



Leicester
City Council

SPECIAL MEETING OF THE HOUSING SCRUTINY COMMISSION

DATE: THURSDAY, 12 JUNE 2025

TIME: 5:30 pm

PLACE: Meeting Room G.01, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ.

Members of the Scrutiny Commission

Councillor O'Neill(Chair)

Councillor Bajaj (Vice Chair)

Councillors Gopal, Gregg, Mahesh, Pickering, Singh Sangha and Zaman.

Members of the Scrutiny Commission are invited to attend the above meeting to consider the items of business listed overleaf.



For Monitoring Officer

Officer contacts:

Kirsty Wootton (Governance Services) Tel: , e-mail: governance@leicester.gov.uk Leicester City Council, 3rd Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Information for members of the public

Attending meetings and access to information

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- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact: Kirsty.Wootton@leicester.gov.uk of Governance Services.

Alternatively, email governance@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

FIRE/EMERGENCY EVACUATION

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to area outside the Ramada Encore Hotel on Charles Street as Directed by Governance Services staff. Further instructions will then be given.

1. WELCOME AND APOLOGIES FOR ABSENCE

To issue a welcome to those present, and to confirm if there are any apologies for absence.

2. DECLARATIONS OF INTERESTS

Members will be asked to declare any interests they may have in the business to be discussed.

3. CALL-IN OF EXECUTIVE DECISION LGSCO REPORT OF MALADMINISTRATION CAUSING INJUSTICE (HOUSING) - MS X [Appendix A](#)

An Executive decision taken by the Deputy City Mayor for Housing, Economy, and Neighbourhoods on 22 May 2025 relating to the response to recommendations of an LGSCO Maladministration report has been the subject of a 6-member call-in under the procedures at Rule 12 of Part 4D, City Mayor and Executive Procedure Rules, of the Council's Constitution.

The Commission is recommended to either:

- a) Note the report without further comment or recommendation. *(If the report is noted the process continues and the call in will be considered at a future meeting of Full Council); or*
- b) Comment on the specific issues raised by the call-in. *(If comments are made the process continues and the comments and call in will be considered at a future meeting of Full Council); or*
- c) Resolve that the call-in be withdrawn *(If the committee wish for there to be no further action on the call-in, then they must actively withdraw it. If withdrawal is agreed the call-in process stops, the call-in will not be considered at a future meeting of Full Council and the original*

decision takes immediate affect without amendment).

4. ANY OTHER URGENT BUSINESS

CALL-IN OF EXECUTIVE DECISION
LGSCO Report of Maladministration causing injustice
(Housing) – Ms X

Housing Scrutiny Commission – 12 June 2025

COUNCIL – 3 July 2025

REPORT OF THE MONITORING OFFICER

Useful information

- Ward(s) affected: All
- Report author: Jacob Mann
- Author contact details: Jacob.Mann@leicester.gov.uk
- Report version number: V1

1. Summary

An Executive decision taken by the Deputy City Mayor for Housing, Economy, and Neighbourhoods on 22 May 2025 relating to the response to recommendations of an LGSCO Maladministration report has been the subject of a 6-member call-in under the procedures at Rule 12 of Part 4D, City Mayor and Executive Procedure Rules, of the Council's Constitution.

The procedure rules state that a scrutiny committee or any five councillors may request formally that the decision be called-in for a further review by giving notice in writing to the Monitoring Officer within five working days of the decision.

The 6 Councillors who signed the call in were: Councillor Kitterick (Proposer), Councillor Porter (Seconder), Councillor Sahu, Councillor Haq, Councillor Rae Bhatia, and Councillor Kennedy-Lount.

2. Recommended actions/decision

The Committee is recommended to either:

- a) Note the report without further comment or recommendation. *(If the report is noted the process continues and the call in will be considered at a future meeting of Full Council);* or
- b) Comment on the specific issues raised by the call-in. *(If comments are made the process continues and the comments and call in will be considered at a future meeting of Full Council);* or
- c) Resolve that the call-in be withdrawn *(If the committee wish for there to be no further action on the call-in, then they must actively withdraw it. If withdrawal is agreed the call-in process stops, the call-in will not be considered at a future meeting of Full Council and the original decision takes immediate affect without amendment).*

Council is recommended to either:

- a) Support the Deputy City Mayor's decision, and thus confirming the decision with immediate effect; or
- b) Recommend a different decision to the Deputy City Mayor. (The original decision will still stand, unless the City Mayor takes a further decision to amend the original.)

3. Scrutiny / stakeholder engagement

N/A

4. Background and options with supporting evidence

The Executive Decision Report, and Decision Notice are attached as appendices.

5. Detailed report

The call-in submitted to the Monitoring Officer was in the following terms:

' We the undersigned wish to Call-in to Full Council the decision of the Deputy City Mayor of Housing to reject two of the LGSCO recommendations on the failure of the City Council's Housing department in relation to the matter of Ms X. We believe a call in is necessary for the following reasons. Prior to the establishment of the City Mayor system it was established practice that such reports that were critical in this way would come to Full Council for consideration and discussion. That it will give an opportunity to all councillors to discuss the standard of accommodation the city council provides for its citizens and the general performance of the City Council and Deputy City Mayor in this regard. That failure to do this will send a signal that the City Mayor, Deputy City Mayor, Councillors and the Council do not take the criticism by the LGSCO seriously and is seeking to diminish this matter and give it as little public scrutiny as possible.'

The Monitoring Officer has confirmed that the call-in satisfies the requirements of the procedure rules and it has, therefore, proceeded as per the process set out at Rule 12 of Part 4D, City Mayor and Executive Procedure Rules of the Council's Constitution.

Where a call-in has been made, officers are to take no further legally binding action, unless the circumstances of Rule 12 (f) are fulfilled, and the matter shall be referred to a meeting of the full Council. Prior to this it shall be referred to the relevant Scrutiny Committee if one is programmed or a special scrutiny committee if one is convened.

