

Scottish Parliament Region: Central Scotland

Case 200502079: North Lanarkshire Council

Summary of Investigation

Category

Local Government: Housing, Repairs and maintenance of housing stock

Overview

The complainant is the Chairman of the Tenants' and Residents' Association of a multi-storey building and made his complaint on their behalf. They were unhappy about North Lanarkshire Council's handling of the internal communication system to the concierge station.

Specific complaints and conclusions

The complaints from Mr C which I have investigated are that:

- (a) the Council failed to repair the internal communication system to the concierge station (*not upheld*);
- (b) the Council failed to repair the internal door entry system (*not upheld*); and
- (c) the Council failed to ensure the provision of a proper communication system for the lifts in the event of breakdown (*not upheld*).

Redress and recommendation

The Ombudsman has no recommendation to make.

Main Investigation Report

Introduction

1. On 31 October 2005 the Ombudsman received a complaint from a man (referred to in this report as Mr C) on behalf of a Tenants' and Residents' Association (the Association) of which he is the Chairman, against North Lanarkshire Council (the Council).

2. Mr C claimed that, as a consequence of administrative fault or service failure on the part of the Council, he (and the other residents in the block) suffered injustice and hardship.

3. The Council informed us that Mr C had not completed their formal complaints process. However, we advised the Council that we were reluctant to send Mr C back through their formal complaints procedure because the documentation provided by Mr C included letters from the Director of Housing and Property Services and the Divisional Manager North, both of whom had investigated Mr C's concerns.

4. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Council have had the opportunity to comment on a draft of this report.

Investigation

5. My investigation included an examination of the documentary evidence provided by Mr C. A written enquiry was also made of the Council, whose Chief Executive submitted a background report and supporting documentation.

(a) The Council failed to repair the internal communication system to the concierge station

(b) The Council failed to repair the internal door entry system and

(c) The Council failed to ensure the provision of a proper communication system for the lifts in the event of breakdown

6. I ascertained that Mr C wrote to the Council on behalf of the Association on 29 July 2005, drawing attention to the fact that the internal telephone system had been out of order for some ten days. He asked:

'When is the system going to be repaired? How are residents to contact the concierge station – if someone is in trouble or ill and is in need of help?'

7. Mr C wrote again to the Council on 8 August 2005 (addressing his letter to the Health and Safety Department) noting that:

'Today the system is still out of order – residents cannot contact the concierge station should there be an emergency within their houses – anyone visiting the building – the door entry system is not working. Why has this system been out of order for so long? Perhaps you could look into this as soon as possible.'

8. A senior officer of Housing and Property Services (Officer 1) wrote to Mr C on 25 August 2005 in the following terms:

'Having investigated this matter, I can advise that the delay in repairing the system is primarily due to difficulty in obtaining parts. I am advised that, given the age of the system, it is unable to be repaired and a full upgrading is required. Accordingly, steps have been taken to progress this matter. I have in the interim arranged for the telephone number of the concierge station to be made available which will allow some means of communication between tenants and the concierge officers. I trust this clarifies the position, however, should you wish to discuss this further please do not hesitate to contact [local housing officer]'

9. The local housing officer (Officer 2) wrote to Mr C on 12 August 2005 as follows:

'Internal Telephone System – out of order

I refer to the above and would like to thank you for your letter received by the department on 2 August 2005 regarding the internal telephone system at the concierge station being currently out of service. I would like to advise that we apologise for the inconvenience to all residents within the complex that this is causing at present. I can inform you that we are doing our best to ensure that the problem is fixed as soon as possible to have the system back up and running again. I trust this clarifies the position for you, however, if you have any further enquiries please do not hesitate to contact myself [or my assistant] on the above telephone number'.

10. In their comments on the background to the complaint the Council explained to me that the internal communication system was wired from each property directly to the concierge station whereby tenants could communicate through a handset to the concierge.

11. The Council accepted full responsibility for the repair and maintenance of the system for which there was a formal contract for its upkeep. Unfortunately their contractor had experienced difficulty in obtaining parts for the system, which was inoperable. The system had been installed in 1996 and was some ten years old. The repair and maintenance of the internal communication system was not specifically included in the Tenancy Agreements for the flats within the building.

12. With regard to the door entry system, the Council explained that, although this was part of the same system, it was able to operate independently. They confirmed that the door entry system was working and that the building was secure. However, the current defect with the telephone system meant that visitors could not contact tenants, and tenants could not contact visitors through the internal system.

13. The Council explained that, due to the defective communication system, there were no communication facilities within the lifts. In order to minimise the risk of anyone being trapped in the lift for a lengthy period, the concierge offices – in addition to placing emergency contact signs – carried out regular patrols through the building, checking each lift and also monitored the lift through closed circuit television (CCTV).

14. The Council indicated that, although the system was partially inoperable, they had taken steps to minimise the disruption to tenants and visitors, including:

- the erection of signs giving emergency contact numbers and telephone numbers direct to the concierge station;
- the monitoring of the lifts via CCTV and conducting regular patrols to ensure that any breakdowns were dealt with effectively;
- the submission of a report to the Housing and Technical Services Committee in respect of the acceptance of a tender for a contract to carry out the required repair/replacement of the system.

15. On 15 February 2006 Officer 2 wrote to Mr C about several issues relating to the management of the building, including the internal telephone system, on which she noted that:

'As per our discussion on Thursday 19 January with regard to the internal communication problem with the concierge station, as advised, the proposed plans have been passed and we are waiting for a date for the work to commence ...'.

16. The Council subsequently confirmed that the anticipated start date for the upgrading of the system would be August 2006.

(a) to (c) Conclusions

17. My investigation has established that the defect in the internal communication system was not repaired timeously because the authority had difficulty in obtaining appropriate parts. They explained this to Mr C at the outset, and indicated that the system required to be fully upgraded. In the interim, they issued a contact number for the concierge station to enable Mr C (and the other residents of the block) to communicate with the concierge officer.

18. With regard to the door entry system, the Council confirmed that this was working and that the building was secure, although communication between tenants and visitors was not possible because of the defect in the internal telephone system.

19. The breakdown of the communication system also affected the lifts. However, the Council took steps to ensure that the use of the lifts was monitored regularly, by inspection and by CCTV.

20. The Council confirmed that they had agreed to accept a tender for the upgrading of the system and that this would be progressed in accordance with the contractual arrangements.

21. In the circumstances, while I recognise the reasons why Mr C has a strong sense of frustration over the delay in dealing with the repair of the system, I do not consider that there is any evidence of administrative failure on the part of the

Council in dealing with this matter. In essence, the delay was caused by the difficulty in obtaining replacement parts for a system which had become obsolete. Although this was unfortunate and caused Mr C (and the other residents) considerable inconvenience, it was not the consequence of any fault by the Council, who pursued the matter of repair properly.

31 October 2006

Explanation of abbreviations used

Mr C	The complainant
The Association	The Tenants' and Residents' Association of which Mr C is Chairman
The Council	North Lanarkshire Council
Officer 1	A senior officer of Housing and Property Services
Officer 2	The local housing officer
CCTV	Closed circuit television