

SPSO decision report

Case: 201910292, Falkirk Council
Sector: Local Government
Subject: Shared ownership
Decision: not upheld, no recommendations

Summary

C is the owner of a 'four-in-a-block' flat and the other three properties in the block are owned by the council. The council undertook a programme of external works in C's local area to upgrade the properties that they owned. The council told C that the works were required and C's share of the cost would be £14,127.44.

C felt that the amount they were expected to pay was too high. C told the council that they did not consent to the works proceeding. C asked for the option of their property being excluded from the works as C felt other homeowners had been given this option.

The council said that they carried out a consultation and that C had the opportunity to vote against the works, provide their own quotes, and appeal the decision to proceed. The council gave C extra time to appeal against their decision. No appeal was submitted to the courts and the council proceeded with the works.

C complained that, despite their objections, the works went ahead, that the council did not explain what they meant when they mentioned C's title deeds, that the council appeared to have an inconsistent approach, and that they communicated unreasonably with C.

We found that the council took reasonable action in line with the title deeds and their own procedures. Whilst it appeared some other properties in the area had not had works completed, we did not find evidence to suggest that the council had an inconsistent approach. The way in which the council made the decision to proceed with works was reasonable.

We also found that, whilst there were two occasions where the council failed to respond to C and one where the response was sent to a councillor, in general, the council communicated reasonably. They explained the process, provided additional advice on where to find financial support, directed C to seek legal advice, and extended the timescale for C to submit an appeal to the court if they wished. On balance, we found that the council's communication with C was reasonable.

As such, we did not uphold C's complaints.