The call-in may however be withdrawn if:

The relevant scrutiny committee/commission makes a resolution to withdraw; or

The sponsor and seconder of the call-in inform the Monitoring Officer that they wish the call-in to be withdrawn.

Following consideration of a call-in by Full Council, the original decision will be deemed to be revived in its entirety. Any agreement by the decision maker to change the original decision will require a further formal Executive Decision.

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

There are no financial implications arising from the call-in beyond those in the decision report.

Signed: Stuart McAvoy, Head of Finance

Dated : 4 June 2025

6.2 Legal implications

The legal implications arising from the call-in are explained in sections 2 and 5 above

Signed: Kamal Adatia, Monitoring Officer

Dated: 4 June 2025

6.3 Equalities implications

There are no comments in addition to those in the decision report.

Signed: Surinder Singh, Equalities Officer

Dated: 4 June 2025

6.4 Climate Emergency implications

There are no further climate emergency implications to those provided in the decision report.

Signed: Duncan Bell, Change Manager (Climate Emergency)

Dated: 4 June 2025

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

7. Background information and other papers:

None

8. Summary of appendices:

Appendix A Executive Decision Report – LGSCO Report of Maladministration causing injustice (Housing) - Ms X dated 22 May 2025

Appendix B Report by the Local Government and Social Care Ombudsman dated 7 October 2024

9. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

LGSCO Report of Maladministration causing injustice (Housing) – Ms X

Decision date: 21st May 2025

Decision of Deputy City Mayor (Housing lead):
Cllr Elly Cutkelvin

Report of the Monitoring Officer: Kamal Adatia

Useful information

- Ward(s) affected: N/A
- Report author: Kamal Adatia
- Author contact details: Kamal.Adatia@leicester.gov.uk
- Report version number: 1

1. Summary:

- 1.1 Ms X complained to the Local Government and Social Care Ombudsman (LGSCO) that the Council failed to provide sufficient support with her homelessness and failed to provide suitable accommodation for her and her children. She claimed that as a result, Ms X and her family had been living in unsuitable accommodation for longer than necessary which caused significant distress. Ms X also considered that the stress of living in unsuitable accommodation had significantly affected her mental and physical health.
- 1.2 By report dated 7th October 2024 and formally published on 14th November 2024 the LGSCO, pursuant to her powers under Part III Local Government Act 1974, found that Leicester City Council (LCC) had been guilty of maladministration causing injustice to Ms X. The full report can be found online here - [23 015 268 - Local Government and Social Care Ombudsman](#) and is attached as Appendix 1. The Council had, prior to this date, confirmed that we were unwilling to comply with two of the LGSCO's recommendations, all of which are set out at paragraph 49 of the report.
- 1.3 That publication by the LGSCO made seven recommendations in total and was accompanied by various requirements as to matters such as publication (by the Council) of press notices, but also consideration of that report by the Council's Cabinet. The scope of this duty is enshrined in section 31(2) Local Government Act 1974, and entails "consideration" of the report and "notification" back to the LGSCO.
- 1.4 There is a separate duty upon the Monitoring Officer pursuant to section 5A Local Government & Housing Act 1989, in cases of maladministration causing injustice, to report to the Council's Cabinet and all Elected Members about such maladministration.
- 1.5 This report purports to fulfil both the 1974 Act duty (the Cabinet's duty of consideration and notification) and the 1989 Act duty (the Monitoring Officer's duty of reporting).
- 1.6 A summary of the key facts of Ms X's case is found at paragraphs 21 to 32 of the LGSCO report.

2. Recommendations:

- 2.1 That the Council's Cabinet considers the report of the LGSCO dated 7th October 2024 finding maladministration causing injustice to Ms X and her family.
- 2.2 That the Assistant Mayor for Housing confirm whether the recommendations of the LGSCO will be complied with in full, and if not, to provide reasons for declining to comply with any recommendations.

3. LGSCO's conclusions:

- 3.1 **Private Sector Housing** – not proportionate for the LGSCO to investigate further the complaint about whether the Council failed to provide proper assistance to secure a private rented property, for the reasons given in paragraph 34 of the LGSCO report.
- 3.2 **Initial decision to place Ms X in refuge accommodation** – no fault found by the LGSCO, for the reasons given in paragraph 35 of the LGSCO report
- 3.3 **Council's consideration of the suitability of refuge accommodation** – fault found by the LGSCO. The Council should not have placed the onus on Ms X to contact the refuge to see if it had alternative accommodation. The Council should also have offered interim accommodation to Ms X when the refuge informed it that it could not provide alternative accommodation for Ms X. The Council did not offer alternative accommodation to Ms X until November 2023. This delay was fault. It is acknowledged that the customer may not have accepted B&B accommodation if this was offered but the Council's delay in responding to concerns and arranging alternative accommodation caused Ms X distress.
- 3.4 **Delay in accepting the main housing duty** - fault found by the LGSCO. The Council accepted the relief duty in January 2023. It should have made a decision on whether it owed the main housing duty 57 days later. It did not accept the main housing duty until August 2023. The delay of four months accepting the main housing duty was fault. The Council failed to notify Ms X of its decision to end the relief duty and accept the main housing duty. This was fault which will have caused Ms X some uncertainty about the duty accepted by the Council.
- 3.5 **Suitability of accommodation** – fault found by the LGSCO. The Council has acknowledged it failed to consider if the accommodation provided by the refuge was suitable as temporary accommodation when it accepted the main housing duty. This was fault. The Council's failure to notify that it had accepted the main housing duty also meant it failed to notify Ms X of her statutory right to seek a review of the suitability of the temporary accommodation. The Council wrongly notified that B&B was interim

accommodation. This was incorrect as the Council had accepted the main housing duty so the B&B accommodation was temporary accommodation. This fault meant the Council failed, once again, to notify statutory right to seek a review of the suitability of the accommodation.

