

SPSO decision report

Case: 201807697, Orkney Islands Council
Sector: Local Government
Subject: handling of application (complaints by applicants)
Decision: not upheld, no recommendations

Summary

Mr C complained that the council had failed to produce accurate reports for various planning applications. He also believed that officers had made mistakes whilst exercising their delegated authority. Mr C was also concerned the council had not followed the correct procedures for their planning committee. He said that the council's response to his complaint had been based on a report prepared by a firm of lawyers which had not responded to all the issues he had raised, or recognised matters which Mr C considered were an established matter of fact.

We took independent planning advice. We found that the council's approach had been confusing at times and was poorly worded. We noted that this had led to delays in the planning process; however, it had not materially affected the decision reached by the planning committee. We found that although there was disagreement between some of the council officers consulted and the planning officers who had reached the delegated decisions, the decisions themselves represented the reasonable exercising of professional judgement by the planning officers.

We also found that there was no maladministration in the planning committee's adherence to the council's Standing Orders and Scheme of Administration. However, we did note that the documents were confusing. The council had recognised the wording of the Scheme of Administration around site visits and voting was unclear. They had already agreed to take steps to address this.

We also found that the council had responded appropriately to Mr C's complaints by commissioning an investigation by an external law firm. Although this had not answered each point raised by Mr C, we found that it had provided a reasonable response, which had addressed his underlying concerns. We did not, therefore, uphold any of Mr C's complaints.