

## SPSO decision report

**Case:** 201502359, The City of Edinburgh Council

**Sector:** local government

**Subject:** statutory notices

**Outcome:** upheld, no recommendations

### Summary

Mrs C complained about the way the council administered a statutory notice served on her and her husband (Mr C)'s property. In particular, she was concerned about the tendering process followed by the council, by their failure to seek listed building consent for the works, and their failure to apply for a grant for the works. Additionally, Mrs C was concerned that they had failed to take into account her husband's comments about the need for the works at the time of the initial inspection. Finally, she was concerned about the time it took for the council to issue the final invoice.

We found that the council did follow the required process when appointing contractors to carry out the work. We noted that listed building consent would not be required for these works and that the council had, indeed, applied for grants to contribute to the costs of the work. The grant application was refused by the funder. We had no documented records of Mr C's comments on the works required but, notwithstanding this, any dissatisfaction with the level of works included in the notice is a matter which should be appealed to the sheriff.

A significant level of works were, however, carried out to the property which were not included in the statutory notice. As part of a review of the statutory notice process, this significant additional work was noted and was deducted from the final invoice. As this review took a considerable amount of time, there was a very significant delay in issuing the final invoice. As a result of the mistakes in the invoicing, the inclusion of works not contained in the statutory notice and the significant delay in issuing the invoice, we upheld Mrs C's complaint. However, we did not make any recommendations to the council as they arranged for this matter to be independently reviewed and suitable remedial action was taken.