

SPSO decision report

Case: 201501711, West Lothian Council
Sector: local government
Subject: neighbour disputes and anti-social behaviour
Outcome: some upheld, recommendations

Summary

Mr C, who is a council tenant, complained to us about two issues regarding reports he had made to the council about the anti-social behaviour of his neighbour. Firstly, he complained that the council failed to follow their policies and procedures by deciding not to investigate his reports. We found that he had been told that his reports did not constitute anti-social behaviour in terms of the relevant legislation, and his case was closed on these grounds. On reviewing the council's anti-social behaviour procedures, it became clear that his complaint should have been passed to the local housing office and investigated through the procedure. This had not been done and, as such, we upheld his complaint.

He also complained that the council had failed to progress repairs to his property to stop smells entering from his neighbour's property. On investigation, it became clear that the council had attempted to progress these works, but Mr C had refused to allow the works to go ahead unless they were done on a Saturday. The council had sent Mr C a letter, clearly stating that Saturdays were outwith their normal working hours and the works would not go ahead until he proposed a suitable time. We found this to be a reasonable response and, as such, did not uphold this part of his complaint.

Recommendations

We recommended that the council:

- apologise to Mr C for the failings identified;
- re-open Mr C's case, and investigate his complaints in line with their stated procedures;
- review their anti-social behaviour procedures to rectify the discrepancies identified in our investigation; and
- provide training to relevant staff on the anti-social behaviour procedures they are required to follow.