- 3.6 Failure to move Ms X to self-contained accommodation after six weeks in B&B accommodation.** – fault found by the LGSCO. The family lived in B&B accommodation for 19 weeks. The law states councils can accommodate households with children in B&B only as a last resort, and for no longer than 6 weeks. The LGSCO accepts Council's evidence that B&B accommodation was the only accommodation available at the time. However, the family remained in B&B for 13 weeks longer than they should have, in unsuitable accommodation, due to size and lack of cooking facilities.

4. LGSCO's recommendations and Council response:

There are seven recommendations made by the LGSCO:

- 4.1 Send a written apology to the customer for the distress caused by the faults identified

Council response – agreed. Action completed on 14/10/2024.

- 4.2 Make a symbolic payment of £500 to acknowledge the distress caused by the failure to respond to the concerns about the suitability of the refuge accommodation, Failure to notify of the decision to accept the main housing duty and the missed opportunities to seek a review of the suitability of the accommodation.

Council response – agreed. Action completed on 20/11/2024.

- 4.3 Make a symbolic payment of £1,300 to acknowledge the distress caused to the family by living in unsuitable Bed and Breakfast accommodation for 13 weeks longer than they should have done.

Council response – action not agreed. See section 5

- 4.4 Make a symbolic payment of £150 per month for every month they remained in unsuitable temporary accommodation.

Council response – action not agreed. See section 5

- 4.5 Draw up an action plan with clear timescales for reducing the number of families in Bed and Breakfast accommodation for over six weeks and moving them into suitable temporary accommodation. The Council should provide a

quarterly report to the relevant committee to ensure democratic oversight. This is to ensure the Council has a robust plan to reduce the number of families in Bed and Breakfast accommodation over six weeks

Council response – action agreed. A copy of the Bed & Breakfast Elimination Plan was shared with the LGSCO on 03/01/2025. On 06/01/2025 LGSCO confirmed this action was completed.

- 4.6 By training, or other means, remind officers that they must consider whether interim accommodation is suitable temporary accommodation when accepting the main housing duty and be mindful that refuge accommodation may not be suitable temporary accommodation.

Council response – action agreed. The evidence of formal Homelessness training that was delivered to the teams was provided to LGSCO on 3/01/2025. On 6/1/2025 LGSCO confirmed that they were satisfied that this recommended action was completed.

- 4.7 Review the template letters used by the Council to ensure it notifies customers of their right to seek a review of the suitability of their temporary accommodation when the Council accepts the main housing duty or moves them to alternative temporary accommodation

Council response – action agreed. The specific letters were reviewed with copies provided as evidence to LGSCO on 3/01/2025. On 6/1/2025 LGSCO confirmed that they were satisfied that this recommended action was completed.

5. Council Position & Challenging

- 5.1 The Housing Division considered a draft of the LGSCO's report in August 2024 which also contained recommendations 4.3 and 4.4 above. At that time the following reasoning was provided by the Council to the LGSCO to explain why those recommendations were not agreed:

- *We understand the basis on which you have made a finding that the 2003 Regulations render accommodation beyond 6 weeks to be “unsuitable”, within the legislative context, but we respectfully disagree with your conclusion as to culpability and the consequent award of compensation for this. Indeed, on the issue of B&B accommodation we have invested over £350m in new Affordable Housing over the last 6 years delivering over 1200 more homes to tackle this issue. The Council has also approved £45m to deliver 225 new Temporary family and single accommodation and a further 125 leases and invested over £1.2m in additional Homelessness staff to help and support those in Temporary Accommodation, B&B and facing Homelessness with ongoing work to deliver 1500 more new affordable homes to tackle this matter.*

- *The Council as a whole body takes extremely seriously the plight of families who are homeless, particularly in the current climate (meaning that we not only understand the legal duty, but we have accepted the moral responsibility too, hence the unprecedented actions set out above)*
- *However, the issue that is the subject of recommendations 3 and 4 (“The failure to move Ms X and her children to self-contained accommodation after six weeks was therefore service failure and fault. As a result, Ms X and her children lived in unsuitable B and B accommodation for 13 weeks longer than they should have...”) are not of LCC’s making. They are a product of international forces well beyond one LA’s control, together with policy made by multiple Government agencies including the Home Office and the MHCLG.*
- *We acknowledge that the LGO’s remedies guidance endorses the recommendations about compensatory payment in these situations Guidance on remedies - Local Government and Social Care Ombudsman but to seek to penalise a LA for a national and international crisis is grossly unfair to the LA and the taxpayers of Leicester. The Regulations regarding “unsuitability” were made by Parliament in 2003, over 20 years ago. The geopolitical context has changed unrecognisably since then.*
- *It is impossible to see that the LGO have not set a clear precedent here that you will be bound to follow in other complaints, given that the finding is rooted in a literal interpretation of the 2003 Regulations leading to fault. There would be nothing to preclude any other complainant in the same situation from seeking to be compensated in a similar manner, and we calculate this exposure to be £220k (and unlimited monthly payments) for the Authority. Nationally noting that there are 100,000 families in B&Bs this could equate to £130m plus monthly payments which can only mean more local authorities pushed closer to the prospect of an unbalanced General Fund and prospect of serving a S114 notice leading to significant and detrimental loss of local services for local people.*
- *The principle of awarding a remedy is predicated upon the public body who is at fault being able to put-right that error. This is simply not the case here. There will be no salutary effect from this compensatory exposure, because we (like just about every other LA in the country) have no power to immediately create extra housing that would avert the need to keep families in B&B for more than six weeks. We are, in effect, hostage to forces beyond our control.*
- *However, we are not by any means passive about this scenario. We are spending tens of millions of pounds to fix the situation, and exposing us to paying hundreds of thousands of pounds of compensation will only serve to significantly set-back our plans to strategically fix this wider problem.*
- *Our respectful submission to you is that we are doing the very best we can with the unprecedented overdemand for housing and the systemic shortage of stock, therefore to penalise us for this element (which has its provenance in a global geopolitical forces as well as national policy) is grossly unfair and damaging to the public purse.*

5.2 In making this submission the Housing Division were not suggesting that the extended stay in B&B accommodation was “suitable”. Technically, we can’t argue that the 13

weeks extra in B&B was “suitable”. The Homelessness (Suitability of Accommodation) (England) Order 2003 makes it automatically *unsuitable* (regardless of its quality).

