

SPSO decision report

Case: 201602629, East Renfrewshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Mr C was unhappy with the way the council handled a request for a non-material variation (NMV) to a planning application. He said that the council had withheld and delayed the online publication of documentation. The NMV report by the council had contained two inaccuracies, which the council had already identified and agreed. Mr C felt that the council had failed to have appropriate policies/procedures in place to prevent inaccuracies in the published report and that, because of the errors identified, they had failed to accurately and correctly assess the NMV.

We sought independent planning advice. We found that there was no statutory obligation on the council to publish these documents. In light of this, we did not uphold this aspect of Mr C's complaint.

We found that it did not appear that appropriate cross-checking had occurred in this case. We were concerned that the system of checks put in place in part to identify errors had failed on this occasion. Therefore we upheld this aspect of Mr C's complaint.

We also upheld Mr C's complaint that the council had failed to accurately and correctly assess the NMV due to the factual errors in the report. However, given that the council had already acknowledged the errors, apologised and discussed the matter with the planning officer concerned, and that the errors in the report did not lead us to question the soundness of the council's overall decision, we did not make further recommendations.

Recommendations

We recommended that the council:

- audit and, if necessary, review their process for checking reports and provide us with evidence of the outcome of the audit, as well as of action taken to improve any shortfalls.