

SPSO decision report

Case: 201100246, Fife Council
Sector: local government
Subject: complaints handling
Outcome: some upheld, recommendations

Summary

Mr C complained about how the council handled a request for an amendment to planning consent for a house to be built on part of a neighbour's garden ground. Mr C complained that the council had failed to assess the request properly and that the conditions attached to the planning consent could not be achieved. He was also unhappy with the council's handling of his representations and his complaint.

The decision on whether or not to accept an application for this kind of non-material variation is a discretionary one for the council to take. We are not an appeal body for the decisions of organisations. We can check a decision is properly made and will look at the process and procedures involved. If we find that something's gone wrong, we can make recommendations to put things right. In this case, our investigation found no evidence that the council failed to correctly exercise their discretion.

We did, however, uphold Mr C's complaints about poor complaints handling. Before we became involved the council had accepted that there were failings in how they handled Mr C's complaint. Our investigation also found that the council had failed to respond to specific questions raised by Mr C in his correspondence.

Recommendation

We recommended that the council:

- apologise for failing to respond fully to Mr C's questions.