

SPSO decision report

Case: 201900330, East Lothian Council
Sector: Local Government
Subject: Neighbour disputes and anti-social behaviour
Decision: not upheld, no recommendations

Summary

Ms C complained on behalf of her father (Mr A) that the council unreasonably issued Mr A with a third warning under the council's anti-social behaviour policy following an altercation between Mr A and his neighbour. Mr A's neighbour brought an anti-social behaviour complaint against Mr A, which was corroborated by an audio recording taken during the altercation.

Ms C complained that the council's handling of the anti-social behaviour complaint against Mr A was unreasonable as they went straight to a third warning and should not have relied on the recording from the neighbour as evidence when investigating the neighbour's complaint. We found that the council's anti-social behaviour policy allows for escalation directly to a third warning, bypassing first and second warnings, in cases where an adult is involved in serious anti-social behaviour. We found that the council's handling of the anti-social complaint made against Mr A was in line with their anti-social behaviour policy and as such did not uphold this part of the complaint.

Ms C also complained that Mr A was inappropriately recorded by a council officer and was only made aware when it was referenced by the council in their complaint correspondence. We were unable to find, on the basis of the information and evidence available, that the recording was inappropriate and as such did not uphold this part of the complaint.