

SPSO decision report



Case: 201802259, South Ayrshire Council
Sector: local government
Subject: communication / staff attitude / confidentiality
Decision: upheld, recommendations

Summary

Mrs C complained that the council failed to provide a reasonable response to her contact about leasing a unit. Mrs C was in contact with the council's estates and planning departments in relation to leasing a unit in an industrial estate. It was found that Mrs C required planning permission to allow her to use the unit for a business that included a take-away element. Mrs C complained that throughout her contact with the estates department that they did not voice concerns over her use of the unit. Later, after her application for Change of Use was considered, she was informed that it was likely the estates department would refuse her application.

We found that the council had not communicated reasonably with Mrs C. We considered that the estates department did not manage Mrs C's expectations with respect to the viability of the proposed use of the unit, despite having sufficient information. The council were correct to advise Mrs C to seek planning advice on the use of the unit. However, we were of the view that the council could have alerted Mrs C earlier to the possible issues with the takeaway element. Therefore, we upheld Mrs C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for failing to communicate concerns about the proposed use of the unit. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.

What we said should change to put things right in future:

- Estates should include in advertisement particulars which type of class uses are acceptable for a property, if applicable.