

## SPSO decision report

**Case:** 201604152, East Dunbartonshire Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Decision:** some upheld, recommendations

### Summary

Mr C complained that the council had carried out works to improve access to a site they owned at the same time as considering planning applications for the site. He was concerned that the works to facilitate access suggested that consent would be granted and, as such, prejudiced the planning applications. He was also unhappy with the consistency of the explanations he had received from the council about the access improvements.

We noted that the council had planned these works for some time prior to the submission of any planning applications, but the works had been delayed and were only initiated around the time of the submission of the applications. We noted that the council were carrying out the access improvements to improve the marketability of the site. We found no evidence to indicate that carrying out the access improvements was in any way unreasonable or inappropriate, nor did we find any evidence that it had prejudiced the planning applications. Indeed, during the course of our investigations, one of the applications was refused consent by the council. For this reason, we did not uphold this aspect of Mr C's complaint.

However, the council failed to provide us with any evidence to refute Mr C's claims that the information provided by the council during the course of his discussions with council officers and elected members was inconsistent and inaccurate. As we did not have any evidence to show that the council were consistent in their advice and information, we upheld this aspect of Mr C's complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to provide him with consistent information and explanations for the work carried out. The apology should meet the standards set out in the SPSO guidelines on making an apology, available at [www.spsso.org.uk/leaflets-and-guidance](http://www.spsso.org.uk/leaflets-and-guidance).

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.