

## Scottish Parliament Region: West of Scotland

### Case 200602514: West Dunbartonshire Council

#### Summary of Investigation

##### **Category**

Local government: Housing; Repairs to council house

##### **Overview**

The complainant (Mrs C) raised a number of concerns about how West Dunbartonshire Council (the Council) had handled her requests for housing repairs. Mrs C also complained that the Council had not given her application for housing transfer the correct number of waiting points.

##### **Specific complaints and conclusions**

The complaints which have been investigated are that the Council failed to:

- (a) expedite Mrs C's requests for housing repairs (*not upheld*); and
- (b) award the correct number of waiting points to Mrs C's request for housing transfer (*not upheld*).

##### **Redress and recommendations**

The Ombudsman has no recommendation to make.

## **Main Investigation Report**

### **Introduction**

1. Mrs C lives with her husband and three sons in a four bedroom council flat. Her home is one of 114 flats in the X Estate constructed in 1970. Two flats in the complainant's block of five are currently void and West Dunbartonshire Council (the Council) stated overall void rate is 40%. The Council has not taken a decision not to re-let properties in the X Estate and attribute the high number of voids to low demand. A previous Community Ownership Programme application by the Council to Communities Scotland included a proposal to demolish the X Estate but that application was rejected. Communities Scotland, however, asked the Council to look at further options and to consider submitting a further Community Ownership Programme application. The present complaint concerns the Council's handling of various requests for repairs made by Mrs C since 2005 and her request for re-housing.

2. The complaints from Mrs C which I have investigated are that the Council failed to:

- (a) expedite Mrs C's requests for housing repairs; and
- (b) award the correct number of waiting points to Mrs C's request for housing transfer.

### **Investigation**

3. The investigation is based on information provided by Mrs C and the Council's response to my enquiries. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mrs C and the Council were given an opportunity to comment on a draft of this report.

#### **(a) The Council failed to expedite Mrs C's requests for housing repairs**

4. The Council informed me that their Area Maintenance Officer (Officer 1) first visited Mrs C in her home on 9 February 2005. As a result of this, several works orders were issued to repair Mrs C's end bedroom window, replace a kitchen light switch and living room double socket, repair a kitchen sink drawer and to repair the flat roof over Mrs C's rear bedroom windows. These repairs were completed by 21 March 2005 (see Annex 2).

5. On 24 November 2005, Mrs C visited her councillor (Councillor A) at his surgery. As a consequence of that contact she was visited again by Officer 1

on 28 November 2005. He carried out a further room by room inspection and seven repairs were agreed: repair roof; fit new kitchen ceiling (after the roof repair); apply anti-mould treatment to front end bedroom wall; seal gaps between walls and ceilings in the living room and bedroom; fit ventilators in the bedroom cupboard doors to improve air circulation; plaster patch the bedroom wall at the side of the window; and investigate to improve the poor TV picture quality at times of rain.

#### *The roof*

6. The Council stated that a repair was carried out to the roof on 12 December 2005 but a further leak developed over the kitchen. Mrs C stated that after a heavy snow fall in February or March 2006 the kitchen ceiling came down above the cooker and there was water ingress. Mrs C telephoned another officer (Officer 2) at the Council. Officer 2 inspected and said he would get the roof repaired and the kitchen ceiling renewed. The Council said that a further repair to the roof was completed on 1 April 2006.

#### *The kitchen ceiling*

7. The Council stated that a new kitchen ceiling was ordered on 25 May 2006 but the order was cancelled when no access could be obtained. Mrs C stated that she had to telephone the Council on a number of occasions up to August 2006 to get the ceiling repaired. The Council said that the ceiling was reordered and the new ceiling installed before 3 August 2006. Mrs C maintained that the replacement ceiling was not installed to a satisfactory standard: the strapping was rough, gyproc screw indentations had not been filled in, and some plaster was left on the walls. The works had been inspected by Officer 2 on 21 September 2006 and, according to Mrs C, Officer 2 agreed that the work was unsatisfactory.

#### *Anti-mould treatment*

8. The Council stated that an attempt was made to carry out the anti-mould treatment in December 2005 but the painter could not get access. He said he left a calling card but that there was no response to the card being left and the order was cancelled on 28 December 2005. Mrs C stated that she had no knowledge of any card having been left and no knowledge of any request for access in relation to the anti-mould treatment.

#### *Sealing gaps at wallheads*

9. The Council stated that Mrs C refused on 23 December 2005 to have repairs to seal the gaps between the walls and ceilings in the living room and bedroom carried out. Mrs C confirmed that she had refused these works as she had just redecorated the house.

#### *Bedroom cupboard door ventilators*

10. The Council stated that Mrs C also refused to let ventilators be fitted on the bedroom cupboard doors on 23 December 2005. Mrs C confirmed this to be the case. She stated that she refused this work as she had just painted the cupboard doors and did not wish them to be damaged. She now leaves the doors open to improve ventilation but finds her clothing is still affected by green mould.

#### *Plasterwork repairs*

11. The Council said that they attempted to carry out a repair to the plaster next to the bedroom window but this was refused by Mrs C on 13 December 2005. Mrs C confirmed that she declined to allow the plaster patching of the bedroom and living room walls in order not to spoil the redecoration which had recently been carried out.

#### *Poor TV reception*

12. The Council stated that the TV reception was attended to on 22 March 2006 by the Council's contractor. Mrs C confirmed that she had had Sky television installed to enable her family to watch television in the living room but that, particularly when it rained, television reception was poor in the bedrooms where the TVs are connected to an external aerial.

