

SPSO decision report

Case: 201707834, East Ayrshire Council
Sector: local government
Subject: repairs and maintenance
Decision: some upheld, no recommendations

Summary

Mr C lived adjacent to a council house. There was water ingress into Mr C's property, and his roofing contractor felt that a chimney he shared with the council property was part of the problem. Mr C contacted the council, and he said they told him to take no action to repair the chimney, and that they would inspect their property and sort the problem. The council denied giving Mr C this advice, and it took them a year to gain access to their property and inspect it. The council decided they would not arrange removal of the chimney. Mr C complained that the council unreasonably told him to take no action to repair the chimney and that they unreasonably decided not to remove it.

We found that Mr C and a council officer had differing recollections of what was said about what the council would do. As there was no independent evidence from anyone who witnessed the conversation, we could not prove exactly what was said. We also found that, although Mr C disagreed with the councils' decision not to arrange removal of the chimney, there was no obligation on the council to arrange for removal, and they explained clearly to Mr C why they would not do so. Therefore, we did not uphold these aspects of Mr C's complaint.

Mr C also complained that the council delayed in gaining access to their property to inspect for water ingress. We found that the delay was unreasonable and upheld this aspect of Mr C's complaint. As the council apologised to Mr C for the delay, we made no recommendations. However, we did feed back to the council about seeking to avoid such delays in future.