

## SPSO decision report

**Case:** 201300513, Argyll and Bute Council  
**Sector:** local government  
**Subject:** zoning of local authorities, planning blight, flood prevention  
**Outcome:** upheld, recommendations

### Summary

Mr C's home was regularly affected by flooding. Mr C complained that this was due to an inadequate road drainage system. He said that the council had accepted this, but although they had committed in 2012 to resolve the problem, no work had been carried out. The council said they had been actively seeking a solution to the problem since 2013 following a formal complaint from Mr C. They required access to privately owned land and negotiating this had proved complicated. They accepted matters had taken longer than they would have wished, but felt they had acted reasonably and that the delays were due to matters outside their control.

We upheld Mr C's complaints. Our investigation found the council had made a written commitment to resolve the problem in 2012. The evidence showed that they had not, however, pursued this solution until Mr C had formally complained and contacted us about their lack of response. We found the delay in starting work on the project was excessive and was due in part to failures by the council. We also found that the council adopted a contradictory position by accepting responsibility in 2012, before suggesting, when Mr C complained in 2013, that he was responsible for managing flood risk. This also contributed to the delay in commencing work to mitigate the flood risk to his home.

### Recommendations

We recommended that the council:

- apologise for the failings that our investigation identified;
- update Mr C and us on the progress being made against the timetable for completion of the project; and
- provide Mr C and us with a clear timetable for completion of the project.