

## SPSO decision report

**Case:** 201000513, Falkirk Council  
**Sector:** local government  
**Subject:** policy/administration  
**Outcome:** some upheld, recommendations

### Summary

Mr C complained on behalf of the residents of his street about noise disturbance from a nearby construction site. A supermarket was being built, and Mr C's complaints centred around early morning and/or late night working and deliveries; failure to enforce adherence to planning conditions; failure to monitor and/or enforce action on breaches of conditions; failure to address his complaints; and communication issues.

Our investigation, which included taking independent advice from our planning adviser, concluded that there had been some communication issues and failures in complaints handling. However, on the majority of complaints we found that the council had taken reasonable and proportionate action to monitor the site. When Mr C first complained about early/late working, the council investigated and then issued a notice to restrict the times of certain types of work and/or deliveries to the site. While there were some breaches of these conditions, we found that the monitoring action taken by the council, which included unannounced site visits, was reasonable and proportionate. We upheld two of Mr C's nine complaints, about shortcomings in correspondence and about a council official's meeting with the residents.

### Recommendations

We recommended that the council:

- issue a written apology for the failings identified; and
- review the processes for deciding what is a service request and what is a complaint, and ensure that staff are adequately informed of and trained in the application of the processes; also ensure that the complaints literature makes this clear to complainants.