

SPSO decision report

Case: 201507769, The City of Edinburgh Council
Sector: local government
Subject: statutory notices
Outcome: upheld, recommendations

Summary

Mr C complained to us that the council had failed to reasonably administer three statutory notices (where the council arrange for work to be done and then recoup the cost from the property owners) that had been served on his and neighbouring properties. The evidence we received from the council in relation to the complaint was limited. There was no clear evidence in relation to the appointment of the contractor for the work. Although the estimated costs during the project rose to bring it within the remit of the council's major framework process, it continued on the minor framework. The council were unable to provide an explanation for this but assured us that Mr C was not financially disadvantaged.

In addition, there was no clear evidence that Mr C was given an estimate of the cost of the project before work commenced or that update letters were issued whilst the work was being completed. Whilst the council told us that they could not accept that they failed to reasonably administer the three statutory notices as they complied with the legislative requirements, we found that their handling of the matter had not been satisfactory. They had previously agreed to reduce the total bill for the statutory notices by over £17,000 for scaffolding hire, which was likely to have been incurred due to their poor management of the works. In their response to our enquiries, the council also acknowledged that owners were not kept informed of the anticipated increases in costs during the project. We upheld Mr C's complaint.

Recommendations

We recommended that the council:

- issue a written apology to Mr C for the failure to reasonably administer the statutory notices served on his property; and
- refund the customer care and communication portion of the administration fee to him.