

## SPSO decision report

**Case:** 201301744, West Dunbartonshire Council  
**Sector:** local government  
**Subject:** neighbour disputes and antisocial behaviour  
**Outcome:** upheld, recommendations

### Summary

Ms C complained to the council about noise from a neighbour on several occasions. Early on in these complaints, officers twice verified that there was excess noise, and issued her neighbour with warning notices. Ms C continued to complain to the council about noise, and they told her they would take legal action against her neighbour.

Ms C's concerns about noise continued, but she told us that she stopped complaining because she thought action was being taken. When nothing happened, Ms C made a formal complaint, and was told that there had been miscommunication within the council, and that, as there were no current complaints, no legal action would be taken.

The council's antisocial behaviour procedures specified what action should be taken in relation to each noise complaint. Our investigation found that the council did not keep Ms C updated and did not maintain records appropriately. They also failed to offer mediation early in the process, as required by their procedures. Finally, we found that internal communication had failed, meaning that because there were no recent verified complaints they were not able to take legal action even though they had said they would.

### Recommendations

We recommended that the council:

- ensure that staff in the antisocial investigation team take into account and follow the antisocial behaviour procedure when dealing with antisocial behaviour complaints, including the need to keep adequate records and to consider offering mediation;
- advise the Ombudsman of the steps taken to address the communications failures that occurred in this case between the antisocial investigation team and housing support;
- ensure that a procedure to manage antisocial behaviour complaints for this type of tenancy is put in place without further delay and provide evidence of this; and
- apologise to Ms C for their failures to follow their antisocial behaviour procedure, and for the inconvenience and upset that this caused her.