

SPSO decision report

Case: 201300193, Argyll and Bute Council
Sector: local government
Subject: housing statutory repair notices
Outcome: some upheld, recommendations

Summary

Mr C and his wife owned a flat in a tenement block. The owners of the block next door knew that a chimney-head on their building was deteriorating, but had done nothing about it. When three years later lumps of masonry fell on to the pavement, the council acted immediately under section 29(3) of the Building (Scotland) Act 2003 to make the chimney-head safe and prevent further danger to the public. The chimney-head next door had to be taken down. When this happened, it turned out that it was in fact connected to the chimney-head on Mr C's block, and it also had dangerous defects. The council got a quote to take down the chimney-head on Mr C's block and rebuild both. Arrangements were also made for another contractor nominated by the co-owners in Mr C's block to access scaffolding to let the owners there instruct works separately. The contractor, however, did not turn up and the council then instructed the works on the basis of the quotation they had obtained. The chimney-heads were rebuilt from the same bases, but contained inside a single casing.

When the apportioned bills for the work were issued, Mr C and other owners in his block disputed them and he eventually complained to the council. When he was unhappy with their response, Mr C brought his complaints to us. We did not uphold three of these - that the council failed to explain to Mr C his legal rights, failed to consult with him over the emergency repair, and unreasonably combined the two chimney-heads into one structure. However, we upheld his complaint that the council did not provide him with estimates for the repair, and we made recommendations aimed at improving communication.

Recommendations

We recommended that the council:

- review their procedures to ensure that in similar situations in the future they provide owners with information on the legislation under which they are acting and refer them to the relevant section of their website; and
- ensure that, in similar future situations, decisions taken orally on re-instatement work are confirmed in writing to interested parties.