

SPSO decision report

Case: 201304454, The City of Edinburgh Council
Sector: local government
Subject: statutory notices
Outcome: some upheld, recommendations

Summary

In 2002, Mr and Mrs C purchased a flat in Edinburgh. The flat was the subject of a statutory repairs notice the following year, but Mr and Mrs C said that they were unaware of this as the council had not served the notice on them, but on the previous owner. They told us that they had seen scaffolding go up on part of the property, but the first they knew about repairs being undertaken under a statutory notice was when they received a bill for their share of the costs in 2013. Mr and Mrs C questioned the delay in issuing the invoice, and the costs. They complained that the council had failed to conduct conservation works on their property in such a way that they could evidence that their invoice was justified, and that the council did not handle their complaint in accordance with the complaints procedure.

Our investigation found that, although there was a long delay between the work starting and the issue of the invoice, there was evidence that the council sent notices about this to Mr and Mrs C's property. These were addressed to the owner or occupier, even if they were not then passed to Mr and Mrs C. Although this was unfortunate, we took into account that Mr and Mrs C were aware that there was scaffolding on the building, and we considered that it would have been reasonable for them to have asked neighbours and/or the council about this. Although Mr and Mrs C thought the documentation was inadequate, the council had provided them with the final account, detailing the works. We did not uphold their complaint, as we concluded that, whilst the documentation was sparse, Mr and Mrs C's complaint came down to a dispute about their liability for their share of the costs, and we were not able to adjudicate on this. Where we had found fault was not with the contract, but with the delay in issuing the account. The council had apologised to Mr and Mrs C for this, and we decided that it would not be reasonable to ask for a reduction in the invoice, as Mr and Mrs C's liability had not increased as a result of the delay.

We upheld the complaint that the council did not handle Mr and Mrs C's complaint in accordance with the council's procedure. We found that it was not dealt with appropriately in terms of timescale, agreement of the complaint or what was being sought as an outcome. We also found that there was a lack of updates and Mr and Mrs C were not asked to agree the timescale for investigation of the matter being extended.

Recommendations

We recommended that the council:

- issue a formal apology to Mr and Mrs C for the council's failure in their service standards for complaints handling.