

SPSO decision report

Case: 201401023, Midlothian Council
Sector: local government
Subject: complaints handling
Outcome: not upheld, no recommendations

Summary

Mr C was unhappy at the time the council took to deal with a complaint he had made about dry rot in his neighbour's property, which had affected his property. He said that it took almost a year for a serious environmental health issue to be addressed.

We found that although the relevant legislation does not require councils to serve a work notice in these circumstances, the council intervened to help Mr C resolve the situation and did serve a notice. The legislation also states that if the owner does not comply with the notice within the time set out for it, the local authority can carry out the work itself and reclaim the cost from the owner. When the owner failed to comply with the notice, the council decided to carry out the work themselves and had explained to Mr C the difficulties they had encountered in trying to gain access to the property as well as later having to deal with a bank who, by then, owned the property. In total, the time between the work notice being issued and the specialist work starting on the property was seven months. In the circumstances we found this to be reasonable and did not uphold the complaint.