

Case: 201101176, The City of Edinburgh Council
Sector: local government
Subject: advertisement of proposals: notification and hearing of objections
Outcome: not upheld, recommendations

Summary

Mr C complained that the council unreasonably refused to acknowledge or investigate a failure of their neighbour notification system regarding a planning application for a development in his area. He said that when he and three of his neighbours did not receive notification of the proposed development he complained to the council. Mr C said that the council claimed that there had not been a failing in their system and refused to investigate the matter. Mr C felt that they had not tested what went wrong with the neighbour notification system, despite his evidence that showed the system was failing. Mr C provided copies of his communications with the council.

The council's view was that they had complied with their neighbour notification system. They provided evidence to demonstrate that this was the case. They said they do not have a statutory obligation to investigate failures in the system beyond what is set out in law and there is no statutory requirement for them to find out whether there was a substantial body of evidence that notification had not been carried out.

In looking at Mr C's complaint, it was not our role to determine whether there was a systemic failure by the council to carry out neighbour notification, but to determine whether Mr C's complaint about alleged systemic failure was handled correctly. We found that in terms of general complaint handling, it was reasonable for the council not to launch an investigation into alleged systemic failure on the basis of one complaint that one neighbour did not receive notification. (It was alleged but not proven that this also occurred to another three neighbours and we noted that the other three neighbours did not complain to the council.) However, while the council's decision not to investigate further was reasonable, their response about when a reported neighbour notification failure would warrant further action was vague and unclear. Although we did not uphold Mr C's complaint, we made the following recommendations.

Recommendations

We recommended that the council:

- provide clarification, to Mr C and this office, of what they mean by a 'substantial body of evidence' and provide details of the steps they would take to investigate any substantial failings; and
- feed back this clarification and our views on this case to the planning staff who deal with complaints about neighbour notification.