

SPSO decision report

Case: 201405047, Argyll and Bute Council
Sector: local government
Subject: maintenance and repair of roads
Outcome: not upheld, action taken by body to remedy, no recommendations

Summary

Mr and Mrs C complained that the council had not done enough to prevent their home from flooding. However, the council considered that they had done everything that was reasonable, given competing claims for funds and the budgetary constraints under which they operated.

We found that in 2010 the council had commissioned consultants to look into the cause of the flooding and find options to deal with it. However, the works were not done as there were insufficient funds. Since then, the council had undertaken flood prevention works that were proportionate, and in accordance with their policy and responsibilities under current legislation. They had installed a kerbed drainage unit; regularly inspected and cleared culverts, water courses and gullies; cut back trees and shrubbery; met with a landowner about water flowing from his fields; and met with Mr and Mrs C and others to discuss and advise on options to increase their property's resilience to flooding. Mr and Mrs C continued to have problems but Scottish Government guidance confirmed that the primary responsibility for protecting their property fell to them, not the council. On the basis of these findings, we did not uphold the complaint.

Taking all these factors into account, we found that the council had taken reasonable action. They had acted in terms of legislation and in accordance with their own policy.