

SPSO decision report

Case: 201103035, East Dunbartonshire Council
Sector: local government
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mr C lived in an old building, which was in a state of disrepair. He and other owners sought the assistance of a local councillor, who arranged for the owners to meet with council officers. The owners initially instructed a firm of surveyors whose report specified the extent of disrepair. With changes in the funding of private sector repairs taking effect from 1 April 2010, the owners agreed with the officers' proposal that the council serve a notice under section 108 of the Housing (Scotland) Act 1987. This would entitle owners to a minimum grant of 50 percent of eligible costs (less recording fee), with the possibility of a higher percentage based on an assessment of income over the previous 52 weeks. Applications would require to be submitted and approved by 31 March 2010. The notice was served in August 2009.

In January 2010, Mr C applied for a grant, and declared that his then partner was resident. The council asked for her income details and Mr C supplied them in mid-February. It turned out that Mr C's partner's income had been such that Mr C's application would attract only the minimum (50 percent) grant. While the application for the grant was still under consideration, Mr C's partner left the household. Mr C told a council grant officer about this when they visited him in late March. Mr C was awarded the minimum 50 percent grant (less recording fee).

Mr C was unhappy, as he felt that with his partner no longer resident, the application should only take his income into account, leading to a higher percentage of grant being awarded to him. Mr C's complaint to us had four aspects: that the council failed to provide him with clarity on his entitlement to repairs grants and how these are calculated; delayed, failed to communicate, and were inefficient in the re-assessment of his grant application; failed to deal with his complaint in accordance with their own complaints procedures; and failed to follow through with their requirement to ensure that plans were in place to adequately maintain the building in future.

We did not uphold the first two complaints. Our investigation found that the council provided adequate general information, and that the assessment takes into account the personal income of those declared to be resident over the year immediately before the date of application. Partners were included in the assessment, as the advice assumed that if two people live together as partners they have a shared interest in the condition of their property and should be assessed at the date of application. We, therefore, did not find that the council had done anything wrong in taking Mr C's former partner's income into account. We did find that the council failed to respond at one stage of their complaint procedure or to pursue with owners a proactive five year maintenance plan. We upheld these complaints and made recommendations.

Recommendations

We recommended that the council:

- review the information it gives to those seeking financial assistance in respect of private sector repairs; and
- follow up on a particular letter and take any requisite action in reminding owners of the building of action that they expect from them.