5.3 The LGSCO made the following point in reply:

“The Council has a significant number of families who have lived in B and B accommodation for over six weeks. This means a large number of families are living in unsuitable accommodation, often without access to proper cooking facilities, for longer than they should. This is a significant injustice to them. We welcome the actions being taken by the Council to increase its supply of temporary accommodation so it can move families from B and B accommodation. But, in tackling the significant numbers of families in B and B accommodation, the Council must be mindful of its duties to provide suitable interim and temporary accommodation. It is therefore at risk of exacerbating the injustice to these families if it transfers them to accommodation which still does not meet their needs”.

5.4 The Ombudsman has extensive experience in investigating homelessness complaints and provide guidance on remedial actions and preventing future injustice. Within this guidance they have clearly set out a specific chapter on Housing which includes their approach to the corrective actions following a fault by the Council in carrying out their duties to the homeless. Before challenging any decision, we must note their guidance regarding the “unsuitable B&B placements” in which they have clearly stated the following:

“The most serious injustice is often experienced by households who stay long-term in unsuitable B&B accommodation, often far in excess of the six-week legal limit for families with children or a pregnant household member”.

“The law says this type of accommodation is never suitable for young people aged 16 or 17 and families with children or a pregnant household member. The Suitability of Accommodation Order 2003 says it can only be used for a maximum of six weeks for families when no other accommodation is available. We will assess financial redress in these cases by reference to the number of weeks a family has stayed in B&B beyond the point where they should have been moved. This may be earlier than the maximum six weeks. We are likely to recommend a weekly payment in the range of £100 to £200. This payment is additional to reimbursement of any specific quantifiable costs that the homeless household incurred”.

5.5 Since this LGSCO report the Council has continued its strategy of acquiring accommodation to meet homelessness need. We are planning the delivery of 1,650 new affordable homes for the city by 2027 plus an additional £1m to increase our Private Rented Sector accommodation opportunities to double the number of outcomes for homeless households from 240 to 500. We have delivered an extra 125 leases offering our homeless households Assured Shorthold Tenancies. We have fully committed the £45m to provide better quality self-contained temporary accommodation. Overall, there

are 275 new LCC owned self-contained Temporary Accommodation units (134 single/ 141 family) going to be brought online by Summer 25, which should help us to significantly reduce down the use of B&B accommodation.

5.6 Subsequent to the formal receipt of the completed report the Council issued press notices as required and is storing hard copies of the report at our main offices for anybody requesting a paper version of the report. The Report attracted publicity in some national press, for example -

- [Leicester City Council failed to help homeless family - watchdog - BBC News](#)
- [City council refuses to fulfil Ombudsman remedies calling for payment to domestic abuse victim](#)

5.7 As noted in section 4 above, the majority of the LGSCO's recommendations have been complied with. The LGSCO has written to the Council confirming their satisfaction with our compliance with all but the two recommendations set out 4.3 and 4.4 above. This report seeks formal consideration of those two outstanding recommendations.

5.8 Whilst this matter was considered by the Council's cabinet at a City Mayor Briefing (CMB) meeting which took place on 5th December 2024 it is right to say that the LGSCO has not received any formal response by way of a "Decision" on the Council's stance regarding 4.3 and 4.4, other than correspondence from officers. The LGSCO thus has insufficient clarity as to what documentation was considered at CMB, and where ownership of the Council's stance on the outstanding recommendations lies. Equally, as there is a duty in these circumstances upon the Monitoring Officer to bring the proposed non-compliance to the attention of Elected Members, the advice of the Monitoring Officer is that the issues should be set out in a formal Decision Report and shared with all Members (and with the LGSCO).

5.9 It should be noted that if the decision of the Deputy City Mayor is that the Council should continue to resist making the payments set out at 4.3 and 4.4 above the LGSCO does not have the power to impose or enforce compliance, however she does have the power to take further action by way of publishing a further report highlighting the Council's refusal to fully comply. This will require publication in the local press and further consideration by Members, this time at Full Council. It is extremely rare for the LGSCO to have to issue a further report.

5.10 For completeness it should be noted that Ms X moved to a Housing Association property in mid-October 2024.

6. Financial implications

For the individual case which was the focus of the LGSCO report, the financial implications are clear in that accepting the remaining 2 recommendations would cost the Council £1,750 as follows:

- £1,300 for Mrs X having lived in unsuitable B&B accommodation for longer than a 6-week period, and;
- £150 for each month she remained in unsuitable temporary accommodation (a total of £450).

More widely, if the recommendations of the LGSCO which were not accepted by LCC were to be applied to all other cases in which families have, out of necessity, been living in B&B accommodation for more than 6 weeks over the last 12 months, then it is estimated that this could cost the Council in the region of £500k.

Stuart McAvoy – Head of Finance
29th April 2025

7. Legal implications

The powers of the LGSCO derive from the Local Government Act 1974 and break down as follows:

- Section 31(2) of the 1974 Act - In relation to the report dated 7th October 2024 the LGSCO is entitled to be satisfied as to certain actions that an appropriate Elected Member body of the Authority has taken in respect thereof. This is normally to be done within three months of receipt of the report, or within such timescale as is mutually agreed. In this case the LGSCO has indicated that the deadline should be 31st May 2025.
- Sections 31(2A), (2D) set out the power of the LGSCO to issue a further report if dissatisfied with either the procedural or substantive response from the Council under section 31(2) above and sets out further requirements as to publicity thereof. Section 31A makes provision for any further adverse report to be considered by Full Council.

