

SPSO decision report

Case: 201403561, West Lothian Council
Sector: local government
Subject: neighbour disputes and antisocial behaviour
Outcome: not upheld, recommendations

Summary

Miss C and her partner had complained to the council about alleged anti-social behaviour by one of their neighbours. Miss C complained about the way her complaints were handled by the council and, in particular, that the council had failed to follow their policies and procedures in dealing with the complaints made about her neighbour.

Our investigation found that Miss C and her partner had first raised their concerns about their neighbour during 2011 and that the council contacted them at that time detailing the action taken by them. In line with the council's anti-social behaviour procedure, this included mediation. Miss C and her partner continued to report incidents to the council during 2012 and 2013, and the evidence showed that the council contacted them and provided advice. However, it was clear that, in some instances, Miss C and her partner were not contacted until some time after the incident was reported. There was also a lack of records detailing the action recorded as being taken by the council.

The council explained that, in this case, they had received complaints from Miss C and her partner, but also counter-complaints from their neighbour. The council confirmed that there was no evidence of anti-social behaviour which would justify intervention by them against Miss C's neighbour. They suggested, and continued to suggest, mediation to try to resolve the problems.

While we found that there were shortcomings in the council's handling of the matter in relation to record-keeping we were satisfied that, based on the available evidence, the council took action on the incidents reported and provided appropriate advice. In these circumstances we did not uphold the complaint, but we did make a recommendation about record-keeping.

Recommendations

We recommended that the council:

- remind staff of the importance of keeping comprehensive records of the action taken during the investigation of a complaint about alleged anti-social behaviour.