

SPSO decision report

Case: 201203025, South Lanarkshire Council
Sector: local government
Subject: maintenance and repair of roads
Outcome: not upheld, no recommendations

Summary

Mr C damaged the wheel and tyre of his car when he ran over a pothole in a minor road near his home. He made four complaints. The first concerned the processing of the claim he submitted to the council, which their loss adjusters had initially refused after it was passed to them to determine. The other three complaints related to the council's responses or lack of acknowledgement and response to further reports of road defects and drainage problems at other locations near Mr C's home.

Our investigation did not uphold any of Mr C's four complaints. On the first, although the loss adjusters at first refused Mr C's claim, the council had reconsidered the information and told them that it would be appropriate to make an offer of settlement. Mr C had refused the first offer but accepted a revised offer and was aware of his ability to raise a small claims action in the sheriff court. On the second complaint, the council had no logged record of an earlier contact from Mr C about a road defect in a particular place. When Mr C raised the matter by email several weeks later, the council acted appropriately. On the third complaint, relating to three other places, our investigation found that the council's responses were reasonable. Finally, we did not uphold the complaint that the council failed to respond appropriately to Mr C's reports of road defects. Reports by members of the public were supplementary to the council's inspection regime and were used to make the council aware of emerging defects.