The powers and duties of the Monitoring Officer derive from the Local Government & Housing Act 1989 and break down as follows:

- Sections 5A(3) and (5) to (9) confirm that where a report finding maladministration has been made by the LGSCO the reporting duty of the Monitoring Officer is triggered, and the LGSCO's Manual for Councils sets out how the LGSCO interprets this duty which, in essence, varies in specificity dependent upon the Council's willingness to remedy the maladministration that has been found. In this case, as

recommendations remain outstanding, a dedicated report is to be written by the Monitoring Officer, followed by the requirement for the Executive to consider the Monitoring Officer's report and formally reply. Lastly, that report and reply should be shared with all Members of the Council.

Kamal Adatia, Monitoring Officer
12th May 2025

8. Climate emergency implications

There are no climate emergency implications arising from the recommendations in this report.

Duncan Bell, Change Manager (Climate Emergency). Ext. 37 2249
24th April 2025.

9. Equality Implications

Local authorities have a duty to comply with both homelessness legislation and the Equality Act when delivering services. This means they must not discriminate in housing provision and must consider the specific needs of individuals, including their protected characteristics, when their situation, determining eligibility for homelessness support, and deciding on the type and suitability of accommodation offered.

Under the Equality Act 2010, public authorities have statutory duties, including the Public Sector Equality Duty (PSED) which means that, in carrying out their functions, decision makers must pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

The council must ensure our policies and practices are not discriminatory and that they are actively advancing equality of opportunity for those facing homelessness, that they are explicitly inclusive and consider the diverse needs of individuals with all protected characteristics. It is important to actively monitor the impact of homelessness services on different groups and make any adjustments as needed. If the LGSCO recommendations are not implemented this may lead to continuing hardship or inconvenience that led to the complaint in the first instance.

Sukhi Biring, Equalities Officer
24 April 2025


RECORD OF DECISION BY CITY MAYOR OR INDIVIDUAL EXECUTIVE MEMBER

1.	Decision title	LGSCO Maladministration Report
2.	Declarations of interest	
3.	Date of decision	21 st May 2025
4.	Decision maker	Deputy City Mayor
5.	Decision taken	To decline to comply with two of the seven recommendations of the LGSCO regarding payment of compensation to Ms X

RECORD OF DECISION BY CITY MAYOR OR INDIVIDUAL EXECUTIVE MEMBER

6.	Reason for decision	<p>The recommendations set out at 4.3 and 4.4 of the report are not to be complied with for the following reasons:</p> <ul style="list-style-type: none"> • The issue that is the subject of recommendations 4.3 and 4.4 are not of the Council's making. They are a product of international forces well beyond one Council's control, together with policy made by multiple Government agencies including the Home Office. To seek to penalise a Council for a national and international crisis is grossly unfair to the Council and the taxpayers of Leicester. The Regulations regarding "unsuitability" were made by Parliament in 2003, over 20 years ago. The geopolitical context has changed unrecognisably since then. • It is impossible to see that the LGSCO have not set a clear precedent here that they will be bound to follow in other complaints. We calculate this exposure to be £500k for Leicester City Council, and tens of millions of pounds nationally. This could bring Councils closer to the prospect of an unbalanced General Fund leading to significant and detrimental loss of local services for local people. • The principle of awarding a remedy is predicated upon the public body who is at fault being able to put-right that error. This is not the case here. There will be no salutary effect from this compensatory exposure, because we (like just about every other Council in the country) have no power to immediately create extra housing that would avert the need to keep families in B&B for more than six weeks. • We are spending tens of millions of pounds to respond to the situation, and exposing us to paying hundreds of thousands of pounds of compensation will only serve to significantly set-back our plans to strategically address it. The Council has continued its strategy of acquiring accommodation to meet homelessness need. We have invested over £350m in new Affordable Housing over the last 6 years We are planning the delivery of 1,650 new affordable homes for the city by 2027 plus an additional £1m to increase our Private Rented Sector
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RECORD OF DECISION BY CITY MAYOR OR INDIVIDUAL EXECUTIVE MEMBER

		<p>accommodation opportunities to double the number of outcomes for homeless households from 240 to 500. We have delivered an extra 125 leases offering our homeless households Assured Shorthold Tenancies. We have fully committed the £45m to provide better quality self-contained temporary accommodation. Overall, there are 275 new Council owned self-contained Temporary Accommodation units (134 single/ 141 family) going to be brought online by Summer 25, which should help us to significantly reduce the use of B&B accommodation.</p>
7.	<p>A) KEY DECISION Yes/No?</p> <p>b) If yes, was it published 5 clear days in advance? Yes/no</p>	No
8.	Options considered	<ol style="list-style-type: none"> 1. Compliance with all seven recommendations 2. Compliance with five of the seven recommendations
9.	<p>Deadline for call-in</p> <ul style="list-style-type: none"> • 5 members of a scrutiny commission or any 5 councillors can ask for the decision to be called-in. • Notification of call-in with reasons must be made to the monitoring officer 	
10.	<p>Signature of decision maker (City Mayor or where delegated by the City Mayor, name of executive member)</p>	

**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint about
Leicester City Council
(reference number: 23 015 268)**

07 October 2024

The Ombudsman's role

We independently and impartially investigate complaints about councils and other organisations in our jurisdiction. If we decide to investigate, we look at whether organisations have made decisions the right way. Where we find fault has caused injustice, we can recommend actions to put things right, which are proportionate, appropriate and reasonable based on all the facts of the complaint. We can also identify service improvements so similar problems don't happen again. Our service is free.

We cannot force organisations to follow our recommendations, but they almost always do. Some of the things we might ask an organisation to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

We publish public interest reports to raise awareness of significant issues, encourage scrutiny of local services and hold organisations to account.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Ms X The complainant

Report summary

Subject: Housing – Homelessness, Domestic Abuse

Ms X complains that the Council failed to provide sufficient support with her homelessness and failed to provide suitable accommodation for her and her children. As a result, Ms X and her family have been living in unsuitable accommodation for longer than necessary which has caused significant distress. Ms X also considers the stress of living in unsuitable accommodation has significantly affected her mental and physical health.

