

## SPSO decision report

**Case:** 201302813, West Lothian Council  
**Sector:** local government  
**Subject:** improvements and renovation  
**Outcome:** some upheld, recommendations

### Summary

Mr C's property was included in the council's housing improvement programme, which involved comprehensive works. Mr C became unhappy after work started on his home, and following a Freedom of Information request about the programme, he complained that the contract was being undertaken in-house, without going out to tender. As part of his complaint, he asked that his concerns about this were brought to the attention of council members. Mr C also complained that he had not been consulted in advance about the proposed work in accordance with the council's Tenant Handbook.

Our investigation found that the requirement for the council to go out to compulsory competitive tendering had ended in 2003, and the decision became a delegated matter. The programme had been approved by the full council and the decision that the refurbishment works would not be put out to tender was made by the Head of Service under delegated powers. We did not find anything to suggest that the council's advice about this to Mr C in response to his complaint was incorrect, nor that there was a requirement to bring his concerns to the attention of council members. However, we saw no evidence that his request for this to be done had been responded to, and we made a relevant recommendation.

With regard to Mr C's complaint about lack of consultation, the council acknowledged that their Tenant Handbook did say that individual tenants would be consulted about the programme. However, this was not done because it was not considered appropriate. The council provided evidence that confirmed that a range of methods had been used to provide tenants with advice about what would happen and when. However, because it was unclear how the decision not to carry out individual consultation was arrived at, we were unable to conclude that it had been taken appropriately.

### Recommendations

We recommended that the council:

- reply to Mr C about his request that council members were made aware of his concerns about tendering for the housing improvement programme; and
- consider Mr C's comments about consultation as part of a procedural review.
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