

SPSO decision report

Case: 201301343, The City of Edinburgh Council
Sector: local government
Subject: statutory notices
Outcome: some upheld, recommendations

Summary

Mr C told us that he had received a bill from the council for repair work on his tenement, carried out under an emergency statutory notice that the council had issued. He said that this was the first communication he had received about this, and that there was a four and a half year gap between the work being undertaken and when he and other owners were told about the cost. He said that neither he nor his neighbours were notified by statutory notice that work was to be carried out. He also said that when he first raised concerns about this and queried his share of the costs, the council told him that this would be investigated and that they would put the demand for payment on hold until this was done. However, during their investigations he was sent letters demanding payment. Mr C was also dissatisfied with the way in which the council investigated his complaint.

When we investigated this, the council acknowledged that there was no evidence that they had issued a statutory notice to Mr C. They also explained why the invoice for the completed work was not issued earlier, and we noted that they had already apologised to Mr C for this. We upheld Mr C's complaints about the failure to issue the statutory notice and about the demand for payment, and made a recommendation. As, however, we found that the council's investigation into the costs had been appropriate, we did not uphold that complaint.

Recommendations

We recommended that the council:

- consider whether, given the failure identified, they should rebate part of the fee levied against Mr C for his share of the costs of the council's administration on the contract.