

SPSO decision report

Case: 201608895, West Lothian Council
Sector: local government
Subject: sales and leases of property including excambions
Decision: not upheld, no recommendations

Summary

Mr C complained about the council on behalf of his son (Mr A) regarding the aborted sale of a council owned property. Mr C told us that the council had initially accepted his son's bid for a property they were looking to sell but, due to delays on the part of the council which led to the removal of the mortgage offer, the sale could not go ahead. Mr C was also unhappy that the council had insisted that Mr A pay for a refreshment of the home report, which was required by his lender.

On investigation, we found that there was a period of around four months between the council's acceptance of Mr A's bid and agreement on the terms of sale. The first month of this was due to a change of solicitor required by Mr A's lender. The remaining time was spent in negotiation regarding the terms of the sale, as Mr A requested a change of the boundaries, and had concerns regarding the level of environmental liability that would be placed on him under the standards terms. Throughout these discussions, the council responded to each contact within two weeks, which we considered reasonable given the level of consideration required.

With regards to the home report refreshment, this was only required on the insistence of Mr A's lender. Given this, we did not consider it unreasonable for the council to request that Mr A met the cost. For these reasons, we did not uphold the complaints.