

## SPSO decision report

**Case:** 201403736, The City of Edinburgh Council  
**Sector:** local government  
**Subject:** statutory notices  
**Outcome:** some upheld, recommendations

### Summary

Mr C complained that, after serving an emergency statutory notice on his property, the council unreasonably failed to inform him of the costs of associated works, and that they failed to tell him of the increasing cost of these works. In addition, he complained that the council failed to comply with their standing orders when procuring works for three statutory notices, and then failed to manage the works properly in line with the correct procedures.

We found that the council were not required to inform homeowners of the costs of the emergency notice in advance as, by their very nature, emergency works may be needed before the costs are known. The council provided us with some evidence which suggested that Mr C was notified at the time of the increasing costs of the works. Therefore, we concluded that there was not enough evidence to show that he was not informed of the escalating costs. We did not uphold these elements of his complaint.

We found that the council failed to have any reasonable record of the process they followed when tendering for the statutory notices. As a result, we were unable to say whether they followed their standing orders or the correct process. For this reason, we upheld this element of the complaint. We also found that the council had acknowledged carrying out non-emergency works under the emergency statutory notice. This removed the opportunity for neighbours to carry out the works themselves. We noted that the council took this step in order to keep the costs down for residents, as scaffolding was already erected. Nonetheless, the council itself had acknowledged that this was not the correct process, and we upheld this element of the complaint. We made a number of recommendations. These included that the council review their statutory notice procedures, that they refund the administration fee for two of the statutory notices, and that they clarify which aspects of the works were not of an emergency nature and refund the costs of the non-emergency work to Mr C.

### Recommendations

We recommended that the council:

- review their statutory notice procedures to ensure that the correct procedures are followed when appointing contractors for works, and that they retain full and appropriate evidence of this process on file in order to demonstrate compliance with their procurement process and standing orders;
- review their procedures to ensure that only works of an emergency nature are carried out by the council;
- refund to Mr C the 15 percent administration fee charged for the works covered under the statutory notices referred to in the decision; and
- clarify which aspects of the works carried out under the emergency statutory notice were not of an emergency nature, and refund the costs of these non-emergency works to Mr C.