

SPSO decision report

Case: 201301084, West Lothian Council
Sector: local government
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C represented a number of people at a planning appeal hearing after the council issued a planning enforcement notice about advertising hoardings that they said had been erected without permission. He said that as part of that hearing, the council deliberately misled the Scottish Government's Directorate for Planning and Environmental Appeals with regard to the number of enforcement notices served, and also about their own policy on the sponsorship of roundabouts. He thought that this incorrect information may well have prejudiced the outcome for his clients.

During our investigation, we obtained independent advice on this complaint from one of our planning advisers. The investigation found that while internal email exchanges were confusing and conflicting about the number of enforcement notices served, there was no evidence of a deliberate intention to mislead, as Mr C had suggested. We accepted that the emails concerned represented council officers' reflections in the aftermath of the planning hearing but before a decision had been given. They were not intended to contradict the council's formal position but were made in anticipation of a possible finding against the council and what might then have to be addressed. Although we did not make any formal recommendations, we did point out to the council that this presented a confusing picture and that their policy should be clear to the public.