

SPSO decision report

Case: 201104084, Falkirk Council
Sector: local government
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mrs C's father was the tenant of a council property for many years until his death in 2011. In 2007, with the support of his family, Mrs C's father had applied to buy his house.

The council considered the application under the relevant legislation in place at the time (The Housing (Scotland) Act 1987). They refused it, on the grounds that the house had been adapted to accommodate a disabled person. Following her father's death, however, Mrs C said that the council let the house to an able bodied person and that the adaptations were removed. She complained to the council about this but remained dissatisfied with their responses and complained to us.

Our investigation found that, although the council had let the house to a person without a disability, this was only after procedures had been followed to try to accommodate a person specifically in need of the facilities provided. Only movable adaptations had been removed, and the council intend to keep the house (and the permanent adaptations that were made to it) within their housing stock.

We were satisfied that the council appropriately refused to sell the house to Mrs C's late father, and that they had considered and applied appropriate legislation and policies in making their decisions. We did not uphold her complaint.