

Stage 2 Investigation Report FSXXXXXXXXXX



Complaint Report			
Investigating Officer: X		Complainant: X	
Complaint No:	X	Address:	X

Please note that where complaints consist of several elements, an 'upheld' or 'not upheld' decision is made by the Investigating Officer for each element. The Investigating Officer will then make a judgement on whether their overall decision on the complaint is that it should be 'upheld' or 'not upheld'. This is based on the decisions made on the substantive element(s) of the complaint.

Complaint:

The original complaint as submitted to the Council on the X considered the following

- Lack of response to a complaint submitted X weeks ago (Date)

- The complainant yet to receive an acknowledgement of a request to a face-to-face meeting with officers / senior representatives of the Council regarding the issues presented in previous correspondence
- Yet to receive an adequate response to the issues relating to the x for the property X.

Further to the original complaint above, the Investigative Officer met with the complainant X and his representative X on (Date). Following that meeting further points of complaint were agreed.

- Competency of the original inspection and publication of the X within 24 hours.
- The differences in dates on the various X.
- Lack of consideration in the timings of getting information to the complainant and the lack of consideration and discrimination to the complainant given his X

Outcome Sought:

Demand a face-to-face meeting with all relevant X

Summary of the investigation

The investigation is centred on a long-standing complaint with respect to building works undertaken on the property X and the issuing of a X by the Council to the previous owner of the property.

This investigation follows a Stage 1 complaint in (Date) from the complainant which stated that they couldn't get hold of anyone within X and that a member of staff (X was unhelpful. This Stage 1 complaint was not upheld, with the result of that complaint sent to the complainant on the (Date).

Background

Timeline of events

The background to this complaint starts on the (Date) when the owners of X at that time were issued an X by the X. This letter was posted to the owners following the X identifying building works at the property. The letter indicated that the works would be recorded against the property in any potential search enquiry which would affect or delay its future sale.

On (Date) a X application was submitted by the owner of the property with the view of selling the property. The requirement for the X was considered necessary given the unauthorised work record against the property. The X sought the following:

'Replacement roof, render, full electrical rewire and new gas system.'

The application included the following evidence:

- X(Date)
- X (Date)
- X work completed (Date)
- X (Date)

On (Date), the X undertook a site visit as part of the X process and noted the following outcome as part of the visit:

Retrospective application has been received, regard X app X. Applicant details are X – (Tel) Replacement windows and door were completed through X certification, and the external render was an over render system. Roof tiles have been removed and reinstated with a breathable membrane and roofing battens. Additional insulation installed in attic space. Where could be seen work, appears complete and satisfactory. Electrical re-wire and new Gas central heating system have been completed through 3rd party certification. All X received and saved into application. Repair works to blocked external foul drainage pipework, was completed by X approved contractor. Information saved in file. X can be issued.

Following this visit, the X was completed, and the X was issued the same day (Date).

In (Date) the complainant's X purchased the property at X.

In (Date), the complainant submitted a callback request to X with a request for an officer within X to contact him. The nature of the enquiry was his request to know who passed the building regulations at the above property as there were many problems. Since their occupation, the property has been subject to X. The complainant has been seeking discussions with X, and in particular X to address the issues in relation to works carried out by the previous owner of X.

On (Date), the complainant's X emailed X requesting X. A response from X that same day noted that the application was a X and therefore no approval form was issued to the previous owner.

On (Date), the complainant visited X requesting forms which were to be sent X weeks ago. Correspondence noting this visit was forwarded from X to X and X. On the next day, (Date) an email from X to X indicates that he had been in touch with the complainant.

A formal stage 1 complaint was registered on (Date) against the Authority in that the complainant had not been able to contact anyone in X and that X was being unhelpful in providing X reference X. The Council's response from X to the complainant on the (Date) stated the following:

In investigating your complaint, I have spoken to X and X including telephone conversation to X.

From the records I understand that you have spoken to X and subsequently to X on the (Date) following your initial enquiry. X states that he had explained to you that a X for the property is not held by the Authority and that such X is normally undertaken by a third party such as X. X states that X was sent to the vendor of the property and would have been available to your X's solicitor at the time of exchange of contracts. An additional copy was subsequently sent to your X's email address. X believes that he has been as helpful as is possible, in the light that we are unable to provide you with the information that you have requested.

I therefore do not uphold your complaint that you have not been able to contact X and that X has been unhelpful in not being able to provide you with a document that is not in the Authority's possession. I also note that X has re-sent X to your relative.

On (Date), a call log was received for an officer to contact the complainant regarding the ongoing issues at the property. An internal email to X was received from X stating that he had left an answer phone message with the complainant and stated that all correspondence would need to go through X.

On (Date), X emailed X referring to communication with the complainant and the request for a copy of X. The copy was sent to the complainant on (Date).

Within the following months, records show several call logs with the complainant. Within this period the complainant made requests for details on the files regarding X and other works which have taken place on the property. The call logs include:

(Date) with X

(Date) with X

(Date) with X

In addition, X emailed X on (Date) with queries on behalf of the complainant. These queries relate to the X and the date of issuing X.

