

SPSO decision report

Case: 201708708, West Dunbartonshire Council
Sector: local government
Subject: road authority as developer / road alterations
Decision: upheld, recommendations

Summary

Mr C complained about works carried out by the council to lower the footway at his property to allow for access to his driveway. The council carried out works to drop the kerb, but did not lower the heel kerb. Mr C complained that, as a result of the council not lowering the heel kerb, his car grounded on the footpath. Mr C believed that the council should have dropped the heel kerb as part of the works. The council said that they had carried out works to specification and that they considered the issue was the level of the Mr C's driveway which was not their responsibility. Mr C was unhappy with this response and brought his complaint to us.

We requested the council's documentation with respect to their inspection and agreed specification for the works. The council were not able to provide documentation relating to their inspection, even though they had visited the site on a number of occasions. We concluded that the council had failed to appropriately document their inspection and the specified works. The council confirmed during our investigation that they no longer offered to carry out such works and that, in an effort to conclude matters and in acknowledgement of the inconvenience, they agreed to waive their fee for the works carried out. We considered that the council should re-inspect Mr C's driveway, document their findings with respect to the works that should have been carried out at the time and, if further works were required, they should liaise with Mr C to arrange for these to be completed. We upheld the complaint.

Recommendations