

SPSO decision report

Case: 201201829, Fife Council
Sector: local government
Subject: complaints handling
Outcome: some upheld, recommendations

Summary

An application for planning consent was made to the council for a single wind turbine on an industrial estate about 800 metres from Mr C's home. Mr C lived too far away to be notified and was unaware that this had happened. He only became aware of this when the wind turbine was built. Mr C then had extensive email contact with one of his local councillors who tried to answer Mr C's questions or to direct them to a senior planning officer. The councillor then contacted the chief executive's office and the matter was dealt with by that office as a complaint review and was acknowledged as such to Mr C. Mr C responded, stressing that he was not at that time making a complaint but was gathering information. He said he reserved the right to make a complaint later.

Mr C complained to us about the council's complaints handling, and after investigation, we upheld two of his five complaints. The most significant of these was that the chief executive's service dealt with and responded to his questions by way of a complaint review. However, Mr C had specifically said that he was not making a complaint, and he had quite clearly not previously complained. It was, therefore, inappropriate for them to have dealt with his correspondence by way of a complaints review.

Recommendations

We recommended that the council:

- ensure that, if an elected member passes a matter to the Chief Executive's service to be dealt with at the final stage of the council's complaints procedure, the service check with the aggrieved person that they wish the matter to be dealt with that way, and which issues are to be addressed.