

## SPSO decision report

**Case:** 201508325, A Council  
**Sector:** local government  
**Subject:** neighbour disputes and anti-social behaviour  
**Outcome:** upheld, recommendations

### Summary

Mr C complained that the council failed to follow their policies and procedures in dealing with his reports of anti-social behaviour about two of his neighbours, who were council tenants. Mr C said that his health had suffered considerably due to the actions of his neighbours and the council's failure to deal with the matter appropriately.

During our investigation, we looked at whether, in their handling of Mr C's complaints about his neighbours, the council had followed their anti-social behaviour procedure (ASB procedure) and the provisions set out in their Scottish Secure Tenancy Agreement (SSTA). We found that the council had dealt with most of Mr C's reports of anti-social behaviour by his neighbours in accordance with the provisions of the SSTA and their ASB procedure.

However, the records showed that having begun action under the SSTA against one of Mr C's neighbours, in relation to a pet being unsupervised in Mr C's garden and common areas, there was no evidence that the council ensured the required action was taken. This was despite Mr C continuing to report problems with his neighbours, providing them with further evidence and telling the council that they were failing to resolve his complaints.

We considered that the council's written responses to Mr C's letters were unreasonably brief and failed to fully explain the actions taken by them. The council's responses failed to advise Mr C that some of the matters raised by him were not for the council, or to whom the issues should be reported. This lack of detail was also apparent in the council's written responses to Mr C's formal letters of complaint to them about their handling of the situation. We therefore upheld Mr C's complaints.

### Recommendations

We recommended that the council:

- feed back our decision on Mr C's complaint to the staff involved;
- take steps to ensure that any future complaints from Mr C are dealt with in line with their ASB procedure and SSTA, whilst taking full account of the previous formal action taken by the council;
- ensure that, in future, they provide complainants with full written responses to written reports and formal complaints about anti-social behaviour, with signposting where appropriate; and
- provide Mr C with a written apology for the failings identified.