13. Unhappy with the Council's response, Mrs C wrote again to Councillor A and submitted a copy to the then Chief Executive and the then Director of Housing, Regeneration and Environmental Services on 15 September 2006. Mrs C maintained that the Council had failed to keep their property wind and watertight. The Chief Executive responded on 6 October 2006, detailing that a number of the repairs requests had been cancelled at the instance of Mrs C. Mrs C received a follow up in a visit of 5 January 2006 to her home and a telephone call on 12 January 2006 but Mrs C had not indicated then that she wanted the repairs effected.

14. As a consequence of her letter to Councillor A, Officer 1 visited Mrs C again on 21 September 2006. Officer 1 informed Mrs C he would arrange to have the kitchen ceiling papered and painted and would have the works orders re-issued in respect of the cupboard ventilators and wall mould in the end bedroom. He also undertook to have a small hole in a hall cupboard attended to. The Council informed me that these works orders were cancelled on 8 December 2006 when no access was obtained. The Council stated that their no access procedure requires that visiting tradespersons leave a card which gives information on the repair, a free phone telephone number, and a request to contact the office as soon as possible. A works order will be cancelled if contact is not made within five working days. As at 13 April 2007, when the Council responded to my enquiry, there had been no outstanding repairs or repairs requests. New works orders had been issued then for the requests cancelled on 8 December 2006. I forwarded the Council's response to Mrs C. Mrs C replied on 25 May 2007 but failed to confirm that the outstanding works had been done or that she was prepared to arrange access.

*(a) Conclusion*

15. The disrepair of November 2005 to Mrs C's home occurred at an unfortunate time and I can readily see why, after having decorated her home in time for Christmas, Mrs C was reluctant to have the decoration disturbed. The Council attended to the fabric repairs to the roof. In respect of the outstanding minor and cosmetic repairs, it is a matter at Mrs C's discretion whether she has them done. While there are some minor discrepancies between Mrs C's account and that of the Council which I am unable to resolve, I am unable on the evidence before me to conclude that the Council are guilty of maladministration or service failure. I do not uphold the complaint.

**(b) The Council failed to award the correct number of waiting points to Mrs C's request for housing transfer**

16. The former Chief Executive's letter of 6 October 2006 to Mrs C (paragraph 13) also commented on Mrs C's request that the tenancy be placed in the joint names of her and her husband and on the low prospects of a move to four or five apartment cottage type properties elsewhere in the town where she resides.

17. Mrs C was unhappy with this reply and informed the new Chief Executive on 10 November 2006 that she was still dissatisfied about the lack of progress in relocating her family to alternative suitable accommodation.

18. In her letter of 25 May 2007, Mrs C maintained that she was entitled to five points in terms of waiting time points as she had applied for re-housing five years ago.

19. The Council's Chief Executive informed me by letter of 26 July 2007 that Mrs C's housing application was received on 9 August 2006 and that one point would be awarded on 9 August 2007 when she completes a year on the Council's waiting list. The Chief Executive stated that Mrs C had maintained in a letter accompanying the August 2006 application that she had applied for re-housing the day after moving into her current home in the X Estate. The Chief Executive stated that the Council had no record of any application form being received from Mrs C five years ago. In terms of the Council's Allocation Policy at that time, council tenants could not be admitted to their waiting list within two years of being housed. The Chief Executive also pointed out that Mrs C's current housing preferences were all for high demand properties and that the award of five points would not secure an early offer of alternative housing.

*(b) Conclusion*

20. Mrs C has not provided me with evidence that she submitted a transfer request five years ago. If she has such evidence she should submit it to the Council in support of being awarded more points. I am unable on the current information to uphold Mrs C's complaint that the Council have miscalculated her waiting time points. I do not uphold the complaint.

21 November 2007

**Explanation of abbreviations used**

Mrs C	The complainant
X Estate	The estate where Mrs C lives
The Council	West Dunbartonshire Council
Officer 1	A Council Area Maintenance Officer
Councillor A	The councillor whose ward includes the X Estate
Officer 2	Another Council Maintenance Officer

## Annex 2

### List of Works Orders

<b>Date of Issue</b>	<b>Description</b>	<b>Date Completed/ Cancelled</b>
16.02.05	Repair end bedroom window	25.02.05
21.02.05	Repair kitchen light switch and living room double socket	
21.02.05	Repair kitchen sink drawer	01.03.05
21.02.05	Repair flat roof over rear bedroom windows	23.02.05
09.03.05	Replace kitchen light switch and living room double socket	21.03.05
29.11.05	Silicon point wall/ceiling gaps in living room	23.12.05
29.11.05	Fit top and bottom ventilators into bedroom cupboard double doors	23.12.05
29.11.05	Plaster patch bedroom wall at cracks to right hand side of window	12.01.06
29.11.05	Plaster patch bedroom wall at cracks to right hand side of window	12.01.06
29.11.05	MGI treat mould in front end bedroom	28.12.05
29.11.05	Replace broken living room double socket	22.12.05
09.12.05	Repair roof per quote of 30.11.05	12.12.05



<b>Date of Issue</b>	<b>Description</b>	<b>Date Completed/ Cancelled</b>
13.01.06	Replace living room double socket	13.01.06
16.03.06	Complete roof repair per quotation of 15.03.06	01.04.06
25.05.06	Sheet over flood damaged kitchen ceiling	01.08.06
01.08.06	Sheet over flood damaged kitchen ceiling	03.08.06
21.11.06	Plaster infill wall hole in hall cupboard	08.12.06
21.11.06	Adjust/repair kitchen unit doors	08.12.06
21.11.06	Fit plastic vents to top and bottom of cupboard	08.12.06
21.11.06	Paper and emulsion poor kitchen ceiling	08.12.06