

## SPSO decision report

**Case:** 201201407, Falkirk Council  
**Sector:** local government  
**Subject:** neighbour disputes and anti-social behaviour  
**Outcome:** upheld, with recommendations

### Summary

Mrs C complained that the council failed to follow procedure when dealing with a noise nuisance complaint against her. She said the council did not provide her with a statement of complaint and did not allow her to read and sign their summary of the interview. She said she was not allowed to make her own statement or provide evidence to the council and that they decided to issue her with a written warning before they interviewed her. Mrs C also complained that the council failed to acknowledge or investigate equalities issues that she raised with them.

We upheld both of Mrs C's complaints. Our investigation showed that the information recorded at the time of the interview was very brief and that subsequent notes contained incorrect information on the complaint and failed to specify key details, including the actual times the incidents were alleged to have taken place. We, therefore, concluded that the council failed to provide Mrs C with the required details of the complaint against her. The evidence also suggested that Mrs C was not given the opportunity to read or sign a statement or summary of the interview. We noted, however, that Mrs C was given some opportunity to provide her version of events to council officers during the interview and that there was no evidence to suggest that she was not allowed to provide evidence to the council. There was also no evidence to suggest that the council decided to issue Mrs C with a written warning before the time of the interview. On the equalities matter, our investigation found that the council did acknowledge the equalities issues Mrs C raised but failed to take appropriate steps to investigate her concerns.

### Recommendations

We recommended that the council:

provide Mrs C with a written apology for unreasonably failing to follow their procedure when dealing with the noise nuisance complaint by failing to provide her with the required details of the complaint, and not giving her the opportunity to read or sign a statement or summary of an interview;

feed back the failings identified in the noise nuisance issue to the staff involved;

provide Mrs C with a written apology for failing to take appropriate steps to investigate the equalities issues; and

feed back the failings identified in the equalities issue to the staff involved.