

**Case 200501862: Renfrewshire Council**

**Introduction**

1. On 10 October 2005 the Ombudsman received a complaint from a man (referred to in this report as Mr C) alleging that Renfrewshire Council (the Council) had failed to properly carry out footpath repairs close to his home.

2. In August 2004 Mr C complained to the Head of Roads about what he considered to be the dangerous condition of the lane running between his house and another. He said that there was a hole next to a manhole cover and that the surface of the path was generally breaking up. Remedial work was subsequently carried out by one of the Council's approved contractors but he complained to this office that the work had been completed to a poor standard, that the pathway was still dangerous and that its appearance could affect the value of his property. Mr C is aggrieved that the Council are prepared to accept what he believes to be a poor standard of work.

3. The complaint from Mr C which I have investigated concerns his allegation that:

(a) the work was completed to a poor standard, the pathway was still dangerous and its appearance could affect the value of his property.

4. Following the investigation of all aspects of this complaint I came to the following conclusion:

(a) not upheld, see paragraphs 10 and 11.

**Investigation and findings of fact**

5. The investigation of this complaint involved obtaining and reading all the relevant documentation including works orders to contractors, their estimate of costs and photographs provided by both the Council and Mr C. I have also made a written enquiry of the Council and while I have not included in this report every detail investigated, I am satisfied that no matter of significance has been overlooked. Mr C and the Council have been given an opportunity to

comment on a draft of this report.

6. The relevant works order dated 28 October 2004 specified that work was required to remove and reset the manhole cover, to remove and replace the existing broken surface and to treat it with weed killer. This schedule of works was confirmed in the approved contractor's estimate.

7. The work was completed in February 2005 and inspected by Council officers. A Senior Quality Officer from the Housing and Property Services Department viewed the site and was satisfied with its standard. Similarly, the Environmental Services Department indicated that they were satisfied. In accordance with the Council's normal practice when there are no evident problems, the inspections were not recorded. The Council say that a written report would only have been made to the approved contractor had the works been found to be unsatisfactory.

8. The Council take the view that all work has been carried out to their own specification and I have seen 'before and after' photographs provided by both the Council and Mr C. After viewing these I can understand what motivated Mr C to make his complaint as it is clear that the entire surface of the path had not been replaced. This was perhaps what Mr C expected but, the Council point out, for economic reasons they were unable to do this, concentrating only on areas of specific deterioration.

9. Not all of the surface of the lane was replaced, rather it was patched. However, the Council have taken the view that it would not have been economically viable for them to do otherwise. They have checked the condition of the repairs and established that they were carried out in accordance with the specification. The area was sprayed with weed killer and the Council have advised me that Environmental Services will continue to review the need for spraying in this location. I have seen the relevant documentation which confirms this and in the circumstances, I can see no grounds to criticise the Council. However, in my opinion it would be preferable to keep written inspection reports, even when no problems are noted (see paragraph 7).

10. It is clear that the path was not repaired to the standard that Mr C expected. However, the Council made a proper decision about what it could

afford to do. The works were carried out as specified and an appropriate programme to control weed growth has been put in place.

11. It seems to me that, the substance of this complaint relates more to a dispute about the Council officers' professional view of what is acceptable work, than it does to maladministration. I am satisfied that there is no evidence to suggest that the surface of the path had been left in a dangerous condition or that there would be a detrimental effect on the value of Mr C's property. Taking these facts into account, there are no grounds for me to uphold the complaint and in the circumstances I do not propose any further action.

28 February 2006