

SPSO decision report

Case: 202101043, Argyll and Bute Council
Sector: Local Government
Subject: Building Standards
Decision: some upheld, recommendations

Summary

C sought advice from the council regarding development that they were planning at their home. C received a response, with input from the building standards service, that the council would not be asking for a building warrant in relation to the development.

A few years later the building standards service contacted C to advise that complaints about the use of their property had been received and the council considered a building warrant was required.

C felt that, before being given advice some years previously, they had communicated the information about the use of the development the council now advised were the reasons a building warrant was required. C complained to the council about this and the actions of the building standards service.

The council responded that the advice provided had been correct at the time of issue and based on the current regulations and guidance at that time. The council said that they considered the use of C's property had changed and, therefore, the basis upon which the advice had been given had also changed. C was unhappy with this response and brought their complaint to us.

We found that the passage of time meant that it was not possible to determine whether the advice received from the buildings standards service had been reasonable as it was not clear what information the service were in possession of. We did not uphold this aspect of C's complaint but provided feedback to the council to reduce the likelihood of any confusion over the response to requests for advice in future.

We found that the recent actions of the building standards department had been reasonable given the terms of relevant guidance and standards, and did not uphold this aspect of C's complaint.

We found that the council's response to C's complaint had inaccurately suggested that C had not made the council aware of the intention to invite the public into the proposed development. Therefore, we upheld this aspect of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C that the response to C's complaint inaccurately suggested that C had not made the council aware of the intention to invite the public into the proposed development. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

In relation to complaints handling, we recommended:

- The council's responses to complaints do not contain inaccurate suggestions.

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.