

SPSO decision report

Case: 201200433, East Lothian Council
Sector: local government
Subject: policy/administration
Outcome: some upheld, no recommendations

Summary

Mr C complained that the council inappropriately issued a completion certificate in 1992 for building works carried out at a property he bought some years later. Mr C said the council should not have issued a completion certificate because the work 'as built' differed in several key aspects from the plans which had originally been warranted by the council. Mr C also complained that the council had delayed unreasonably in providing information he had requested.

We found that the building control officer was aware of changes (to the proposed layout and the door and window configuration) when the completion certificate was issued. We concluded that it was for the officer to decide whether the changes meant that a reapplication for warrant was necessary or if an amended drawing or annotation of the existing drawing would be sufficient. There was no evidence that the officer's professional judgement had been flawed, and we did not uphold this complaint. We upheld the complaint about information, as the council had already accepted that there were administrative errors in the handling of Mr C's request for archived drawings, which had caused delay.