

SPSO decision report

Case: 201005253, South Lanarkshire Council

Sector: local government

Subject: maintenance and repair of roads

Outcome: not upheld, no recommendations

Summary

Mrs C had a hip replacement and, as part of her recuperation, had to walk using crutches. She said that because the footpath near her home was full of holes and rubble, she was in danger of falling and she had to walk on the road which she considered to be a risk to her safety and welfare. Following a complaint made by Mrs C, the council repaired the area immediately in front of her property but she said the footpath on either side was still in a poor state of repair.

We found the last safety report carried out noted 'no defects found' during the inspection and the council said that the next inspection would be carried out shortly as per the stated frequency for safety inspections of six months. Following Mrs C's complaint to the council, a further 'ad hoc' inspection was carried out and as a result, minor repairs were instructed to the footpath.

In addition to safety inspections, the council carries out further inspections on an 'ad hoc' basis. This allows the council to build up a picture of the condition of all roads and footways within their area. Several factors are taken into account and this allows the council to apply a scoring system to objectively prioritise resources when programming major resurfacing works. They told us that, to date, it had not been possible to include the footpath near Mrs C's home in any major resurfacing works as it had not scored highly enough against numerous other competing schemes.

As the council had complied with their legal obligations under the Roads (Scotland) Act and acted in accordance with the Code of Practice for Highway Maintenance Management and their own Safety Inspection Procedures and Guidance Manual, we did not uphold the complaint.