

Decision	
Case ID	202331321
Decision type	Investigation
Landlord	Bury Metropolitan Borough Council
Landlord type	Local Authority / ALMO or TMO
Occupancy	Assured Tenancy
Date	2 April 2026

Background

1. The resident lives with her daughter, who communicated with the landlord on her behalf. For this report, we refer to both the daughter and the resident as the resident unless a distinction is required. The landlord has a managing agent who handles antisocial behaviour (ASB). We will refer to the agent as the landlord. The resident first reported ASB in November 2022. As part of the agreed actions, the landlord installed new fencing and cleared the neighbour's garden in August 2024.

What the complaint is about

2. The landlord's response to the resident's:
 - a. Reports of ASB.
 - b. Associated complaint.

Our decision (determination)

3. We found:
 - a. Reasonable redress in the landlord's response to the resident's reports of ASB.
 - b. Reasonable redress in in the landlord's response to the associated complaint.

We have not made orders for the landlord to put things right.

Summary of reasons

Response to reports of ASB

4. The landlord responded appropriately to the initial reports of ASB, but did not communicate consistently with the resident. It also delayed action on the neighbour's garden. Nonetheless, it took several reasonable steps in line with its ASB policy, including clearing the neighbour's garden, installed fencing and considered door silencers. It also acknowledged its failings, demonstrated learning and offered compensation reflecting the prolonged impact on the resident and her daughter.

Complaint handling

5. There were significant delays in responding to the stage 1 complaint, responding around 5 months after receiving the complaint. The landlord acknowledged its delay and offered compensation. While this was after our involvement, it was within reasonable timeframes of the resident's request to reconsider the amount. While it missed an opportunity to provide resolution timely and during its internal complaint process, the amount reflected the impact to the resident by its prolonged delay. The landlord responded timely to the stage 2.

Putting things right

Where we find service failure, maladministration or severe maladministration we can make orders for the landlord to put things right. We have the discretion to make recommendations in all other cases within our jurisdiction.

Recommendations

Our recommendations are not binding, and a landlord may decide not to follow them.

Our recommendations

If it has not already done so, the landlord should pay the £500 it offered to the resident after its final complaint response. Our finding of reasonable redress is made on the basis that this compensation is paid.

Our investigation

The complaint procedure

Date	What happened
3 August 2023	<p>The resident said she had called on Friday and made a complaint about the delay in resolving the waste in the garden but had not heard anything. She also complained that the noise from her neighbour was an issue that kept her awake and disturbed her daughter working from home. She said the neighbour repeatedly shouted, their dog barked continuously and there was a constant noise from the children. She asked to take her issues “higher” as her reports had not been taken seriously.</p>
5 December 2023	<p>The resident complained that the neighbour’s dog was continuously barking through the evening. She said she wanted to take the issue higher as she had experienced this for 5 years.</p>
11 May 2024	<p>We asked the landlord to provide a response to the residents complaint.</p>
20 May 2024	<p>The landlord provided its stage 1 response. It said:</p> <ul style="list-style-type: none"> • It had opened an ASB case in November 2022 and recorded regular welfare calls, supportive action and evidence gathering. • It had followed ASB procedures and arranged reviews, interviews, mediation and issued warnings. • Its housing officer referred the garden issues to the environmental health team (EHT) and sought advice from them about the noise reports. • It apologised it did not interpret her request to take issues “higher” as a complaint request. • It should have contacted the resident following her email of 5 December 2023. • Its housing officer had visited the neighbour and issued legal instructions to pursue legal enforcement.

