

SPSO decision report

Case: 202101028, West Lothian Council
Sector: Local Government
Subject: Handling of application (complaints by applicants)
Decision: some upheld, recommendations

Summary

C complained that the council had failed to handle their planning application correctly. C said that the council had failed to communicate appropriately with their agent, adversely affecting their application. C also said that the council had prevented the Local Review Body (LRB, deals with requests from applicants for a review of planning decisions) from considering correspondence submitted by their councillors in support of their application. They were also concerned about the way the council had responded to concerns about a conflict of interest. C said that the objector to their application was an immediate relative of a senior planning officer. They believed this had not been properly addressed by the council. C's final concern was that the LRB had not considered the correct plans, noting the decision issued by the LRB had referenced incorrect plans.

We took independent advice from a planning adviser. We found that although there was evidence of some delays in responding to C's agent, the standard of communication was reasonable. There was no evidence that the LRB were prevented from considering correspondence from C's councillors. However, the correspondence was not part of the original application and the LRB would have had to determine specifically that it was relevant in order to include it in their decision making. The council were also able to demonstrate that the LRB had access to all the relevant plans when reaching their decision. Therefore, we did not uphold these parts of C's complaint.

In relation to the conflict of interest, we found that there was no evidence the decision on C's application had been affected by a conflict of interest. However, the council had not kept adequate records of how the acknowledged conflict of interest had been identified and managed. We upheld this part of C's complaint and asked the council to apologise but made no further recommendations as the council were able to show they had already taken action to address this.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the error identified in this decision notice. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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.