

## SPSO decision report

**Case:** 201808479, Aberdeen City Council  
**Sector:** Local Government  
**Subject:** repairs and maintenance  
**Decision:** upheld, recommendations

### Summary

C communicated with the council regarding their dissatisfaction about the council's actions in locating a communal bin store and removing fencing and a gate at a property containing flats that both they and the council owned. The council did not formally handle this communication as a complaint for several years. Following consideration of the matter through their complaint procedure, the council confirmed that C wished them to reinstate the fence and gate and relocate the bin store. However, C did not consider that the council had carried out this action within a reasonable timescale. C was also dissatisfied with the response the council gave to further complaints they submitted several months later regarding the suggested works programme the council had provided to them and the replacement of a different gate at the property.

We found that there were unreasonable delays in the council responding to C's contacts, that the council unreasonably failed to deal with C's complaints under their complaints handling procedure for several years, that the council unreasonably failed to advise C of revised timescales for responding to their complaints when they were considered under the complaints handling procedure, and that the council unreasonably failed to provide C with meaningful explanations of how they reached their decisions on C's complaint or clarify their position regarding the title deeds to C's property.

We also found that the council unreasonably failed to relocate the bin store or reinstate the fence and gate within a reasonable timescale or fulfil C's request to be consulted and agree plans before they were undertaken. We also noted that the council unreasonably described the information provided to C as "details" of the proposed work, did not reasonably investigate C's complaint about the replacement of a communal gate, unreasonably failed to update C regarding delays to their response to the second complaint some months later, and did not administer an extension to the timescale for responding to the complaint in line with their complaints handling procedure. We upheld all of C's complaints.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the specific failings identified. The apology should make clear mention of each of the failings identified and meet the standards set out in the SPSO guidelines on apology available at [www.spsa.org.uk/information-leaflets](http://www.spsa.org.uk/information-leaflets).
- Arrange for the relocation and reinstatement works to be completed.
- Provide C with detailed plans for the relocation and reinstatement works agreed to. These plans should show the current and planned locations, designs and dimensions of the fence, gate and bin store and their sites.

In relation to complaints handling, we recommended:

- Ensure contacts from the public are responded to within a reasonable timescale, that complaints are

quickly identified and dealt with under the Model Complaints Handling Procedure (MCHP), that complaints investigations are thorough, that the MCHP is followed when timescales need to be revised and that complaint responses are accurate and provide meaningful explanations of how decisions were reached.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.