

## SPSO decision report

**Case:** 201508197, Clackmannanshire Council  
**Sector:** local government  
**Subject:** policy/administration  
**Outcome:** not upheld, recommendations

### Summary

Mr C had previously paved his entire front garden to make a driveway and was given permission from the council to double the length of his dropped kerb to access this area. Mr C said he had difficulty accessing his drive and wished to further extend the dropped kerb. Mr C complained that the council unreasonably failed to appropriately assess his application to extend the drop kerb outside his home.

In considering Mr C's complaint, our role was to determine whether the council followed their normal process when dealing with Mr C's application. It was not our role to assess the site in question and determine whether or not Mr C's application should have been approved – that was the council's discretionary decision.

We saw no evidence that there was any visit made by a council officer to the site in question prior to giving his initial decision to refuse Mr C's application, although the council said a visit was made. When Mr C questioned the officer's decision it appeared that the council assessed Mr C's application in accordance with their normal process, with the council officer's manager assessing the site in question and setting out his professional opinion on why the application had been refused. On balance, we did not consider that the council unreasonably failed to appropriately assess Mr C's application.

However, the evidence showed that the council failed to keep adequate records on the case and deal with Mr C's concerns about their handling of his application and the actions of council staff appropriately. We made recommendations to address this.

### Recommendations

We recommended that the council:

- feed back the failings identified in our decision to the staff involved;
- take steps to ensure that in future cases of this type, records of site visits and phone conversations regarding applications are kept and complainants are appropriately directed to their complaints procedure; and
- provide Mr C with a written apology for the failings identified.