

SPSO decision report

Case: 201301485, South Ayrshire Council
Sector: local government
Subject: planning enforcement/complaints handling
Outcome: upheld, recommendations

Summary

Ms C complained about how the council acted in response to her concerns about an aerial mast in her neighbour's garden, and about their handling of her complaint about this.

We obtained independent planning advice on the complaint from one of our advisers. The council had decided not to take enforcement action against Ms C's neighbour, and taking into account the advice we received, we accepted that this decision was reasonable. The evidence, however, showed a number of failings by the council in handling Ms C's planning enforcement complaint. These included failing to provide a timely response, unreasonably acting on personal information and pre-warning Ms C's neighbour of the initial visit by the planning enforcement officer. On balance, we considered that the council did not act reasonably in respect of Ms C's concerns about the mast.

In terms of the overall handling of Ms C's complaint, we were concerned that when Ms C indicated that she was dissatisfied with the service provided by the council's planning enforcement staff, the council in some of their responses failed to correctly recognise when her planning enforcement complaint became a formal complaint. It was only through Ms C's persistence that this was rectified.

We considered that, given the significance of the overall complaints handling issue described above, on balance, the council failed to reasonably handle Ms C's complaint about the planning enforcement service.

Recommendations

We recommended that the council:

- feed back the failings identified to the staff involved to try to prevent a future occurrence;
- ensure that in future full records are kept of site visits in accordance with the council's planning enforcement charter;
- provide us with documentary evidence that they have reviewed their Charter to make it clear that staff should not make contact with third parties during enforcement investigations; and
- provide Ms C with a written apology for the failings identified.