

SPSO decision report

Case: 201201751, The City of Edinburgh Council
Sector: local government
Subject: applications, allocations, transfers & exchanges
Outcome: not upheld, no recommendations

Summary

Mr C, who was homeless, said he was duped into bidding for a property that he did not want when the council used a misleading image to advertise the property. The picture used was a computer generated image which Mr C said bore no resemblance to the actual building being constructed and the council did not disclose that it was a multi-storey building. Mr C said that, as a recovering drug addict, the thought of living in a multi-storey block filled him with anxiety. The council, however, said they had fulfilled their statutory duty by making him an offer of suitable permanent accommodation. As they had fulfilled their duty under the homelessness legislation, the council removed his silver priority (a higher priority given to people in certain circumstances who are waiting to be housed). Mr C said that the medical evidence he provided concerning his grounds for refusing the property, and details of his personal circumstances, were not taken into consideration either at the initial decision to remove his priority, or when he appealed.

We did not uphold any of Mr C's complaints. Our investigation found that the council acknowledged that the picture was an artist's impression, but said that the details included on the advert made it clear that the property had not yet been built. Having looked at the image, we found that it was quite clearly an artist's impression of what the building was expected to look like and the description of the property explained that it was a 'new build' and included a lift. We did not consider this unreasonable and found that the council had acted in accordance with their legislative duties and responsibilities and the code of guidance on homelessness in arriving at their decision to remove Mr C's silver priority when he refused a reasonable offer of accommodation.