the council's antisocial behaviour unit and environmental health team had responded appropriately to the complaints received about the man's behaviour. However, there were criticisms of the council for failing to carry out a proper risk assessment and planning before letting the flat to the man, bearing in mind the information it had about him and the age and vulnerability of other tenants. Had such an assessment been done, either the flat would not have been let or a proper plan would have been put in place to manage any problems arising from the tenancy. Mrs W's mother would not have suffered, over a period of just over a year, the distress and fear that resulted from the man's behaviour.

The outcome

The council agreed to:

- apologise to Mrs W and her mother;
- make a payment of £1,000 to Mrs W's mother in recognition of the distress and disturbance caused; and

- handle the re-let of the vacant flat sensitively within the scope of the council's letting policy.

(Case reference confidential)

