

SPSO decision report

Case: 201304406, South Lanarkshire Council
Sector: local government
Subject: building standards
Outcome: not upheld, no recommendations

Summary

Mr C complained about the council's role in relation to a housing development in which he had bought a house from a developer who was no longer trading, and with no completion certificate. Mr C complained that the council had not ensured that the access road met the approved plans or building regulations. He also questioned whether a fire engine would be able to access his house, and was unhappy that the council would not survey the road to check its width.

We reviewed the evidence and could see that the relevant building regulations had required a minimum road width of 3.7 metres. In addition, the council had acknowledged to Mr C that the approved drawings specified a width of 4.0 metres. However, the council said the road's adequacy would have been considered when they granted completion certificates to the development's other properties. They said their surveyors would not have needed to measure its width and this was a matter of professional judgment.

The council provided us with copies of Scottish Government guidance relating to the building standards system. We considered the guidance and it indicated that the council do not stand behind a developer's work, nor is it their role to ensure it is done to an owner's satisfaction. The evidence showed that the responsibility for compliance was not the council's and did not point to maladministration by them. Their role was not as extensive as Mr C might have wished it to have been and we did not uphold his complaint.

In terms of Mr C's second complaint, the council told him that the building regulations in place at the time did not require them to consult with the fire authority. Although Mr C felt best practice would have been for the council to have done so anyway, they provided evidence to show they had recently arranged for the fire service to attend the development. The fire service had confirmed they were comfortable with access in the event of an emergency and that they had no concerns. In light of the assurance the council had obtained - and the fact the evidence indicated that the duty to comply with the building regulations was not theirs - we did not uphold this complaint.

Finally, the council confirmed to Mr C that they had checked the size of the refuse vehicles that accessed his property, and their correspondence clearly showed that the fire service had accessed the development and had no concerns. We found no evidence of any administrative failing by the council in terms of checking the width of the road.