

**Julie Harris and Lance Thompson**

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SPSO  
4 Melville Street  
Edinburgh  
EH3 7NS

Dear Sir or Madam:

**Appeal 09/597632**

Having now fully exhausted the formal complaints procedure for Fife Council, we now appeal to the SPSO to investigate our complaint.

**Our Complaint:**

We maintain that the road we live on, School Brae, Letham, should be an adopted road, and indeed, should never have been classified as unadopted. As a consequence of the classification, the street was left covered in snow and ice for several weeks this winter.

**Overview:**

School Brae, Letham, is a minor road that connects Letham Primary School to the Letham-Monimail road. School Brae was recently designated a 20mph speed limit.

The road precedes north uphill from central Letham at a gradient varying between 10% and 13% - the steepest gradient being that just before the school at the top of the hill.

School Brae is fully sealed (tarmacadam) up to the school, with in excess of 15 home frontages (some of them council houses, and ex-council houses), with Letham Primary School at the end. At the school, the Brae becomes an unsealed track continuing north, but with a junction also heading west.

The Brae has street lighting along it as far as the school, and a freshwater culvert beneath it.

Fife Council provides grit bins at several locations along School Brae.

In the immediate vicinity of the school there are a number of households (four in total) where the average age is around 70-years.

School Brae, Letham, is listed on Fife Council's web site as "Not Adopted".

For a period of 27-days during the height of this winter's snows, School Brae was completely covered in thick snow and ice. No attempt was made by the council to clear the snow, and there was no delivery of grit/salt to the three small grit-bins on the Brae, also refuse and waste collection ceased. Complaints from the residents of School Brae to the council were not acted upon.

The conditions of School Brae were made all the more problematic by a leaking culvert under the Brae that has been malfunctioning for several years. The deposition of water on the lower Brae froze, making the junction of the brae to the main village-road particularly dangerous.

**Re. the letter from the Chief Executive's Office:**

**Fourth sentence of the second paragraph states,** *"All grit bins in North Fife, including School Brae, were filled 3 times between 6<sup>th</sup> January, 2010 and 19<sup>th</sup> January 2010."* This is not correct: I do not accuse Mr Hinds of lying, he is merely repeating what he has been told by Ms Wilson, who for her part is simply repeating this from someone further down the line. It is absolutely not the case that the grit bins were filled as stated: they were filled only once during the stated dates, on 13<sup>th</sup> January. If it is necessary for us to canvas our neighbours and obtain signatures to support the facts, then I would be very happy to do so.

The grit bins on the Brae are of inadequate size, and they were not filled in the manner the council believes.

**Last sentence of the second paragraph** implies that we missed the filling of the grit bins and that they were emptied immediately after they were filled. This is not the case. We, and several of our neighbours, were at home throughout the period in question and at no time did we see any council vehicle navigate the Brae. The grit bin outside Zoie Interiors (ZI), a business at the foot of the Brae, spent much of the period in question tipped on its side tucked in a corner of the threshold to ZI. The grit bin immediately outside our property was emptied by the 19<sup>th</sup> of December and was not filled again until 13<sup>th</sup> January.

We repeat that no council vehicle navigated the Brae until 13<sup>th</sup> January, and again, if it is necessary for us to canvas our neighbours to support the facts, we will do so.

**Fourth paragraph** confirms that School Brae is not adopted. We do not own School Brae, we do not own the street lighting along the Brae, we do not own the culvert under the Brae, we did not finance the sealing of the Brae, we do not own the school at the head of the Brae, and as far as we know none of the residents on School Brae own School Brae. And we did not request the Brae be made a 20mph zone. School Brae (even the name clearly defines it) is a public road to the council-run school.

The fact that the council insists School Brae is a Private Road, we maintain, is erroneous and has been wrongly classified: School Brae is the road that connects the council-run school to the Letham-Monimail road. Clearly the road must be public, and any classification other than this is inappropriate.

Evidence as to the incorrect classification of School Brae is to be found in the planning application from one of our neighbours (copy enclosed) wherein it states that “*School Brae is currently unadopted and as there are many more houses than the maximum of 4 accepted on a private road...*”. This suggests that a road should not be classified as unadopted if there are more than 4 houses along it. I would doubt that at the time of designating School Brae as a private road there were only four houses. From historical maps we have seen, we know that it must be more than a century since there were as few as 4 houses on School Brae. We therefore maintain that School Brae should never have been designated as unadopted.

**Eighth paragraph** expresses sorrow for the damage incurred to our property, and then continues to deny any responsibility. It should have been clear to the council, on their reading of our letters, that we do not and will not claim against the council for the hit-and-run damage. But the damage was done, luckily, only to property and not to any person. If the emergency services (fire or ambulance) had needed to navigate the Brae during the period in question, there could well have been a serious health issue. Who would have been responsible then for the impassable iced-up School Brae?

**Attending to the points of remedy:**

- School Brae is wrongly described as a “Private Road”, and should be adopted with immediate effect.
- The residents of School Brae should be informed in writing that School Brae is adopted.
- The leaking culvert under School Brae needs attending to, and it should be done as soon as possible.
- Either more or larger grit bins should be deposited on School Brae.
- The council should accept, unambiguously, the serious School Brae access conditions that prevailed during the period in question: it was simply a matter of luck that non of the emergency services needed to navigate the Brae during the period in question.
- The residents of School Brae should receive a refund of council tax for the 27-day period in question.

**Documents enclosed:**

- Cover e-mail of our complaint to Fife Council (21 Dec 09)
- Our complaint to Fife Council (21 Dec 09)
- Cover e-mail of our addendum to our complaint (30 Dec 09)
- Addendum to our complaint (30 Dec 09)
- Cover e-mail to Ms Wilson responding to her letter (29 Jan 10)
- Letter from Ms Wilson responding to our complaint (27 Jan 10)
- Our third letter, responding to the above (29 Jan 10)
- Response from Ms Wilson to our third letter (9 Feb 10)

- Our e-mail requesting (again) for the complaints procedure (9 Feb 10)
- Our e-mail responding to the statements made by Ms Wilson (11 Feb 10)
- Our letter to the office of Chief Executive (10 Mar 10)
- Letter received from the office of Chief Executive (31 Mar 10)
- Planning application document reference 10/00257/PPP

Yours Sincerely

Lance Thompson and Julie Harris