

Decision	
Case ID	202330866
Decision type	Investigation
Landlord	Broxtowe Borough Council
Landlord type	Local Authority
Occupancy	Secure tenancy
Date	22 December 2025

Background

1. The resident is a tenant of the landlord and lives in a flat in a block. The resident and her partner are vulnerable due to their health conditions. The resident's son is vulnerable due to having autism. The resident reported concerns about noise disturbance from her neighbour's using the stairs up to the property above in October 2023. The landlord did an inspection in October 2023. During the complaint both the resident and her husband were in contact with the landlord. For clarity this report refers to them both as 'the resident'.

What the complaint is about

2. The landlord's handling of noise disturbance from the communal stairs.
3. We have also considered the landlord's complaint handling.

Our decision (determination)

4. There was service failure in the landlord's handling of noise disturbance from the communal stairs.
5. There was no maladministration in the landlord's complaint handling.

We have made orders for the landlord to put things right.

Summary of reasons

Noise disturbance from the communal stairs

6. The landlord failed to appropriately address the resident's concerns in its initial complaint response. An error it failed to acknowledge or put right. Its stage 2 response addressed the substantive issue and set out its position with clarity. Considering the vulnerabilities of the household it should have offered more support with regard to referrals for an occupational therapist (OT) assessment.

Complaint handling

7. The landlord responded to the complaint in line with its policy and procedures.

Putting things right

Where we find service failure, maladministration or severe maladministration we can make orders for the landlord to put things right. We have the discretion to make recommendations in all other cases within our jurisdiction.

Orders

Landlords **must** comply with our orders in the manner and timescales we specify. The landlord must provide documentary evidence of compliance with our orders by the **due date** set.

Order	What the landlord must do	Due date
1	<p>Apology order</p> <p>The landlord must apologise in writing to the resident for the failures identified in this report. The landlord must ensure:</p> <ul style="list-style-type: none"> • The apology is specific to the failures identified in this decision, meaningful and empathetic. • It has due regard to our apologies guidance. 	<p>No later than</p> <p>02 February 2026</p>
2	<p>Compensation order</p> <p>The landlord must pay the resident £ 100 to recognise the distress and inconvenience caused by its handling of noise disturbance from the communal stairs.</p> <p>This must be paid directly to the resident by the due date. The landlord must provide documentary evidence of payment by the due date.</p>	<p>No later than</p> <p>02 February 2026</p>
3	<p>OT Referral</p> <p>The landlord must meet with the resident to assist with a referral to the local authority for an OT assessment.</p>	<p>No later than</p> <p>02 February 2026</p>

Our investigation

The complaint procedure

Date	What happened
25 September 2023	The resident complained about noise disturbance from her neighbour when she used the stairs to go up to their property. She said the noise from the stairs was loud and affected her son who has autism. She asked it to inspect the stairs to see if anything could be done to improve the issue.
23 October 2023	The landlord sent its stage 1 complaint response. It said it had inspected the stairs on 10 October 2023. It said it had found small cracks in the hallway plaster that were the resident's responsibility to repair.
3 November 2023	The resident asked the landlord to escalate her complaint. She said she was unhappy it had not done any repairs to the staircase prior to the tenants moving in. She said the stairs were next to her son's bedroom but he could not move bedrooms due to the needs of the household.
1 December 2023	The landlord sent its stage 2 response. It said it had inspected the stairs and found them to be structurally sound. It said it would only consider sound proofing them if recommended by an OT. It told the resident who the relevant team was at the local authority.
Referral to the Ombudsman	The resident asked us to investigate her complaint. She said she was unhappy about its response to the noise disturbance issue, and how it had allocated the property above.

What we found and why

The circumstances of this complaint are well known by the parties involved, so it is not necessary to detail everything that's happened or comment on all the information we've reviewed. We've only included the key information that forms the basis of our decision of whether the landlord is responsible for maladministration.

