

SPSO decision report



Case: 201005123, Aberdeen City Council
Sector: local government
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

When a neighbour cleaned the roof of a domestic garage with a power washer, paint flake debris landed in a garden belonging to Mr C's business. Mr C was concerned that the flakes might contain asbestos and that the land might be contaminated as a result. He reported this to the council, but was not happy with the action they took or with their response to his complaint. He then complained to SPSO. Our investigation found that the council could only take action if they found that the activity constituted a statutory nuisance. We found that they had taken appropriate steps to investigate, including a site visit and examining samples of the material. This had led them to the view that the event did not constitute a statutory nuisance. Although Mr C disagreed with this, it was for the council to decide how to respond to his concerns. We took the view that they acted appropriately in the circumstances. Mr C also complained about the council's complaints handling and communication with him. We found that on each occasion they had responded within their own timescales.