

SPSO decision report

Case: 202105316, East Lothian Council
Sector: Local Government
Subject: Communication / staff attitude / confidentiality
Decision: some upheld, recommendations

Summary

C complained that the council failed to respond reasonably to their enquiries. A planning application was submitted by a business located close to C's home. C contacted the council's planning service asking a number of questions in relation to the proposed development. There followed a protracted correspondence during which C tried to obtain answers to their questions. The council treated some of C's questions as objections to the planning application and C was advised that they would receive no response to these points. Some of C's outstanding questions were eventually answered after C involved their local councillor, but a number remained unanswered.

Generally, we did not consider that C's enquiries could be viewed as objections to the planning application. We noted the council's comments about resourcing and the need to focus on core business but found no reasonable explanation as to why the enquiries could not have been dealt with sooner. We considered there to have been a clear and unreasonable delay to their response to C's enquiries. Therefore, we upheld this part of C's complaint.

With regard to the procedural aspects of the complaint handling, we found that the council had responded to C's complaint reasonably. Therefore, we did not uphold this part of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to reasonably respond to enquiries made by C regarding the planning process. The apology should meet the standards set out in the SPSO guidelines on apology at www.spsso.org.uk/information-leaflets.
- Invite C to submit any outstanding questions they may have with a view to investigating these and providing C with a written response.

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

- The council should review how they handle enquiries from members of the public to ensure that general enquiries are responded to, or that individuals are appropriately signposted to relevant national guidance in good time.

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.