

SPSO decision report

Case: 201104975, South Ayrshire Council
Sector: local government
Subject: neighbour disputes and anti-social behaviour
Outcome: not upheld, no recommendations

Summary

Mr C said that when he moved into his house, he was aware that affordable housing was being built on land behind it. He found out later that this was to be social housing. When building was completed, the council opened a link pathway between the two estates and Mr C said that since then he had been subject to antisocial behaviour from residents of the new estate. He considered that the path was the root of the problem, and asked the council to close it. His request was heard by the council's leadership panel. It was initially intended that the item about his complaint should be held in private but, on the day, the panel took the decision to hold the meeting in public and he was not notified of this.

We did not uphold the complaint. We found that, in deciding to recommend that the item be held in private, council officers took the view that there was a risk of potential victimisation of Mr C and of others requesting the closure of the lane. We also found, however, that the relevant legislation provides for the holding of council meetings in public, except where the council decides to exclude the public when considering an item that is likely to disclose exempt information. Decisions about whether to consider an item in public or private take place at council meetings. We accepted the view of one of the panel members that the matter was of some local interest and that it would have been inappropriate to hold it in private as it had been discussed several times at tenants' and residents' association meetings. We also accepted the council's explanation of why it would have been remiss of them to have encouraged attendance at a meeting where the original decision for discussion in private had been taken to protect the residents making the complaint.