

Scottish Parliament Region: South of Scotland

Case 200503482: East Lothian Council

Summary of Investigation

Category

Local government: Housing; Heating

Overview

The complainant (Mr C) raised concerns about the adequacy of the heating in his accommodation and the fact that East Lothian Council (the Council) had failed to meet their commitment to install gas central heating.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) the Council made a commitment to install gas central heating and failed to do so (*not upheld*); and
- (b) the heating in Mr C's accommodation is inadequate (*not upheld*).

Redress and recommendation

The Ombudsman has no recommendations to make in this case.

Main Investigation Report

Introduction

1. On 13 March 2006, the Ombudsman received a complaint from an elderly man, referred to in this report as Mr C, that the heating in his accommodation was inadequate and that East Lothian Council (the Council) had failed to meet their commitment to install gas central heating in his flat. Mr C complained to the Council on 16 August 2005 about the fact that they were taking a long time to install gas central heating in his flat. In approximately November 2005, the Council decided not to go ahead with the decision to install gas central heating, for health and safety reasons. Mr C progressed his complaint through the Council's complaints procedure. The Council's complaints procedure was completed on 27 February 2006, when Mr C received a response from the Chief Executive.

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

- (a) the Council made a commitment to install gas central heating and failed to do so; and
- (b) the heating in Mr C's accommodation is inadequate.

Investigation

3. My investigation is based upon documentation and correspondence provided by Mr C and the Council's complaints file on this matter.

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 were given an opportunity to comment on a draft of this report.

(a) The Council made a commitment to install gas central heating and failed to do so

5. On 23 February 2005 the Council wrote to Mr C to inform him that they would be installing gas central heating in his flat and that his name had been forwarded to their contractor to have this work carried out.

6. The Council stated that when the contractor went to Mr C's flat to install the gas meter, Mr C attempted to cut the gas supply pipe work and, as a result, the fitting of the meter was immediately stopped and the gas supply capped outside

the property. As a result of Mr C's actions, the Council decided that, for health and safety reasons, gas central heating would not be installed in Mr C's flat. The Council stated that they were concerned about the danger which Mr C would pose to himself and to his neighbours if he had access to a live gas supply in his flat.

(a) Conclusion

7. The Council decided not to proceed with the installation of gas central heating in Mr C's flat because of health and safety concerns which arose because of Mr C's actions. Although I accept that Mr C is vulnerable because of his age, the Council's decision, under the circumstances, is reasonable and I do not uphold this part of the complaint.

(b) The heating in Mr C's accommodation is inadequate

8. Mr C was concerned that the heating in his accommodation was ineffective and very costly. After the decision was made not to install gas central heating, an electrical safety check was carried out on the current heating system in Mr C's home which indicated that everything was in working order. The Council has records that Mr C called them on several occasions to complain about the fact that the heating was not working and that the electric fire was sparking. An officer (Officer 1) from the Council visited Mr C's flat but could not detect any problems. Officer 1 decided to install a replacement electric fire and this was done on 18 November 2005.

9. The Council informed me that Mr C has been shown how to use his electric central heating system more efficiently. However, he does not wish to turn on some of the storage heaters and prefers to use the electric fire, which is the more expensive option.

(b) Conclusion

10. The Council have checked the current central heating in Mr C's flat and it is in working order. Mr C has been shown how to use the central heating system effectively but has not followed these instructions. The Council have also installed a new electric fire in Mr C's flat in November 2005. There is evidence that the flat can be heated adequately. In these circumstances, I do not uphold this complaint.

30 January 2007

Explanation of abbreviations used

Mr C	The complainant.
The Council	East Lothian Council
Officer 1	The Council Area Repairs Officer