

SPSO decision report



Case: 202502406, Argyll and Bute Council
Sector: Local Government
Subject: Policy / administration
Decision: upheld, recommendations

Summary

C complained that the council acted unreasonably in removing and destroying their vehicle. They said the council unreasonably determined that the vehicle had been abandoned and failed to provide adequate notice or a reasonable opportunity to recover it before it was destroyed.

We found that the council acted within their discretion to determine that the vehicle was abandoned, provided a clear rationale to support their position and acted in line with legislation in affixing a notice to the vehicle for the required timeframe. However, the council's lack of documentation and its failure to provide C with an opportunity to establish ownership of the vehicle before it was destroyed were unreasonable. Therefore, we upheld C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to explore C's claim of ownership prior to the disposal of the vehicle. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/meaningful-apologies.
- If C is able to provide the council with evidence of ownership within a reasonable time period (e.g. four weeks from the date of the final decision) and the council are satisfied this provides sufficient evidence of ownership, the council should consider making C a reasonable offer of reimbursement. If the evidence does not satisfy them of ownership the council should provide C with an explanation for their decision.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.