

SPSO decision report

Case: 201105006, Inverclyde Council
Sector: local government
Subject: neighbour disputes and anti-social behaviour
Outcome: upheld, recommendations

Summary

Ms C had complained to the council about antisocial noise in her building. This had been a problem for some time and she felt that the council had failed to address the underlying issue. A flat that was the source of some of the noise was owned privately with a high turnover of tenants, and Ms C said that this contributed to the ineffectiveness of the council's approach as she felt that it had been addressed on a 'tenant-by-tenant' basis, rather than as a continuing issue. She was also dissatisfied with the way that the council handled her complaint and their responses, and she raised her complaints with us. We explained that we did not have the legal power to address the alleged antisocial behaviour on her behalf. However, we did consider the way that the council had handled her complaints.

Although Ms C questioned the council's reasons for handling matters in a certain way, this in itself, does not automatically mean that they mishandled her complaint. For example, the council had provided explanations and, although Ms C did not agree with them, these had explained the council's position. When we reviewed the correspondence, however, we felt that it indicated that the long-term problems had had a significant and distressing effect on Ms C. We took the view that the council's responses did not appear to have taken this into account, and we noted that there were delays in replying. We found they had also failed to keep Ms C updated about how matters were being progressed and so, on balance, we agreed that the council failed to deal with her complaint appropriately.

Recommendations

We recommended that the council:

- reflect on their complaints handling at stages one and three, and advise the Ombudsman of any action taken (over and above their new complaints process) to ensure that in future complaints will be handled more appropriately; and
- apologise to Ms C for not keeping her informed of what was happening about her complaint.