

SPSO decision report

Case: 201600690, The City of Edinburgh Council
Sector: local government
Subject: statutory notices
Outcome: some upheld, recommendations

Summary

Mr C complained about the way the council administered statutory notice works to a property he owned. The notice served by the council required work to be carried out to remedy various issues involving the roof and masonry. As these works were not carried out by residents, the council sent a further notice advising that they would arrange for the works to be carried out and informing residents of their right to appeal this decision. Following this, the council proceeded to appoint a contractor through competitive open tender. Once works commenced, further defects were identified and additional notices were served on residents in respect of these. Consequently, the cost of the project increased significantly compared to what was initially estimated.

Mr C complained that the council had failed to keep appropriate records of the tendering process and had failed to follow the correct tendering process for the works. We found evidence that the council held copies of four completed tender documents; a copy of a completed tender report, which detailed the basis for the council accepting the tender from one of the contractors; and a signed copy of the contractor's endorsement of the tender. We noted that the project had been tendered competitively and that the cheapest tender had been chosen by the council. We did not find evidence that the tendering process used by the council was inappropriate, or that the council did not hold appropriate records in relation to this. We did not uphold this aspect of the complaint.

Mr C also raised concern that the council was unable to produce a formal final account and a full breakdown of the costs. Mr C also felt that some of the costs had not been appropriately verified as reasonable. We were critical that the council failed to ensure that they obtained a signed and itemised final account, and we noted that this was a requirement of the council's procedures. In light of this, we upheld this complaint. However, we found that the council had instructed a financial services firm to carry out an independent review of the project. This review concluded that the costs of the project were reasonable and recoverable. We assessed the evidence considered within the review and we were unable to conclude that the process of verification carried out was not reasonable.

Finally, Mr C complained that the council failed to provide a roof guarantee within a reasonable time. We found evidence of a significant delay in the council requesting a guarantee from the contractor following the completion of the project. Although we upheld this complaint, we noted that a guarantee was belatedly provided to the owners, and we were satisfied that this met the requirements of the council's procedures.

The council informed us that the department that had administered the statutory notice project was no longer operational and had been replaced by a new service with a customer service approach. In view of this, we were satisfied that no recommendations for learning were required in this case. However, we asked the council to apologise to Mr C for the shortcomings we had identified.

In the course of our investigation, we found evidence that some of Mr C's complaints had not been appropriately acknowledged and logged as complaints. We were also critical that the council had advised that no complaints had been received from Mr C's wife when the council had in fact issued a complaint response to her. In light of these findings we made a recommendation.

Recommendations

We recommended that the council:

- provide Mr C with a written apology for the shortcomings identified in this investigation; and
- feed back our findings regarding the handling of this complaint to relevant staff.