

Scottish Parliament Region: North East Scotland

Case 200700021: Aberdeen City Council

Summary of Investigation

Category

Local government: Housing; Repairs to stair lighting

Overview

The complainant (Mr C) is a tenant of the City of Aberdeen City Council (the Council). He complained to the Ombudsman on 30 March 2007 about the Council's response to his reports regarding defects in the timing of the lighting in the stairway of his block.

Specific complaint and conclusion

The complaint which has been investigated is that the Council failed since March 2006 to rectify a problem with the timing of the communal lighting system in Mr C's block (*not upheld*).

Redress and recommendations

The Ombudsman has no recommendations to make.

Main Investigation Report

Introduction

1. Mr C lives in a flat in a block of six Council flats in Aberdeen. He wrote to Aberdeen City Council (the Council) complaining about what he saw as a fault in the times the lights in his stairway came on compared to other blocks in the neighbourhood. A year later, dissatisfied with the Council's response, he complained to the Ombudsman.

2. The complaint from Mr C which I have investigated is that the Council failed since March 2006 to rectify a problem with the timing of the communal lighting system in Mr C's block.

Investigation

3. The investigation is based on information supplied by Mr 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. Mr C and the Council were given an opportunity to comment on a draft of this report.

Complaint: The Council failed since March 2006 to rectify a problem with the timing of the communal lighting system in Mr C's block

4. In March 2006 Mr C reported to the Council's Housing Repairs a fault in the automatic timing of lights coming on in his block, compared to other tenements in the area. He reported the matter again on 12 April 2006.

5. The Council informed me that the first report regarding a problem at Mr C's address was received on 23 March 2006. Following a visit by an area inspector a works order was issued on 27 March 2006. According to the Council's records this works order was completed on 4 April 2006 (Annex 2). A second works order was issued on 12 April 2006 after it had been reported that the lights were not coming on early enough. The Council have informed me that this order was attended to on 18 April 2006 when the light sensor was replaced.

6. On 24 April 2006, Mr C wrote again to the local Area Housing Office. When the problem persisted, Mr C wrote to the Council's Chief Executive on 9 May 2006.

7. A Senior Housing Assistant responded to Mr C's letter of 24 April on 10 May 2006 stating that a Works Inspector had passed an order to change the timer.

8. On 12 June 2006 the Chief Executive responded to Mr C's letter of 9 May 2006 stating that the light sensor had been checked after Mr C's report of 27 March but that no defects had been found. The Chief Executive confirmed that the light sensor had been replaced following Mr C's further report of 12 April. Further checks on 2 May 2006 and on 22 May 2006 by Council officers indicated that the light sensor was functioning correctly. Mr C was invited to contact the Council's Property Support Officer (Officer 1), if the problem persisted.

9. On 27 June 2006, Mr C wrote to Officer 1 informing him that the lights were coming on approximately an hour later at his block compared to nearby blocks. Mr C found this to be unacceptable and potentially dangerous. Mr C stated that if the light sensor was functioning correctly, then its position in the building might be a factor.

10. Officer 1 responded to Mr C on 11 July 2006 stating that an evening check had confirmed that the switch on of communal lighting in both Mr C's block and the next block were behind those of the rest of the street. He undertook to raise this with the Works Department following the Trades Holiday.

11. On 8 August 2006, Mr C reported the problem for a sixth time. He stressed that he wanted the problem addressed before the onset of the long dark nights of autumn and winter. A Council Inspector of Works (Officer 2) acknowledged receipt of Mr C's letter on 10 August 2006 and advised Mr C that the matter was receiving attention. He promised to get back to Mr C as soon as possible.

12. In the absence of a reply, Mr C submitted a formal complaint to the Chief Executive on 1 November 2006. He reminded the Chief Executive of how potentially dangerous the current situation was with the period of daylight diminishing daily.

13. Mr C's letter was acknowledged on 6 November 2006. A reply was sent by the Chief Executive on 30 November 2006. In that reply the Chief Executive stated that Officer 2 had left the Council's employment on 11 August 2006. The

Chief Executive was disappointed that Officer 2's colleagues had not responded on his behalf. The Chief Executive stated that the lighting system serving Mr C's block had been tested and found to be operating correctly. The timing of the blocks might be different due to the position of external light sensors and the presence of canopies above some front doors. The fact that lights in Mr C's block were coming on later and going off earlier in the morning suggested to the Chief Executive that the sensor for Mr C's block is positioned correctly and that it is the other blocks that might require adjustment. The Chief Executive had requested that the matter be monitored and informed Mr C that he would be informed of the outcome by the end of January 2007.

14. Mr C did not receive the Chief Executive's letter, was unaware that a reply had been sent, and received no further contact from the Council. On 30 March 2007, Mr C complained to the Ombudsman. Mr C maintained that the problem of inadequate lighting was in his block and that it was unhelpful for the Chief Executive to suggest that the standard in other blocks should be lowered.

15. The Council's Chief Executive, in response, to my enquiry provided me with a copy of relevant works orders. He considered that the fact that repairs instructions were issued in response to Mr C's reports showed that the Council had acted. The light sensor used in Mr C's block has the same specification as those used throughout the city. When it was established that the light sensor was not at fault (this is done by applying a cover to check that lights go on) an adequate explanation was provided to Mr C to account for differences in lighting times. The Chief Executive stated that the fact that the light sensor serving Mr C's block is not impeded in any way, supports the view that it reflects true lighting conditions. In neighbouring blocks, where a sensor is partially shielded by a canopy over the front door or the orientation of the block is different, internal lights may be triggered earlier and a later switch off may result.

16. In response to my enquiry of the Council their Principal Electrical Engineer and the Council's Environmental Health service informed me that they were unaware of any legislation requiring lighting to be linked to sunset or sunrise. Sections 90 and 91 of the Civic Government (Scotland) Act 1982 provide for lighting in common areas and the ability to extinguish said lights but do not specify how that should be done nor clarify the duration of the lighting period.

17. Finally, the Chief Executive apologised for the oversight in not getting back to Mr C by the end of January 2007 (paragraph 13). No additional comments or

complaints were received from residents of Mr C's block and this information was not conveyed back to him. The Chief Executive clarified that he did not state in his letter of 30 November 2006 to Mr C that the standard of lighting in other blocks should be lowered, but rather what he sought to convey was that the position of some of the sensors on buildings adjacent to Mr C might require adjustment to accurately reflect the external lighting conditions.

Conclusion

18. Mr C remains unhappy that a problem of differential switching on and off of the communal lights in his block compared to other blocks persists. The Council, however, investigated the matter, replaced the sensor for Mr C's block and provided Mr C with a reasonable explanation for the differences in switch on and switch off times. While there were shortcomings in communication in following up on the correspondence of 10 August 2006 and 30 November 2006, the Council had taken appropriate action on the substantive matter and the Chief Executive in responding to my enquiry has apologised. On balance, I do not uphold the complaint.

21 November 2007

Explanation of abbreviations used

Mr C	The complainant
The Council	The City of Aberdeen City Council
Officer 1	A Council Property Support Officer (Housing)
Officer 2	A Council Inspector of Works

List of Works Orders

Date of Works Order	Description
27 March 2006	Trace and Repair Fault at Communal Stairwell Lights (completed 4 April 2006)
12 April 2006	Faulty lighting timer-repair as necessary- lights not coming on early enough (completed 18 April 2006)
2 May 2006	Check Timer Switch to Communal stairwell Lights and adjust as necessary (completed 4 May 2006)
11 July 2006	Faulty lighting timer- repair/replace as necessary (completed 28 July 2006)