Date	What happened
	<ul style="list-style-type: none"> • It had engaged with partner agencies but could not share details because the neighbour was vulnerable. • It would continue to pursue tenancy breach action and keep the resident updated, including a risk assessment review. • It acknowledged garden enforcement action could have been more proactive and offered measures by 30 June 2024. These included fitting door silencers, garden inspection, pest control, and a privacy fence. • It had taken learning and would deliver training to staff.
4 July 2024	We contacted the landlord and asked it to provide a stage 2 response to the resident. The landlord said it would respond by 1 August 2024.
11 July 2024	<p>The landlord provided its stage 2 response. It said:</p> <ul style="list-style-type: none"> • It had not directly received a stage 2 escalation request from the resident. • It had not completed the promised actions by 30 June 2024. It apologised. • It would inspect the neighbour's doors by 19 July 2024. • It would complete all other promised actions by 31 July 2024. • It offered £100 for the delay in completing the actions.
27 August 2024	The landlord increased its compensation offer to a total of £500 for the impact caused by delays in communication, particularly around trying to escalate her concerns and chase action.
Referral to the Ombudsman	We accepted the residents complaint on 27 November 2024. She said the landlord had not completed its promised actions. She had chased it for updates but not received a response. She wanted the landlord to reconsider the compensation offered.

What we found and why

The circumstances of this complaint are well known by the parties involved, so it is not necessary to detail everything that's happened or comment on all the information we've reviewed. We've only included the key information that forms the basis of our decision of whether the landlord is responsible for maladministration.

Complaint	Response to ASB
Finding	Reasonable redress

What we have not investigated

6. The resident reported to us that the ASB has had a significant impact on her and her household's mental health. While we do not doubt the resident's comments about the impact on her and her household health, determining causation, liability, or the impact on her health falls outside our remit. These are more appropriately pursued through the courts, as we cannot make findings on medical impact.
7. The landlord is a local authority and throughout the complaint it referred to its EHT. However, we have not looked at the action taken by the EHT as this is not within its social housing function. This is more appropriately handled by the Local Government and Social Care Ombudsman (LGSCO).
8. The resident told us in March 2026 there has been recent ASB issues. We will not investigate matters which have not been through the landlord's complaint process. Therefore this investigation will consider events from October 2022 when the resident reported ASB, until the landlords final response in July 2024. The resident may wish to pursue a complaint with the landlord regarding her more recent ASB concerns. If the resident receives a final response which she is not happy with, she can ask us to consider a new investigation.

What we have investigated

9. Our role is to investigate whether the landlord responded to ASB reports in line with its policies, procedures, and good practice. The landlord's ASB policy requires it to take all reports seriously, act swiftly, assess risk, maintain accurate records, and work with partner agencies.
10. The resident reported loud music from the neighbour on 28 October 2022 and later sent recordings. The landlord opened an ASB case on 2 November 2022 and attempted to

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visit the neighbour that same day, but they were not present at the property. This was an appropriate and proportionate response, demonstrating the landlord acted promptly and in line with its ASB policy.

11. Between October 2022 and July 2024, the resident made multiple reports concerning:
- a. Loud music, dog barking, slamming doors and shouting.
 - b. Threats and aggressive behaviour.
 - c. Waste in the neighbour's garden and concerns about rats.
 - d. Damaged fencing and the neighbour's dog entering her garden.

These reports show the resident was experiencing persistent and varied ASB issues that required ongoing management by the landlord.

12. While the landlord took several appropriate steps, there were failings in:
- a. Its communication with the resident.
 - b. Responding within reasonable timeframes.
 - c. Progressing actions relating to the neighbour's garden and fencing.

These delays and communication gaps caused avoidable frustration and inconvenience and required her to chase it for updates.

13. Despite the identified failings, the landlord also took several appropriate steps, in line with its ASB policy, and good practice. These included:
- a. Completing risk assessments and action plans.
 - b. Reviewing the resident's evidence and sending diary sheets to log incidents.
 - c. Attending the neighbour's property on several occasions, including on 23 June 2023, 18 October 2023, 1 November 2023.
 - d. Interviewing the resident and discussing behaviour and expectations.
 - e. Evidence suggests it sent several warning letters advising of potential legal action.
 - f. Attempting mediation.
 - g. Liaising with police, EHT, social services and animal rescues services.
 - h. Completing safeguarding reports.
 - i. Starting enforcement action on 12 July 2024.

14. Eviction requires substantial evidence and can be a lengthy process, the landlord showed it was willing to follow this route which was a positive and proactive approach. Furthermore, it explained this in its complaint responses and as such managed the resident's expectation.

