

## SPSO decision report

**Case:** 201605942, Perth and Kinross Council  
**Sector:** local government  
**Subject:** policy/administration  
**Decision:** upheld, recommendations

### Summary

The council opened a Multi Use Games Area (MUGA), very close to Mr C's home. Mr C complained to the council about noise nuisance and anti-social behaviour occurring at and around the MUGA. Mr C was unhappy with the response of the council and that the facility was being operated without any management plan when this had been a condition of the planning application. Mr C complained to the council about their response. The council accepted that there was a valid complaint about noise nuisance and that they had failed to implement the management plan, but did not accept that this had had an adverse impact on Mr C as he had described to them. The council made recommendations but did not apologise for the failings or take steps to remedy the problems. Mr C was dissatisfied with the response and complained to us about the council's failure to properly manage the MUGA and their response to his concerns.

We investigated and concluded that the council had failed to fulfil the planning conditions with respect to reducing possible noise nuisance through landscaping and use of noise dampening materials and in failing to implement a management plan. We also concluded that the council's complaint investigation was flawed in its scope and the responses lacked the required empathy and commitment to remedial action. We upheld Mr C's complaints.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for the failure to ensure that the MUGA met the planning conditions with an operational management plan. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/leaflets-and-guidance](http://www.spsso.org.uk/leaflets-and-guidance). The council should also acknowledge the adverse impact these failures have had on Mr C.

What we said should change to put things right in future:

- The MUGA should operate with the revised agreed management plan and with the required standard of fencing and landscaping. If this cannot be achieved by the agreed date, the MUGA should be closed immediately until this is possible.

In relation to complaints handling, we recommended:

- Complaints responses should be empathetic and include appropriate apologies for failures identified, along with adequate explanations and reasons for decisions. Guidance and standards for good investigations are set out in the SPSO Investigations Toolkit available at [www.valuingcomplaints.org.uk/learning-and-improvement/best-practice-resources/decision-making-tool](http://www.valuingcomplaints.org.uk/learning-and-improvement/best-practice-resources/decision-making-tool).

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.