

## SPSO decision report

**Case:** 201305986, North Lanarkshire Council  
**Sector:** local government  
**Subject:** maintenance and repair of roads  
**Outcome:** some upheld, recommendations

### Summary

The council had authorised entry to their contractor to a site adjacent to Mr C's street via his street, which is an unadopted road. Mr C complained to the council that they had failed to ensure that the street was returned to the condition it was in before the council required access, and also that they had failed to provide him with consistent advice about their responsibility to repair the damage. Mr C also complained that the council had failed to reply to his complaint.

Following our investigation, we found evidence that the council were satisfied with the works which had been undertaken by their contractor. As there was no evidence of fault in the way the council handled the matter, we did not uphold his complaint about this. We also did not uphold Mr C's complaint that the council had given inconsistent advice about their responsibility to repair any damage as it was evident that he had agreed to the works which the contractor would undertake, and although he was not satisfied with what was undertaken, and that his claim to the council was rejected, he had been given advice of his right of recourse to the Lands Tribunal for Scotland or the courts.

However, we found that there had been an unreasonable failure to reply to Mr C's complaint and so we upheld this, making recommendations of apology and a refresher to council staff about the council's complaints procedure.

### Recommendations

We recommended that the council:

- apologise to Mr C for failing to acknowledge receipt of his complaint form, submitted in November 2013, and failure to respond to it;
- apologise to Mr C for the failure to respond to his complaint in line with their complaints procedure;
- apologise to Mr C for sending him an unsigned letter; and
- run staff training for the services involved in this complaint about how to handle complaints under their complaints procedure.