

SPSO decision report

Case: 202206015, Fife Council
Sector: Local Government
Subject: Noise pollution
Decision: some upheld, recommendations

Summary

C complained that the council had failed to address excessive noise from a recreational area near their home. We found that the council had taken appropriate action in relation to C's complaints of noise nuisance and did not uphold C's complaint. However, we did provide the council with feedback on ensuring they carry out visits within a reasonable timeframe where they have agreed to do so, or contact the customer to explain why they are unable to do so.

C also complained about the council's handling of their complaint. C raised a complaint with the council about the high levels of noise from the recreational area. The council responded on the same day saying that they could not consider noise nuisance under their complaints procedure as the nuisance was not being caused by the council or by any maladministration on behalf of the council. C was advised to engage with the appropriate council service regarding monitoring and establishing the noise nuisance and was signposted to the SPSO if C felt they were not responding to what they considered to be complaints.

We found that the council unreasonably failed to act in line with the Model Complaints Handling Procedure by refusing to further respond to C's complaint. Therefore, we upheld C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the specific failings identified in respect of this complaint. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

In relation to complaints handling, we recommended:

- Complaint investigations should be carried out in line with the Local Authority Model Complaints Handling Procedure.

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.