

SPSO decision report

Case: 201508080, The City of Edinburgh Council
Sector: local government
Subject: statutory notices
Outcome: not upheld, recommendations

Summary

Mr C complained that the council unreasonably invoiced him for the cost of work associated with two emergency statutory notices carried out four years previously. These had been issued to make safe masonry on a building where Mr C owns a flat. Mr C was concerned that the council could only provide evidence of the amount they paid the contractor for the work, rather than an itemised bill. He was also concerned about the length of time it took the council to invoice him for the share of the costs.

The council said that invoices from the contractor could not be retrieved as the company was no longer trading. They said that the invoices were submitted by the contractor electronically through the council's internal payment system, therefore there was no paper copy on record other than printouts confirming the payments the council had made to the contractor. The council said that there was no evidence to suggest that the work carried out had not been satisfactory, and so they felt the invoices were accurate and recoverable from the owners.

We were critical that the council was unable to provide records to show that the site had been inspected to verify completion of the work before payment was authorised to the contractor. However, there was no evidence to suggest that the work carried out had not been satisfactory. We were satisfied that the council had implemented guidance on the emergency statutory notice process. We also found that the council had delayed issuing the invoices due to an investigation into their former property conservation section and that the council was entitled to pursue the outstanding costs after four years. We therefore did not uphold Mr C's complaint. However, we recommended that the council apologise to Mr C for the failings in their record-keeping.

Recommendations

We recommended that the council:

- apologise to Mr C for the failings in their record-keeping.