Finding

Fault causing injustice and recommendations made.

Recommendations

The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (Local Government Act 1974, section 31(2), as amended)

In addition, the Council should take the following actions within three months of this report.

- Send a written apology to Ms X for distress caused by the faults identified above. We publish [guidance on remedies](#) which sets out our expectations for how organisations should apologise effectively to remedy injustice. The organisation should consider this guidance in making the apology.
- Make a symbolic payment of £500 for the distress caused to Ms X by failing to respond to her concerns about the suitability of her refuge accommodation, failing to notify her of the decision to accept the main housing duty and the missed opportunities to seek a review of the suitability of her accommodation.
- Make a symbolic payment of £1,300 for the distress caused to Ms X and her children by living in unsuitable Bed and Breakfast accommodation for 13 weeks longer than they should have done.
- Make a symbolic payment of £150 per month to Ms X for every month she remains in unsuitable temporary accommodation.
- Draw up an action plan, with clear timescales, for reducing the number of families in Bed and Breakfast accommodation for over six weeks and moving them into suitable temporary accommodation. The Council should provide a quarterly report on progress to the relevant committee to ensure democratic oversight. This is to ensure the Council has a robust plan to reduce the number of families in Bed and Breakfast accommodation over six weeks.
- By training, or other means, remind officers that they must consider whether interim accommodation is suitable temporary accommodation when accepting the main housing duty and be mindful that refuge accommodation may not be suitable temporary accommodation.
- Review its template letters to ensure it notifies applicants of their right to seek a review of the suitability of their temporary accommodation, when the Council accepts the main housing duty or moves them to alternative temporary accommodation.

The Council has agreed to comply with some of the recommendations. It has not agreed to make the symbolic payment of £1,300 or pay Ms X £150 for each month she remains in unsuitable temporary accommodation.

The complaint

1. Ms X complains that the Council failed to provide sufficient support with her homelessness and failed to provide suitable accommodation for her and her children. As a result, Ms X and her family have been living in unsuitable accommodation for longer than necessary which has caused significant distress. Ms X also considers the stress of living in unsuitable accommodation has significantly affected her mental and physical health.

Legal and administrative background

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this report, we 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. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1), as amended)
3. Service failure can happen when an organisation fails to provide a service as it should have done because of circumstances outside its control. We do not need to show any blame, intent, flawed policy or process, or bad faith by an organisation to say service failure (fault) has occurred. (Local Government Act 1974, sections 26(1), as amended)
4. When considering complaints we make findings based on the balance of probabilities. This means that we look at the available relevant evidence and decide what was more likely to have happened.
5. We may investigate matters coming to our attention during an investigation, if we consider that a member of the public who has not complained may have suffered an injustice as a result. (Local Government Act 1974, sections 26D and 34E, as amended)

Relevant law and guidance

6. Part 7 of the Housing Act 1996 and the Homelessness Code of Guidance for Local Authorities set out councils' powers and duties to people who are homeless or threatened with homelessness.
7. If a council is satisfied an applicant is homeless, eligible for assistance, and has a priority need the council has a duty to secure that accommodation is available for their occupation (unless it refers the application to another housing authority under section 198). Applicants in priority need include victims of domestic abuse.
8. After completing inquiries, the council must give the applicant a decision in writing. If it is an adverse decision, the letter must fully explain the reasons. All letters must include information about the right to request a review and the timescale for doing so. (Housing Act 1996, section 184, Homelessness Code of Guidance 18.30)
9. There are two types of accommodation councils provide to certain homeless applicants: interim accommodation and temporary accommodation.
10. A council must secure accommodation for applicants and their household if it has reason to believe they may be homeless, eligible for assistance and have a

priority need. This is called interim accommodation. (Housing Act 1996, section 188)

11. If a council is satisfied an applicant is unintentionally homeless, eligible for assistance, and has a priority need, the council has a duty to secure that accommodation is available for their occupation. This is called the main housing duty. The accommodation a council provides until it can end this duty is called temporary accommodation. (Housing Act 1996, section 193)
12. The law says councils must ensure all accommodation provided to homeless applicants is suitable for the needs of the applicant and members of their household. This duty applies to interim and temporary accommodation. (Housing Act 1996, section 206 and Homelessness Code of Guidance 17.2)
13. Interim and temporary accommodation can be the same physical property. What changes is the legal duty under which a council provides it. This is important because there is a statutory right to review the suitability of temporary accommodation. This then carries a right of appeal to county court on a point of law. There is no statutory right to review the suitability of interim accommodation.
14. Refuges may be the appropriate accommodation for victims of domestic abuse. But they are not a substitute for other forms of temporary accommodation. Councils should work with the refuge provider to consider how long a person needs to stay before the provision of other accommodation (which may be temporary in the absence of settled accommodation) may be appropriate. (Homelessness Code of Guidance, paragraph 21.42)
15. Wherever possible, Councils should avoid using Bed and Breakfast (B and B) accommodation. (Homelessness Code of Guidance paragraph 17.33)
16. B and B accommodation can only be used for households which include a pregnant woman or dependent child when no other accommodation is available and then for no more than six weeks. B and B is accommodation which is not self-contained, not owned by the council or a registered provider of social housing and where the toilet, washing, or cooking facilities are shared with other households. (Homelessness (Suitability of Accommodation) (England) Order 2003 and Homelessness Code of Guidance paragraph 17.35)
17. The duty to provide suitable accommodation is immediate, non-deferable, and unqualified. (Elkundi, R (On the Application Of) v Birmingham City Council [2022] EWCA Civ 601)

How we considered this complaint

18. We produced this report after examining relevant documents.
19. We gave the complainant and the Council a confidential draft of this report and invited their comments. The comments received were taken into account before we completed the report.