X responds to X, X days later, on (Date) stating that X and the date of issue on (Date) were correct. X also states that the Authority has advised the complainant on several occasions that the dispute between the parties was a

civil matter between the parties and in which the Authority cannot intervene as it has no powers to be able to intervene.

Further to the (Date) call log, an email from X responds to several questions raised by the complainant. This mail is sent to X and X. The content of the response relates to X and the dates on X.

On (Date), the complainant visited the X and wrote a note to X with a number of queries and questions relating to X. X responded to the complainant on (Date).

Subsequently, the complainant submitted a Level 2 complaint which was registered on (Date).

Findings

Having met with the complainant and his representative during the investigative process, and the suite of evidence, call logs, emails and other notes there are several components to this complaint which require explanation.

- The first element of the complaint refers to X related points. The competency of X, the publication of X within 24 hours of X and that the complainant is yet to receive an adequate response to the issues relating to X for the property X.

In considering the background to this point of complaint, the requirement for X stems from the previous owner of the property seeking the required documentation for the sale of the property in (Date). This was required due to the record of unauthorised work against the property. The regularisation of X has sought to establish those areas of work to the property undertaken by X.

X visited the site on the same day as the submission of X. In considering the description of development, namely *'Replacement roof, render, full electrical rewire and new gas system'*, X undertook a detailed inspection of X, including the undertaking of X which is standard practice with these types of requests. I am of the view that based on the content of X's report an appropriate and sufficient inspection of the property has taken place, including the recognition of appropriate and required third-party X.

The complainant has asked why X undertook the inspection instead of X. In my investigation it is noted that X was the X during the unauthorised work inspection in (Date) and therefore was familiar with the property history. In respect to the publication of X within 24 hours, this is common practice, and given that all works were complete, and all third-party X were received then there are no issues with this practice.

The complainant in our interview on (Date) noted that surface water flooding was attributing to dampness and other issues within the property, however this did not form part of X and therefore not considered as part of X. It is noted on file that a X on behalf of X undertook X at the property, however this does not form part of X.

The complainant has requested that correspondence with X should be established regarding the works undertaken, however I am limited by the scope of the complaint in so far as my remit is to consider the Council's actions as part of this process.

To conclude this point, this Stage 2 complaint follows the Stage 1 complaint from (Date) regarding X. The stage 1 complaint noted that X was sent to X and would have been available to the X's solicitor at the time X which should / would have picked up on X. Although requested at our Meeting on (Date), I do not have before me a third-party X which could have identified any continued, or unknown issues.

In considering the evidence in front of me, it is my view that the correct Council procedures have taken place in relation to X, and it is clearly evidenced within X.

The Timings of the various X.

There are X documents within the suite of evidence which need further explanation. The first is X which accompanies X. The date states (Date). However, it does appear that the field is missing the numbers X for (Date). X considered relates to X which were submitted to X in (Date) with a commencement date (Date) and a completion date (Date). Whilst there are discrepancies with X indicate a date (Date). This point is noted with the correspondence between X and X in (Date). X explains in his email to X that X was not a X but an X which underpinned X and therefore did not invalidate X.

X is dated the (Date) and authorised by X.

Given the above, it is my view that the complainant has not been X, with clear evidence that X was granted prior to the purchase of the property by the complainant's X, and X being available to X's solicitor prior to its sale.

The final points of complain refer to the following:

- Lack of response to a complaint submitted X weeks ago (Date)
- Lack of consideration in the timings of getting information to the complainant and the lack of consideration and X
- The complainant yet to receive an acknowledgement of a request to a face-to-face meeting with X in regard to X

With respect to X, the complainant notes a lack of response to a complaint from (Date), however I do not have before me any documentation relating to that date. The most recent complaint is that registered on (Date), and which is subject to this report.

It is recognised that correspondence between X and X have been ongoing since early (Date). There is consistent communication throughout the (Date), including a response to the Stage 1 complaint. The complainant is consistent in his request to X within (Date), however that request is not agreed.

In considering this part of the complaint there are X opposing views. 1) X could have met with X to hear his complaints which could have resulted in reducing significant amount of officer time being taken up, or 2) X responses to the complainant have been sufficient and indicate that X cannot provide any further information or advice than it has already given.

Certainly option 1 could have been considered and potentially addressed the concerns of the complainant which would have reduced X, however within X it is noted that the issuing of X and further correspondence

clearly addresses the points raised in various complaints, telephone calls and emails. Regarding this point, I am satisfied that X has provided a sufficient response regarding X.

In considering the point of complaint regarding X, I do not find any grounds that this is the case. X, in terms of call log records, indicate X having spoken to the complainant on several occasions regarding the issues at the property. There is a consistent record of X stating to the complainant that the issues are a civil matter between X and X.

Conclusion

Considering the background evidence including the inspection X I do not uphold any of the X points of complaints submitted by the complainant.

Name:

X

Signature:

X

Designation:

X

Date:

(Date)