SPSO decision report

Case: **201101008, Angus Council**
Sector: local government
Subject: housing statutory repair notices
Outcome: some upheld, action taken by body to remedy, recommendations

Summary

Mr C is a landlord of property in a tenement building. In September 2008, the council were told that a chimney on the building was a danger to the public. Officers from the council's building standards department attended and say they put business cards through the letter boxes of the affected properties. Sixteen days later, a contractor carried out repair work to the chimney on behalf of the council. Mr C, however, said the first time he became aware of the repairs was when the council wrote to him about payment in August 2010.

We did not uphold some of Mr C's complaints. He complained that the council failed to contact him in a proper manner when they identified that repair works were required. He said that this meant he and the other owners were not given the opportunity to carry out the repairs themselves.

We found, however, that the council, as the local authority, are entitled to take decisions about dealing with a dangerous building in terms of the relevant legislation. It was not in dispute that the work had been carried out nor had we seen evidence that it was unnecessary. The legislation does not set out how owners are to be contacted in such a situation.

We saw no evidence to dispute the council's assertion that posting cards through the letterboxes of the affected properties is a tried and tested method that worked in the past. We noted too that the council had reviewed their procedures, and made changes in the way the council notify owners/occupiers when a building is considered to be dangerous.

Mr C also said that the work was unnecessarily carried out on a Sunday incurring extra costs. The council told us that it was done then because a hydraulic platform had to be used and to minimise disruption to traffic on the street, which we considered reasonable. Mr C also complained that the council's decision that the repair work was required immediately was

unreasonable given that it took them 16 days to do it. In our view, it did not follow that, because there was some delay by the council in carrying out the repairs, they were not urgent.

We upheld two of Mr C's complaints. One was that the council incorrectly said that they could not trace him as owner of the property. We accepted that the council were constrained by the Data Protection Act 1998. When, however, we saw their evidence we were not persuaded that they had made all reasonable attempts to trace Mr C, especially given that the Landlords Register is available online and the council had conceded that they might have been able to ascertain his ownership details from there. Mr C's final complaint was that the council's request for payment was issued two years after the repairs had been carried out. This was not disputed, and additionally we found that the council had at first not provided a proper invoice for the repairs; and also initially miscalculated his share of the costs.

We note that the council have since taken action to, in future, provide owners with details of how costs are to be apportioned and to prevent delay in recharging owners after the work has been carried out. However, we also made recommendations to address the other failings we identified.

Recommendations

We recommended that the council:

- apologise to Mr C for the failings identified; and
- deduct their administration fee from the sum due by Mr C for his share of the repairs in view of the unreasonable delay in billing him for the cost of the repairs and for the error in calculating the share of the costs due by him.