

SPSO decision report

Case: 201302093, Perth and Kinross Council
Sector: local government
Subject: neighbour disputes and antisocial behaviour
Outcome: not upheld, no recommendations

Summary

Mr C was unhappy when the council decided not to investigate his antisocial behaviour complaint beyond making initial enquiries. They said they did this because, under the Antisocial Behaviour Etc (Scotland) Act 2004, for such behaviour to exist it must involve this type of conduct on at least two occasions. In this case, the council thought that the incidents were so closely related that they comprised a single occasion. Mr C disagreed, saying that the instances of antisocial behaviour were separate and amounted to extreme antisocial behaviour.

We explained to Mr C that we would not give a view on whether antisocial behaviour took place as that was a matter for the council – we would only look at how they implemented their antisocial behaviour procedure. Our investigation considered how the complaints were recorded, how the decision on them was taken, and how it was communicated to Mr C. We found that the complaints were recorded on the appropriate database, that the council's decision took account of the relevant internal procedure and the Act, and that this was communicated to Mr C. This meant that the council had done as they should have and had implemented their procedure reasonably, so we did not uphold the complaint.