

## SPSO decision report

**Case:** 201604905, Perth and Kinross Council  
**Sector:** local government  
**Subject:** complaints handling  
**Decision:** some upheld, recommendations

### Summary

Ms C complained about the council's management of a multi-use games area (MUGA) near her home. When the council provided Ms C with their formal response they said that they were unable to reach a conclusion on whether she and her neighbours were affected by anti-social behaviour from users of the games area. They also promised some specific actions as a result of their investigations. Ms C complained to us that a council employee had given details of her complaint to other members of the public. She also complained that the council's decision that they were unable to reach a conclusion about anti-social behaviour was unreasonable and that, almost a year after their response, the council had not undertaken the promised actions.

We found that there was no clear evidence that the council employee had given details about the complaint to members of the public and did not uphold this aspect of the complaint.

In response to our enquiries on their decision about anti-social behaviour, the council told us that there had been no indication of significant anti-social behaviour. We therefore concluded that it had been possible for them to reach a conclusion on that element of Ms C's complaints and we upheld her complaint about this.

We found that, in their complaint response, the council had said they would engage a specialist acoustic consultant to undertake a further noise assessment and look into possible solutions to the noise. They also said that they would arrange for ball catch netting to be installed at the MUGA. We found that they had not fulfilled these actions. We upheld this aspect of Ms C's complaint.

### Recommendations

What we asked the organisation to do in this case:

- The council should apologise to Ms C that they:
- unreasonably decided that it was not possible to reach a conclusion on whether Ms C and her neighbours were affected by anti-social behaviour from users of the multi-use games area;
- unreasonably failed to engage a specialist acoustic consultant to undertake a further noise assessment and look into possible solutions to the noise; and
- unreasonably failed to arrange for ball catch netting or any alternative to be installed at the multi-use games area within a reasonable timescale.
- The apologies should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/leaflets-and-guidance>.
- Engage a specialist acoustic consultant to undertake a further noise assessment and look into possible solutions to the noise levels.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.