

SPSO decision report

Case: 201500081, North Ayrshire Council
Sector: local government
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Ms C complained to the council that trees at the rear of her property were blocking sunlight into her back garden. Ms C was not happy with the council's response, and so she complained to us that the council failed to prune or remove the trees, and about the council's handling of her complaint.

We found that the council's tree and woodland management policy, while acknowledging that trees could create inconvenience for residents, stated that, as a general rule, pruning or removal works would not be carried out due to restriction of sunlight, unless it was judged to be excessive. In the professional opinion of council officers who assessed the trees the restriction was not excessive, taking into account the health of the trees and their position. Ms C disagreed with this assessment. However, we explained to Ms C that her disagreement was not evidence of a failing on the part of the council, and that it was not for us to determine whether there was excessive sunlight restriction. We did not uphold this complaint.

We had some concerns about the time taken by the council to respond to Ms C's complaint, about the records kept by the council about site visits to the trees, and about the level of detail and explanation in the council's final response to Ms C. We also found that the council's written responses to Ms C did not explicitly deal with the key issue of restriction of sunlight. Therefore, on balance, we upheld this aspect of Ms C's complaint.

Recommendations

We recommended that the council:

- remind staff that written replies to complaints must explicitly respond to the key issue(s) raised.