What we found

What happened

20. The following is a summary of the key events that we considered. It does not include everything that happened.
21. In early 2023, Ms X approached the Council for assistance as she and her children were fleeing domestic abuse. The Council accepted the relief duty and a

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- duty to provide interim accommodation. It initially placed Ms X and her children in B and B accommodation. It then referred Ms X to a refuge which provided self-contained accommodation to her and her children.
22. A few months later Ms X contacted the Council on a number of occasions as she thought the accommodation provided by the refuge was unsuitable. She thought the accommodation was negatively affecting her and her children's health conditions and was too far from her support network. Ms X also raised concerns about harassment from her neighbours. The Council did not respond.
 23. In summer 2023, Ms X made a complaint to the Council about officers not responding to her calls about the suitability of the accommodation. The Council apologised to Ms X for the lack of contact from her case officer. It advised Ms X to contact the refuge for alternative accommodation.
 24. The refuge contacted the Council to advise it could not provide alternative accommodation for Ms X and her children. The refuge told the Council that Ms X was struggling with a number of health and emotional issues. The Council's records show Ms X continued to contact the Council to request more suitable accommodation. Its records also note that Ms X did not want to move into B and B accommodation.
 25. In August 2023, the Council ended the relief duty and accepted the main housing duty to Ms X. The Council should have taken this action at the end of March 2023 as the relief duty generally expires after 56 days. The Council has said the delay was due to staff shortages. The Council did not consider if the refuge accommodation was suitable temporary accommodation for Ms X and her children. It also did not notify Ms X of its decision to accept the main housing duty and her right to seek a review of the suitability of the refuge accommodation.
 26. The Council's records show it offered B and B accommodation to Ms X as temporary accommodation. Ms X declined the offer but said she would accept self-contained accommodation. Ms X also notified the Council that she was looking for private rented accommodation but this was not affordable. The Council advised Ms X how to contact its private rented sector team and how it could assist with affordability. Ms X provided the Council with details of a private rented property. Emails between Ms X and the Council show it considered the property but decided the rent exceeded the amount it could support.
 27. Ms X has provided evidence to show she gave the Council details of other rental properties. She has said the Council did not respond.
 28. In early 2024, the refuge issued an eviction notice to Ms X as she no longer needed its services. The Council offered B and B accommodation to Ms X. The Council's records note that this was the only accommodation it had available.
 29. Ms X accepted the B and B accommodation. The Council provided one room for Ms X and one of her children, and another room for her other child. The Council told Ms X by email of the hotel charges that would not be covered by housing benefit.
 30. The Council sent an agreement to Ms X for the B and B accommodation. This wrongly referred to the Council providing the B and B accommodation as interim accommodation. The Council had accepted the main housing duty to Ms X so this was temporary accommodation. The Council did not tell Ms X of her right to seek a review of the suitability of the B and B accommodation. Ms X and her children remained in the B and B accommodation for 19 weeks.

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31. We understand the Council intended to offer a three-bedroom property to Ms X in May 2024. However, Ms X's housing need changed as one of her children moved away which meant the number of bedrooms she needed reduced from three, to two.
32. In July 2024, the Council offered a one-bedroom property to Ms X. An email from Ms X's case officer acknowledges the property is not ideal for her and her child. The letter offering the property to Ms X does not explain her right to seek a review of the suitability of the accommodation.
33. In response to my enquiries, the Council has said:
- It failed to act in a timely way to Ms X's concerns about the suitability of her refuge accommodation and it should have done more to move her and her children.
 - Its response time to Ms X's communications was inadequate.
 - It has reminded officers of the importance of considering if interim accommodation is suitable as temporary accommodation when accepting the main housing duty.
 - Due to the housing crisis, suitable temporary accommodation has been difficult to source. The Council has been forced to use B and B accommodation as an alternative, for longer periods of time than it should.
 - As of May 2024, the Council had 258 families in B and B accommodation. 170 of those families have been in B and B accommodation for longer than six weeks.
 - The Council has taken a number of actions to reduce its use of B and B accommodation. These include:
 - 50% of family social housing being let as direct offers to homeless applicants, with 80% going to those in unsuitable temporary accommodation;
 - additional accommodation and leases being acquired;
 - engaging with registered social landlords for help in increasing the supply of temporary accommodation;
 - Significantly investing in affordable housing to increase the supply of temporary accommodation;
 - Appointing additional Homelessness staff.

Conclusions

Private sector housing

34. Ms X has said the Council failed to act on her requests for assistance to secure a private rented property through its private sector housing team. The Council's records show it referred one property identified by Ms X to its private sector team to see if the Council could help to secure it. The emails show the Council considered the property was unaffordable and it notified Ms X of this decision. We do not know how the Council considered the other properties identified by Ms X. But it is not proportionate to investigate this matter further as we cannot conclude, even on balance, that Ms X would have secured a private rented property. We cannot know if landlords would have let the properties to Ms X even if the Council had provided assistance.

Interim accommodation

35. Ms X considers the refuge was unsuitable interim accommodation. We do not consider the Council is at fault for initially placing Ms X in the refuge accommodation. It is appropriate for councils to offer refuge accommodation to applicants fleeing domestic abuse to enable them to receive support.
36. The Council has acknowledged it should have done more to assist Ms X when she raised concerns about the suitability of the accommodation provided by the refuge. It has also acknowledged that it did not respond in a timely way to her requests to move. We agree the Council is at fault.
37. The Council had accepted a duty to provide suitable interim accommodation for Ms X. It should therefore have considered if the accommodation provided by the refuge remained suitable or if it needed to provide its own interim accommodation when Ms X raised her concerns about the suitability. The Council should not have placed the onus on Ms X to contact the refuge to see if it had alternative accommodation. The Council should also have offered interim accommodation to Ms X when the refuge informed it that it could not provide alternative accommodation for Ms X. The Council did not offer alternative accommodation to Ms X until November 2023. This delay was fault.
38. On balance, we consider the Council would have offered B and B accommodation to Ms X sooner if it had given proper consideration to her concerns about the suitability of the refuge accommodation. But we cannot say, on balance, Ms X would have accepted that accommodation at the time. This is because Ms X refused B and B accommodation when it was offered in November 2023. But the Council's delay in responding to Ms X's concerns and arranging alternative accommodation caused her distress.

