

SPSO decision report

Case: 201200540, North Lanarkshire Council
Sector: local government
Subject: maintenance and repair of roads
Outcome: some upheld, recommendations

Summary

Mr C runs a business situated on a road that the council intended to close temporarily for a week to allow for resurfacing. The normal practice was that the council prepared a letter for a representative of the contractor to hand-deliver to businesses at least a week before work started and, at the same time, to discuss specific access requirements. Mr C complained that the council did not reasonably undertake their responsibilities under the Construction (Design and Management) Regulations 2007 about access and egress (entry and exit) to the works area; did not follow their own health and safety procedures in relation to the road works; and did not investigate his complaints about these matters within a reasonable time scale.

Our investigation confirmed that the council's contractor had not notified and discussed specific access and egress requirements with Mr C (and a number of other businesses) until four calendar days before the work started. Mr C also had photographic evidence showing that health and safety procedures were on at least one occasion not followed when a vehicle reversed without a banksman (reversing assistant) in attendance. We, therefore, upheld the first two elements of Mr C's complaint. We did not uphold the complaint about complaints handling, as although the complaint took slightly longer to deal with than indicated by the council's published timelines, we found there had been mitigating circumstances.

Recommendations

We recommended that the council:

- copy this decision notice to the contractor and remind them of their responsibilities under the Construction (Design and Management) Regulations 2007 and related health and safety measures.