

SPSO decision report

Case: 201004067, Fife Council
Sector: local government
Subject: renovation; central heating; disturbance allowance
Outcome: not upheld, recommendations

Summary

Mr C lives in a house owned by the council. After he moved in he redecorated, and laid fitted carpets. Later that year the council installed a new heating system in the house, as part of a planned improvement programme. There was some internal damage to the property as a result. The council paid Mr C a disturbance allowance of £100 and carried out some repairs. Mr C said, however, that he was left with marks on his walls, and with unsightly holes in the carpets and lino due to the different size of the new radiators. The council offered to send a carpet fitter to see if he could mend the carpets but Mr C declined the offer as he felt that they could not be mended. He sought compensation from the council, and when this was refused, he complained that the council told him that loss adjusters would investigate his claim, but the adjusters did not actually go to his house to inspect the damage. He also felt that they did not calculate his costs appropriately.

We asked the council for more information about this. They explained that their normal practice is that adjusters do not inspect a property, but instead rely on information from the council. They employ the adjusters to decide whether the council are legally liable for a claim. This usually means that the claimant would need to show that the council did not take reasonable care, broke a contract or did not follow a written law. Council Services provide information to the loss adjusters as it is not possible for the adjusters to visit each individual claimant. The adjusters said that the marks on the walls were covered by payment of the disturbance allowance and that the council were not liable for the damage to the carpets. After considering this information we decided that the council in fact followed their normal practice and that this was not unreasonable in the circumstances. We therefore did not uphold Mr C's complaints. We did, however, make two recommendations as we considered that there had been confusion over what Mr C was told the disturbance allowance covered.

Recommendations

We recommended that the council apologise to Mr C for the confusion caused. We also recommended that, should a disturbance allowance be part of the council's new scheme for such works, the guidance should clearly explain what it covers.