

## SPSO decision report

**Case:** 201604703, West Lothian Council  
**Sector:** local government  
**Subject:** sales and leases of property including excambions  
**Decision:** not upheld, no recommendations

### Summary

The council advertised some land for sale and received a number of offers. Mr C, a chartered surveyor, said that his client (Mr A) made an offer for the land, which was subsequently found to be the highest offer. However, in a report to the council executive, a member of council staff recommended the sale of the land to another bidder who had offered a lesser amount. Mr C complained that the council executive was not given information on the amount of Mr A's offer, and considered this could have resulted in a different decision being made on the sale.

We acknowledged that the report provided to the council executive was brief and lacking in detailed explanation as to why the recommended offer was considered best value - it simply stated that this was determined following analysis of 'a number of offers'. We considered that the report could have included a more detailed explanation of why this was the case, particularly as the offer was not the highest. However, having reviewed all relevant information, we were satisfied that the council acted in accordance with their longstanding practice in only providing details of the offer considered to be best value in their report. We noted that the report indicated that a number of offers had been received, and it was open to council executive members to request further information if they wished, as one council member subsequently did. We also considered that the council based their decision about which offer/s to include in the report on a detailed consideration of all the information available, including seeking advice from relevant sources where required.

We concluded that staff did not unreasonably fail to give the council executive relevant information about the offers received for the land and we did not uphold the complaint. However, we fed back our comments about the desirability of a more detailed explanation of 'best value' for the council's consideration.