

## SPSO decision report

**Case:** 201305247, Perth and Kinross Council  
**Sector:** local government  
**Subject:** right to buy  
**Outcome:** some upheld, recommendations

### Summary

Mr C complained that he was refused the right to buy his council house. He moved there from another council property in 2004, which meant that his right to buy entitlement changed from 'preserved' to 'modernised'. Mr C tried to buy his house in 2007. However, this was days after his area was classed as pressured, which meant that the modernised right to buy was in fact suspended. Despite this, the council initially – wrongly - accepted his application but Mr C withdrew because he could not afford to proceed. However, he now again wished to buy his house. The council acknowledged that they had wrongly accepted his application in 2007 but said their lawyers would have identified that the house could not be sold, had Mr C proceeded to the next stage. In addition, as the whole of Perth and Kinross became a pressured area in 2012 Mr C still could not buy his house.

Our investigation found that in June 2006 the council told tenants (including those in Mr C's postcode) that they planned to apply for pressured area status there with effect from 2 February 2007 and explained what this meant for modernised right to buy tenants. This also happened in 2012. Although Mr C said he had documents saying that he could buy his house after five years, he could not provide copies and the evidence indicated that his 2007 application was made after the suspension was in place. Although he withdrew that application, the evidence did not show that the council told him then that the sale could not have gone ahead anyway. We felt they reasonably could have been expected to do this. However, it was a fact that the suspension was in place when he applied to buy his house in 2007 and was later extended. While we recognised how significant this was for Mr C, our role was to consider whether the council had done anything wrong. Taking everything into account, we did not consider he was unreasonably denied his right to buy and we did not uphold this complaint.

Mr C also complained that the council had not maintained the property in line with their standards. He raised particular concerns about his doors and windows as he did not feel he was treated the same way as other tenants. The council told Mr C they had to ensure his property was wind and watertight and maintained to an acceptable standard. His windows and doors were fitted in 1988 and, under the standard life-cycle for these, were due for renewal in 2018. They also said Mr C's property was included in the council's recent upgrade programmes and they planned to review his windows, doors and central heating as part of the upcoming repair programme. Although Mr C was entitled to want them replaced sooner, the evidence did not point to maladministration and we did not uphold this complaint.

Mr C had a third complaint, about the water supply to his home. The evidence indicated this was an unusual situation, where the council were Mr C's landlord but his water was supplied privately. This meant the council had one role as the local authority and another as Mr C's landlord. The paperwork showed they tested his water supply in line with their role as local authority and notified him where samples failed. As landlord, they installed water filters and, following Mr C's complaint, they visited his property and arranged a water assessment and service call for the filters to be changed. The council said they arranged an annual test and provided a copy of a request for a full water treatment risk assessment. The evidence showed that Mr C had long running concerns about his water (he was in contact for an extended period) and the evidence showed that the council took steps to address this. However, it was unclear whether they had confirmed to him the extent of their obligations as landlord

or whether these were met. Although we noted the unusual nature of the situation, we decided that the evidence indicated that the council's handling of the matter fell below a reasonable standard. We upheld this complaint and made a recommendation.

### **Recommendations**

We recommended that the council:

- provide evidence to us that they have taken appropriate steps to provide Mr C, as their tenant, with a wholesome water supply.