

## SPSO decision report

**Case:** 201301925, The City of Edinburgh Council  
**Sector:** local government  
**Subject:** statutory notices  
**Outcome:** upheld, recommendations

### Summary

Mr C and Ms C complained that the council did not follow procedures when dealing with a statutory notice served on their former property. A statutory notice was served in 2007 for maintenance work on the property, a tenement building with eight flats. The property owners were unable to reach agreement about carrying out the work, and the council were asked to take over the project. After a tendering process, a contractor was appointed and scaffolding erected. There was a full survey, additional works were found to be needed and the cost of the project increased substantially. An emergency statutory notice was served and property owners were billed retrospectively. When the bill was issued, Mr C and Ms C found that the total cost of the project had risen by more than £20,000.

They complained that the initial survey was carried out from street level by a council employee who was not a qualified surveyor. They did not think it possible for an accurate assessment to be completed from the ground, and said that the notice should not have been served until the scaffolding was erected and the full inspection carried out. They also complained about the escalation in the scale and cost of the work required on the property.

We found that the council had generally followed the procedure that they had in place at the time for serving statutory notices and for taking over the management of repairs. However, we found that non-emergency works were inappropriately included in the emergency notice and that the property owners were not properly told about the additional works identified or the costs they would be expected to cover. Given the sums involved, we were critical that there was no detailed record of the surveys, and of a lack of evidence of the work that was needed.

### Recommendations

We recommended that the council:

- reimburse Mr C and Ms C's share of the administration fees for work carried out under the statutory notices;
- apologise to Mr C and Ms C for the issues highlighted in our investigation;
- consider reviewing how they compile and record evidence of the work required on properties in cases where they are asked to take over the management of repairs required by statutory notices; and
- remind their staff of the importance of communicating any project developments to property owners, particularly when these will result in additional costs being passed on to them.