

SPSO decision report

Case: 201608217, North Lanarkshire Council
Sector: local government
Subject: neighbour disputes and anti-social behaviour
Decision: some upheld, recommendations

Summary

Mr C complained about the council as he felt that they had failed to appropriately investigate reports of anti-social behaviour he and his wife had made about their previous neighbour. He claimed that the council had failed to liaise with Police Scotland over charges brought against the neighbour and that this had led to them failing to take appropriate action against her. However, on investigation we found that the council had followed their procedure for investigating anti-social behaviour. This included liaising with the police and confirming the charges in question, which led them to take appropriate and proportionate action in response. We did not uphold this part of the complaint.

Mr C was also unhappy that the council had provided inaccurate information regarding their allocations policy after he completed a mutual exchange into a new property. He explained that the council had told him that he would not be eligible for a three bedroom property despite having two children of the opposite sex, as they were both under ten years old. However, in the council's recent responses to his complaints, they apologised for providing this information and clarified that, although the law states that a child over ten would be considered overcrowded if sharing a room with a sibling of the opposite sex, the council's policy was more generous, and lowered this threshold to eight. Mr C remained dissatisfied about this, as it had led him to wait two years living in overcrowded conditions until his eldest child's tenth birthday before submitting a housing application. He felt that his housing application should be backdated two years as a result. We upheld this complaint and agreed that backdating of the application would be a reasonable resolution in the circumstances.

Finally, Mr C wished to complain about the council's handling of his complaints as he felt there had been delays. However, on investigation we found that the council had taken sufficient steps to keep Mr C updated and that the time taken to respond was not excessive, given the depth and complexity of his complaints to them.

Recommendations

What we asked the organisation to do in this case:

- The council should backdate Mr C's housing application by two years.

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.