

## SPSO decision report

**Case:** 201202396, Falkirk Council  
**Sector:** local government  
**Subject:** neighbour disputes and anti-social behaviour  
**Outcome:** not upheld, recommendations

### Summary

Mr C complained on behalf of Mr and Mrs A who were council tenants experiencing noise disturbance from their neighbours. Although council officers visited the house, their visits did not coincide with times when the neighbours were being noisy, and they concluded that the noise levels were not significant enough to be classed as anti-social. They later provided noise monitoring equipment, but again found the noise levels too low to be considered a nuisance. The council suggested several times that Mr and Mrs A go to mediation with their neighbours to try to resolve this. However, Mr and Mrs A were advised not to do so, on medical grounds. Instead, the council arranged for shuttle mediation, where the mediator meets with both parties separately. Mr C complained that the council did not take Mr and Mrs A's complaints seriously, failed to record their concerns and did not take effective action to resolve the situation. He also complained that he was refused access to the results of the noise monitoring surveys.

We acknowledged that situations such as this are difficult to resolve. Mr and Mrs A were clearly badly affected by the noise. However, for the council to take decisive action, they needed corroboration of the problem and evidence that the noise was at a level that would be considered anti-social. We were provided with records kept by Mr and Mrs A and witness statements that provided general corroboration of the problem, but did not confirm specific incidents or the severity of the noise. Where proof was available, however, our investigation found there was evidence that the council took action. We were generally satisfied that they took reasonable steps to investigate the noise, and we noted that they also considered whether there was a problem with the construction of the properties. Whether or not the noise was anti-social was a matter for the professional judgement of the council's noise officers and we were satisfied that they reached a reasoned decision.

We were, however, critical of the council for failing to fully explain the anti-social behaviour policy to Mr and Mrs A and for not recording the outcome of their complaints. Mr and Mrs A made more than 400 noise complaints, and we considered that better communication from the council could have significantly reduced this. With regard to Mr C's complaint that the council did not provide the noise monitoring reports, we found that these were technical and needed specialist interpretation. As such, we felt that the summarised information provided to Mr C was reasonable.

### Recommendations

We recommended that the council:

- review their handling of Mr and Mrs A's complaints with a view to identifying better ways to explain their anti-social behaviour policy and investigations to complainants; and
- remind their staff of the importance of following up complaints of anti-social behaviour and clearly recording the decision reached on each complaint brought to them.