

SPSO decision report

Case: 201101580, Fife Council
Sector: local government
Subject: neighbour disputes and antisocial behaviour
Outcome: some upheld, recommendations

Summary

Mr C complained that the council did not act in response to his concerns about dog faeces in his neighbour's garden and flooding caused by concrete slabs that his neighbour had laid in both front and rear gardens. There was no natural drainage and when it rained, water ran off the slabs, flooding Mr C's garden. As his neighbour did not clean up their dogs' faeces, this caused a foul smell and when it rained the faeces were also washed into Mr C's garden. Mr C also said that piles of rubble were pushed up against his fence from his neighbour's side.

We upheld part of Mr C's complaint. We found that the council investigated the issues he had raised and confirmed that there was a problem with the slabs and dog faeces. As the next-door property was scheduled to be extended, plans were put in place to re-lay the slabs and introduce drainage while the tenants were decanted. Although this caused some delay to the matter being addressed, and the nature of the work to be carried out changed periodically, we felt that this was a reasonable solution to the flooding problem. However, the council failed to clarify whether they had taken steps to remove the rubble. We recommended that they ensure that this issue had been addressed.

The council's neighbourhoods team leader had also advised staff to monitor the situation weekly. If any faeces were witnessed, the council would clear this and charge the tenants for the work. We found that weekly monitoring took place, but that when faeces were found staff simply asked the tenant to clean these up. The council did not take the specific action proposed by the neighbourhoods team leader, which may have resulted in prolonged monitoring and the situation being allowed to become drawn out. We also found that there was initially a significant delay in action being taken to address the issue of dog faeces.

Recommendations

We recommended that the council:

- apologise for the delay in dealing with the dog faeces issue;
- consider reviewing their approach to monitoring and acting upon complaints of dog fouling at their properties; and
- ensure that the issue of the chips and rubble reputedly piled against Mr C's fence has been addressed.