

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 20/05/03	<b>MEETING NAME:</b> Executive Committee
<b>Report title:</b>		REPORT OF THE LOCAL GOVERNMENT OMBUDSMAN (LGO) 02/B/00755 – Executive Member Comments	
<b>Ward(s) or groups affected:</b>			
<b>From:</b>		Executive Member for Housing	

- 1 I note that this complaint derives from a complex legal definition and interpretation of a lodger's entitlement to effect a joint tenancy. I further note that the reason for the neighbourhood refusing to grant a joint tenancy was because it considered this request was made in order to contrive a tenancy to obtain Housing Benefit betterment.
- 2 The Executive notes that the Housing Department fully accepts the findings of the LGO and recognises that there are areas where improvements can and should be made to ensure this scenario is not repeated. In particular that HB client advice is to be sought in all cases where there are concerns that a tenancy may be contrived in an attempt to obtain Housing Benefit.
- 3 The LGO recommended 4 actions that the Council needed to undertake to remedy the injustice to the residents

**a) Pay Mr A £500**

I note the agreement to pay £500.00.

**b) Determine whether Mr A and Mrs A can be considered joint tenants.**

I note that the status of the occupant as a lodger rather than an authorised occupant deterred the neighbourhood from considering granting a joint tenancy to the tenant and his mother.

Mrs A now qualifies for the joint tenancy having lived in the accommodation for more than the required 12 months and is a member of family who would qualify to succeed in the event of the death of the tenant. There appear no other relevant factors that can be considered and so a joint tenancy is to be created.

- c) If tenancy granted pay an ex gratia payment equivalent to the amount of HB she would have received if she would have applied for Benefit as a joint tenant – from April 2000**

I am pleased to note that the ex-gratia payment will be made from Housing Benefit entitlement as would have been the case had the joint tenancy been agreed in the first instance.

- d) The LGO has advised we should review our policies and procedures in respect of joint tenancies**

I note that this recommendation is being considered with HB client advice being sought when deciding whether a contrived action is being attempted. Guidelines are also being drafted to define in what circumstance applications for joint tenancies may be refused. This is being done in tandem to any changes being considered by TAWP and are to include reasons for occupancy, relationship to tenant, length of residence, whether tenancy or property held elsewhere, etc, etc. Staff have been reminded that policies are available on HIC and that these must be referred to in case of enquiry.

**Councillor Beverley Bassom  
Executive Member for Housing**