Complaint	The landlord's handling of noise disturbance from the communal stairs.
Finding	Service failure

8. The resident reported the noise disturbance from the stairway impacted her son's wellbeing. It would be fairer, more reasonable and more effective for the resident to make a personal injury claim for any injury caused. The courts are best placed to deal with this type of dispute as they will have the benefit of independent medical advice to decide on the cause of any injury and how long it will last. We've not investigated this further. We can decide if a landlord should pay compensation for distress and inconvenience.
9. Our role is not to determine whether the noise disturbance was occurring or not, but to consider how the landlord responded to the resident's concerns. Our investigation has focused on the landlord's handling of the issue up to the point of its final complaint response on 1 December 2023. The resident reported further concerns about noise disturbance and antisocial behaviour (ASB) in early 2024. This occurred since the complaint exhausted the landlord's complaint procedure. We have no power to investigate complaints which the landlord has not had the chance to put right first. The resident may want to complain about the landlord's handling of the later reports of ASB. We may then investigate if the resident remains unhappy after exhausting its complaints procedure.
10. When the resident reported concerns about noise disturbance from the stairs the landlord appropriately arranged an inspection. It inspected on 10 October 2023 which was within the timeframe set out in its repairs policy. This is evidence it took the resident's reports seriously. The landlord's inspection found the stairs to be in satisfactory condition and no repairs were needed. We have not been provided with notes from the inspection, only images. This is a shortcoming in the landlord's record keeping. However, as the resident did not dispute its claim about the findings of its October 2023 inspection (that the

operative found the stairs in satisfactory condition) it is reasonable to conclude the landlord's version of the inspection set out in its complaint response was accurate.

11. The landlord's stage 1 complaint response set out its position in relation to any repairs needed to the stairs. Which was appropriate. However, its response failed to address the specific concerns the resident raised in her complaint, the noise disturbance. This was an error in its handling of the matter. The resident was inconvenienced by the lack of response to the actual concerns raised.
12. The landlord's stage 2 complaint response went some way to putting the above error right by setting out its position on the noise disturbance from the stairs. It explained its position no repairs were needed. It also explained it needed recommendations from an OT before it would install sound proofing. While evidently disappointing for the resident, the landlord's position was reasonable. OTs are best placed to understand what specific adaptations are needed based on the needs of an individual. The landlord's stage 2 complaint response failed to address the lack of detail and shortcomings of its stage 1 complaint response. This lacked transparency and learning.
13. While an appropriate position to take, the landlord should have been more supportive in terms of assisting the resident with an OT referral/assessment. This is particularly concerning considering the known vulnerabilities within the household. The resident and her husband both have disabilities and health conditions. It would therefore have been appropriate to support them with the relevant referrals to the appropriate department. It must do so now.
14. When the resident contacted us about the complaint she said she was unhappy she was not offered higher banding on the local authority rehousing system. She also complained about how the local authority allocated the property above her. We can only investigate complaints about councils where they are acting as the landlord under a licence, lease, or a social housing tenancy. For this part of the resident's complaint, the council was not acting in this capacity because the resident's rehousing application falls within Part 6 of the Housing Act (1996), and was dealt with by the landlord within its capacity as the local authority. As such, we have no power to investigate the complaint about the housing application, or the allocation of the property above. The resident may be able to complain about this to the Local Government and Social Care Ombudsman, if she is dissatisfied with the landlord's final response to the matter.

15. Due to the errors identified above we have decided there was service failure in the landlord's handling of the matter. Our remedies guidance sets out our approach to compensation. It says up to £100 in compensation is appropriate to put right a landlord's errors that were of a short duration and may not have significantly affected the overall outcome for the resident. We order the landlord to pay the resident £100 to put right the errors in its handling of this matter.

Complaint	The handling of the complaint
Finding	No maladministration

16. The landlord has a 2-stage complaint process. It aims to acknowledge both stages within 5 working days. It says the resident should then receive a formal response to stage 1 complaints within 10 working days and stage 2 complaints within 20 working days of the complaint acknowledgement. It provided formal responses at both stages of the process within the timescales set out within its policy and our Complaint Handling Code, which sets out our expectations of landlords' complaint processes.

Learning

Knowledge information management (record keeping)

17. The landlord's repair records provided for this investigation were poor. We acknowledge it provided images from its inspection from October 2023. But, it failed to provide any notes taken at the time of the inspection. It was therefore not possible to accurately determine the findings of the inspection.

Communication

18. The landlord's complaint responses about the substantive issue lacked detail at stage 1, and did not offer the appropriate level of support at stage 2. The landlord should have due regard for the vulnerabilities of a household when signposting to services. In cases such as this, it should offer support with appropriate referrals to help remove any barriers from residents accessing services.