

SPSO decision report

Case: 201608032, The City of Edinburgh Council
Sector: local government
Subject: statutory notices
Decision: not upheld, recommendations

Summary

Ms C complained on behalf of herself and other residents in the apartment complex where she lives. The council had decided that Ms C, and other owners of the property, were liable for emergency and statutory repairs to a drainage system. Over the course of a number of months several emergency and statutory notices were served in relation to this. Ms C complained to the council about the various actions related to the serving of the notices. The council were of the view that they had acted appropriately and had reached decisions reasonably. Ms C remained unhappy and brought her complaints to us.

Ms C complained about the process by which the council reached decisions on whether repairs were emergency repairs and which property owners were liable for the costs of the works. We considered the administrative aspects of these matters and concluded that the council had acted reasonably in this regard. We did not uphold these aspects of Ms C's complaint.

Ms C also complained about the administration of the notices and other correspondence to the property owners. We found that there were no significant failings in the council's actions related to this. We did note that there was a delay at one point in the council issuing an emergency repair notice to property owners, that owners had received invoices at one point which the council believed had been cancelled before they had been sent out, and that the council had incorrectly stated that a letter and report were hand delivered to each liable property. However, given the overall context and the volume of correspondence that the council had to deal with regarding these notices, we did not consider that these failings were significant enough to warrant upholding the complaint. As such, we did not uphold these aspects of Ms C's complaint, but we did make some recommendations.

Recommendations

What we asked the organisation to do in this case:

- Apologise to residents via the Proprietor's Committee that an emergency repair notice was not issued within a reasonable timescale, and that their statement that a letter and report were hand delivered to each liable property was incorrect. The apology should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/leaflets-and-guidance>.

What we said should change to put things right in future:

- Investigate how invoices that were believed to have been cancelled were received by owners, and take steps to avoid a similar situation recurring.
- Investigate whether an emergency repair notice could have been issued earlier and, if so, take steps to avoid a similar situation recurring.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.