

## Scottish Parliament Region: South of Scotland

### Case 200500401: North Ayrshire Council

#### Introduction

1. On 5 May 2005 the Ombudsman received a complaint from a woman (referred to in this report as Mrs C) on behalf of her elderly father (Mr F), who is in poor health, about the way in which North Ayrshire Council (the Council) handled the sale of his council house.

2. I have investigated the following complaints made by Mrs C:

- (a) a failure to deal with the sale in a timely and courteous manner;
- (b) that Mr F suffered real financial loss, in that his eligibility to claim pension credit on potential mortgage interest was removed;
- (c) that as the transaction took in excess of 53 months to complete, Mr F was required to pay increased legal fees;
- (d) a delay, causing Mr F undue stress and inconvenience and;
- (e) a delay in dealing with her complaint.

3. Following the investigation of all aspects of this complaint I came to the following conclusions:

- (a) partially upheld, see paragraph 5;
- (b) upheld, see paragraph 5;
- (c) upheld, see paragraph 5;
- (d) upheld, see paragraph 5;
- (e) not upheld, see paragraph 6.

### **Investigation and findings of fact**

4. The investigation of this complaint involved obtaining and reading all the relevant correspondence, including that between the Council and Mrs C, and her solicitors. I also made a detailed enquiry of the Council on 1 December 2005.

5. The Council provided their response on 6 January 2006. At that point, the Chief Executive confirmed that 'to take 53 months to conclude a conveyancing transaction is certainly exceptional and in all the circumstances unacceptable'. He also accepted that Mr F may have suffered financial loss and that his legal fees may have increased as a consequence of the Council's actions. Similarly, he considered that this could have caused frustration and inconvenience. In the circumstances I uphold the complaints (b), (c) and (d) above. I partially uphold complaint (a), because although Mrs C complained that the Council were discourteous in their dealings with her, I have seen no evidence of this in the correspondence.

6. With regard to (e) their dealings with Mrs C's formal complaint, the Chief Executive pointed out that normal time scales for this would be in the region of three months but given the complexity of this case and the various elements involved, (in particular the subject of Pension Credits, and the research required), the time taken was not unduly long. After considering the relevant documentation, I do not dispute this and consequently do not uphold this aspect of the complaint.

### **Further action**

7. As noted in paragraphs 5 and 6 above, the Council have accepted that on the whole, they did not handle the sale of the house well although I agree there were complex issues involved in the sale. They have volunteered to make a compensatory payment to Mrs C of £3,000 (£2,000 in respect of financial loss, £500 to cover the cost of additional legal expenses incurred and £500 with regard to the concern and distress caused to Mr F) and offer her an unequivocal apology. On 2 February 2006 a cheque was sent to Mrs C for Mr F.

8. After reviewing the evidence I am satisfied that this represents reasonable redress particularly as the Council's offer is broadly similar to that estimated by Mrs C. There were unusual circumstances involved in this sale and it is unlikely

that they will occur again. The Council should be commended for their action following receipt of the complaint from this office.

28 February 2006