

SPSO decision report

Case: 201303232, The City of Edinburgh Council
Sector: local government
Subject: rights of way and public footpaths
Outcome: not upheld, recommendations

Summary

Mr C complained that the council failed to maintain an area of the road near his property. He also complained that a nearby sewer was deteriorating, meaning that it was potentially dangerous for people using the area. Mr C brought his complaint to us as he said the council had not addressed either issue, although he had been in correspondence with them for some time.

We reviewed the correspondence and found that the council had explained to Mr C that it was unclear whether they had adopted that part of the road or whether it remained a nearby housing association's responsibility. They said that their solicitors were working to clarify this and provided details of another nearby area where they were carrying out maintenance work, to try to reassure Mr C that they maintained areas for which they were responsible. They also explained that they would write to the housing association and Scottish Water about the sewer, although they explained that it was not the council's responsibility to maintain it.

We reviewed the correspondence and found no evidence to indicate any underlying administrative failure by the council. We did, however, consider that there had been shortcomings in the correspondence, which had caused confusion as to how matters were being progressed and so, while we did not uphold Mr C's complaints, we made a recommendation.

Recommendations

We recommended that the council:

- contact Scottish Water again to request an investigation into the collapsed sewer near Mr C's home.