

SPSO decision report

Case: 201203677, Fife Council
Sector: local government
Subject: parking
Outcome: not upheld, no recommendations

Summary

Ms C, who is a member of the Scottish Parliament, complained about the council on behalf of her constituent (Mr A). Mr A had originally approached the council to seek permission to operate a car cleaning business from a council car park. The council refused this on the basis that there was a general presumption against the carrying out of businesses in their car parks. Following this, Ms C contacted the council on behalf of Mr A and after some communication, the council offered him the opportunity to operate his business on a two month trial basis, subject to the approval of a business plan. A significant period of time passed before Mr A's business plan reached the council. By then, they had introduced a parking order prohibiting the cleaning or washing of vehicles in any council car park, and on that basis the application was refused.

Ms C complained to us that the council failed to appropriately consider Mr A's application to operate a car cleaning business; unreasonably delayed in responding to his concerns; inappropriately failed to tell her about an order being considered by committee in relation to the setting up of businesses in council car parks; and that the order unfairly allowed some businesses to operate but not Mr A's.

After investigating these complaints, we did not uphold them. We were satisfied the council properly considered Mr A's proposal before the introduction of the order and had explained their position clearly. Although Mr A felt the submission of a business plan was unnecessary, the council were entitled to ask for this before deciding whether to allow him to operate his business. In addition, the evidence available confirmed that the council responded to concerns raised by Mr A, and others on his behalf, within a reasonable time. The process for notifying people about orders being considered by committee was to advertise in local newspapers, with information also available on the council's website. The parking order was advertised by the council but no objections were received. Lastly, the parking order specifically prohibited the cleaning or washing of vehicles in council car parks. It gave the council discretion to allow certain businesses to operate that did not involve the cleaning or washing of vehicles, when it was appropriate to do so.