

Welton v North Cornwall District Council [1997]

The complainant sued the defendant, as one of the officers of the latter had given him false instructions while being on duty. This led to major losses by Welton and his desire to get reimbursement.

Evidence

Mr. Welton had a guest house with a restaurant. The environmental health officer of the North Cornwall District Council was obliged to inspect businesses that applied for a license. According to this officer, the complainant had to make vast amendments to his premises so that they would correspond to food regulations. Otherwise, the officer stated that the guest house would be closed. Mr. Welton completed as he was told was necessary to get the license but still had not received it. Moreover, part of the amendments the complainant had made to the premises was not obligatory at all.

Problematics

Was it a case of duty of care? Could the officer that gave wrong recommendations on obtaining the license be accused of negligence?

Resolution

It was held that no duty of care is applicable in the situation. It was also stated that the accusation of officers on duty in such circumstances could be a reason for difficulties in the implementation of their duties.

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