

Julie Harris and Lance Thompson

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29 January 2010

Fife Council
Fife House
North Street
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Dear Ms Wilson,

Ice and Snow a Serious Danger on School Brae Letham: Ref: 09/597632

Thank you for your letter dated 27 January 2010. Your response to our complaint is not satisfactory; I therefore request that you forward us the Formal Complaints Procedure as applied by Fife Council for matters such as these, and as required by the Scottish Public Services Ombudsman.

Our letters to you dated 21 December and 30 December 2009 made particular, and specific, reference to:

- The potentially lethal condition of the road surface at the top of School Brae
- The very-longstanding, and unacceptable, issue of a damaged freshwater culvert
- A complete lack of salt/grit either deposited by the council or in the bunker outside Letham Primary School
- That Fife Council maintains School Brae is not adopted
- The age and physical condition of many of the residents on School Brae
- The actual physical damage to our property, as evidenced by photographs
- Photographs of the condition of School Brae

Your letter states that ‘treatment of ice formation will only be undertaken in exceptional circumstances of thick and persistent frost lasting several days’. Ice and snow were present on School Brae from 17th December until cleared on 13th January, 21 days. Despite relentless severe weather, 27 days without any attention is not satisfactory.

Further to the specific content of our previous two letters, we also draw your attention to the fact that normal refuse and recycle collection was absent on 27 December 2009, 3, 8 and 15 January 2010, despite several telephone calls by Letham residents. The reason for these “no-shows” we argue is a direct consequence of the failure of Fife Council to make School Brae, Letham, safe for such collections to be made.

You must be aware that School Brae is not only a residential street, but also hosts Letham Primary School. We argue that the unsafe conditions of School Brae would have made attendance of the upper-brae by the emergency services (fire and ambulance) as problematic as that of the refuse vehicles. This is of significance not only for the residents of School Brae, but also parents and children accessing Letham Primary School.

We wish to draw your attention to the documentation, both regulatory and expression of aim, that we will be using in criticism of lack of action by Fife Council and the unsatisfactory way that you have attended to our complaint. We refer you to:

1. Fife Direct, Adopted Roads Search:

<http://www.fife.gov.uk/topics/index.cfm?fuseaction=aroads.search&subjectid=1E99CAFF-4A04-44D9-BC6651DD211DF98B>

Wherein School Brae, Letham, is listed as “Not Adopted” – as shown below.

Street Name	Town	Location	Status	Route Class
School Brae	Letham	Jct C28 to Access Road To Primary School (& 2 Cul-de-sacs)	Not Adopted	N/A

2. Roads (Scotland) Act 1984:

http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1984/cukpga_19840054_en_1

And Local Government etc (Scotland) Act 1994:

http://www.opsi.gov.uk/acts/acts1994/ukpga_19940039_en_1

With particular, but not exclusive, reference to the definition of “Road” and the responsibility of the Council for the maintenance of Roads.

3. COSLA guide to Local Government in Scotland Act 2003:

<http://www.cosla.gov.uk/attachments/parliament/2003actguide.pdf>

With particular, but not exclusive, reference to part-3 “Power to Advance Well-Being”

Included with the e-mail accompanying this letter, we have for your convenience attached copies of:

- 091221_FifeCouncil – our first letter to Fife Council
- 091230_FifeCouncil – our second letter to Fife Council
- 100127-Fife_Council – your response to our letters

We look forward to receiving Fife Council’s Formal Complaints Procedure by return.

Yours truly,



Lance Thompson and Julie Harris