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15. In its stage 1 response the landlord committed to completing actions by 30 June 2024, including installing door silencers, inspecting the neighbours garden and contacting pest control, installing screening fencing. However it missed this deadline, requiring the resident to chase progress and as such it did not demonstrate learning. At stage 2 response, it set out new deadlines of 19 July 2024 for door inspections and 31 July 2024 for all other actions. The garden was cleared on 1 August 2024 with no evidence of rats. The fence was installed on 20 August 2024. On 5 August 2024 the landlord confirmed no viable solution for door silencers. While the landlord followed up and was responsive these delays caused the resident avoidable inconvenience.
16. Under our dispute resolution principles, landlords must act fairly, put things right, and learn from outcomes. The landlord acknowledged several failures, recognised the impact on the resident, demonstrated learning and offered compensation.
17. At stage 2 it offered £100 compensation for delays in completing actions, which is in line with our remedies guidance and the complementary compensation guidance for maladministration. It later increased its compensation to £500 after the resident requested reconsideration. The overall amount was offered for ASB communication delays, delays completing ASB actions, and delays in allowing the resident to escalate her concerns. However, it did not break down how much related specifically to ASB failings and how much was for complaint handling delays.
18. We have apportioned £350 of the overall compensation to the impact caused by the identified ASB failures. This is an appropriate level of compensation to remedy the failings and the associated detriment to the resident. The subsequent increase further recognised the impact to the resident need to chase for updates after missed deadlines. Overall, the landlord’s action to complete the steps agreed in its responses, recognise the inconvenience of the delays and the offer of proportionate compensation was sufficient to put things right.

Complaint	The handling of the complaint
Finding	Reasonable redress

19. The landlord has a 2-stage complaint process in line with our Complaint Handling Code (the Code) and its complaints policy. It says it should acknowledge complaints within 5 working days. The resident should then receive a formal response to stage 1 complaints within 10 working days and stage 2 complaints within 20 working days of the complaint

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acknowledgement. If it cannot meet these timeframes, it can agree an extension with the resident.

20. The evidence shows that on 5 August 2023 the resident asked for her concerns to be escalated. Rather than treating this as a complaint, the landlord added the issues to the existing ASB case. She repeated her request for escalation on 5 December 2023. This was a clear expression of dissatisfaction about ASB handling and should have been logged as a formal complaint. This was omission by the landlord which caused delays and was not in line with its complaints policy or the Code.
21. The landlord forwarded the resident's email of 5 December 2023 to its complaints team on 2 April 2024. There is also no evidence it sent an acknowledgement. The complaint made on 5 December 2023 should have received a response by 28 December 2023. The landlord did not respond until 20 May 2024, around 5 months late, and significantly outside its expected standards. This response was also prompted by our involvement from 11 May 2024.
22. The delays and omissions at stage 1 caused the resident inconvenience and additional time and trouble. Although the landlord accepted it should have contacted the resident sooner, it did not offer any compensation for the failing until 27 August 2024. This was over a month after its stage 2 response. However, it was positive that the landlord sought to recognise the impact on the resident.
23. As noted above, the landlord did not provide a compensation breakdown, we have therefore attributed £150 of the £500 to the impact caused by delays in escalating the resident's concerns, which is within the suggested range for maladministration in our remedies guidance and the complementary compensation guidance. This is an appropriate level of compensation to remedy the inconvenience caused by the landlord's failures.
24. We have not seen any evidence that the resident asked the landlord to escalate her complaint. However, after the resident contacted us, we asked the landlord on 4 July 2024 to issue a stage 2 response. The landlord issued this on 11 July 2024, which was an appropriate timeframe following our request.

Learning

Knowledge information management (record keeping)

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25. The landlord can learn from improving its record keeping in relation to its recording of complaints. This could include staff training and clearer guidance to ensure it responds to residents within its complaint policy timeframes.

Communication

26. There were delays in communication by the landlord. The landlord said it had taken learning, but delays continued after its stage 2 response. The landlord may wish to explore ways to maintain consistent contact with residents, specifically regarding promised works.