

SPSO decision report

Case: 201405214, The City of Edinburgh Council
Sector: local government
Subject: statutory notices
Outcome: upheld, recommendations

Summary

Mr C complained that the council failed or refused to answer reasonable enquiries he had made about repairs which were being undertaken on his property from statutory notices which had been served in 2008 and 2009. His partner (Ms C) had raised a complaint with them in 2011, and it had been closed without notification or an explanation. There had been other problems of poor communication by the council; works on two statutory notices had been completed, but he was not informed about this until 2014, and his query about an outstanding notice had not been answered. He was aggrieved because, despite what he considered had been very clear failings in addressing his concerns, the council had pressed him for payment when they issued the invoice, and threatened him with court proceedings if his payment was delayed.

From our investigation we found that Mr C had been wrongly informed that his complaint had been closed, because it had been considered by the independent panel set up by the council to consider complaints about statutory notices in 2013. We upheld this complaint. However, as the council had apologised to Mr C for their failings when they dealt with his complaint under their complaints process, and confirmed that they had taken action to improve their customer service, we did not make a recommendation about this.

Mr C had also complained that the council did not reply to his complaint about the failure to provide him with temporary heating during the works. We found no evidence that Mr C had been promised temporary heating. However, the matter had been raised by his partner with the council in 2011, and the council accepted this had not been dealt with. We upheld the complaint but were satisfied that the apology which had been given to Mr C was an appropriate resolution.

We upheld both of Mr C's complaints about the unreasonable failure to explain why the project had been suspended in 2011, and unreasonable delay to tell him that the works on two of the statutory notices had been completed in 2010. We recommended that the council should apologise to Mr C for their shortcomings. However, we did not consider that the failure we had identified was sufficient reason to recommend a reduction or the cancellation of the council's administrative fee, which was part of what Mr C sought in making a complaint to us.

Recommendations

We recommended that the council:

- apologise to Mr C and Ms C for the failure of both the council and the contract administrator to provide clarity about their respective roles and the suspension of the projects; and
- apologise to Mr C and Ms C for the failure to communicate with them about the status of the statutory notices.