Delay in accepting the main housing duty

39. The Council accepted the relief duty in January 2023. It should have made a decision on whether it owed the main housing duty 57 days later. It did not accept the main housing duty until August 2023. The delay of four months accepting the main housing duty was fault. The Council failed to notify Ms X of its decision to end the relief duty and accept the main housing duty. This was fault which will have caused Ms X some uncertainty about the duty accepted by the Council.

Suitability of accommodation

40. The Council has acknowledged it failed to consider if Ms X's interim accommodation provided by the refuge was suitable as temporary accommodation, when it accepted the main housing duty. This was fault. The Council's failure to notify Ms X that it had accepted the main housing duty also meant it failed to tell her about her statutory right to seek a review of the suitability of the temporary accommodation. This was fault which denied Ms X the opportunity to seek a review.
41. The Council wrongly notified Ms X that the B and B accommodation was interim accommodation. The Council had accepted the main housing duty, so the B and B accommodation was actually temporary accommodation. This fault meant the Council failed, once again, to notify Ms X of her statutory right, and denied her the opportunity to seek a review of the suitability of the accommodation provided by the Council.
42. Ms X and her children lived in the B and B accommodation for 19 weeks. We are mindful of the significant challenges faced by councils in procuring temporary accommodation to meet the needs of increasing numbers of homeless families.

But the law is clear that councils can accommodate households with children in B and B accommodation only as a last resort, and for no longer than six weeks. We accept the Council's evidence that B and B accommodation was the only accommodation available at the time. Not moving Ms X and her children to self-contained accommodation after six weeks was therefore service failure and fault. As a result, Ms X and her children lived in unsuitable B and B accommodation for 13 weeks longer than they should have. Ms X's family were split over two rooms and they had no access to cooking facilities. This caused significant distress to Ms X and her children, caused avoidable expense, and is likely to have had a detrimental impact on their mental health.

43. Ms X has said the Council did not inform her of the additional charges made by the hotel. The Council's records show it notified Ms X of the charges that would not be covered by housing benefit. We are therefore satisfied the Council properly notified Ms X of the charges when she moved into the B and B accommodation.
44. The Council has now moved Ms X and her child to a one-bedroom self-contained accommodation. The Council has accepted the main housing duty to Ms X so this accommodation is temporary accommodation. Ms X has provided correspondence with the Council which shows it did not notify Ms X of her statutory right to seek a review of this temporary accommodation. The failure, once again, to notify Ms X of her right to seek a review is fault and denied her the opportunity to do so.
45. As stated above, we acknowledge the significant difficulties the Council is facing in procuring self-contained accommodation. We are also mindful that it moved Ms X and her child from B and B accommodation to improve their living conditions. But the law says that temporary accommodation must be suitable to meet an applicant and their household's needs. Ms X requires a two-bedroom property but the Council has placed her in a one-bedroom property. We therefore consider, on balance, that a statutory review of Ms X's temporary accommodation would have found it to be unsuitable as it does not meet her bedroom need. As a result, Ms X and her child continue to live in unsuitable accommodation.
46. The Council has a significant number of families who have lived in B and B accommodation for over six weeks. This means a large number of families are living in unsuitable accommodation, often without access to proper cooking facilities, for longer than they should. This is a significant injustice to them.
47. We welcome the actions being taken by the Council to increase its supply of temporary accommodation so it can move families from B and B accommodation. But, in tackling the significant numbers of families in B and B accommodation, the Council has to be mindful of its duties to provide suitable interim and temporary accommodation. It is therefore at risk of exacerbating the injustice to these families if it transfers them to accommodation which still does not meet their needs.

Recommendations

48. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (Local Government Act 1974, section 31(2), as amended)

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49. In addition, the Council should take the following actions within three months of this report.
- Send a written apology to Ms X for distress caused by the faults identified above. We publish [guidance on remedies](#) which sets out our expectations for how organisations should apologise effectively to remedy injustice. The organisation should consider this guidance in making the apology.
 - Make a symbolic payment of £500 for the distress caused to Ms X by failing to respond to her concerns about the suitability of her refuge accommodation, failing to notify her of the decision to accept the main housing duty and the missed opportunities to seek a review of the suitability of her accommodation.
 - Make a symbolic payment of £1,300 for the distress caused to Ms X and her children by living in unsuitable B and B accommodation for 13 weeks longer than they should have done.
 - Make a symbolic payment of £150 per month to Ms X for every month she remains in unsuitable temporary accommodation.
 - Draw up an action plan, with clear timescales, for reducing the number of families in B and B accommodation for over six weeks and moving them into suitable temporary accommodation. The Council should provide a quarterly report on progress to the relevant committee to ensure democratic oversight. This is to ensure the Council has a robust plan to reduce the number of families in B and B accommodation over six weeks.
 - By training, or other means, remind officers that they must consider whether interim accommodation is suitable temporary accommodation when accepting the main housing duty and be mindful that refuge accommodation may not be suitable temporary accommodation.
 - Review its template letters to ensure it notifies applicants of their right to seek a review of the suitability of their temporary accommodation when the Council accepts the main housing duty or moves them to alternative temporary accommodation.
50. The Council has agreed to comply with some of the recommendations. It has not agreed to make the symbolic payment of £1,300 or pay Ms X £150 for each month she remains in unsuitable temporary accommodation.

Final decision

51. We have completed our investigation into this complaint. There was fault by the Council which caused injustice to Ms X. The Council should take the action identified at paragraph 49 to remedy that injustice.

