

SPSO decision report

Case: 201103803, Fife Council
Sector: local government
Subject: public health & civic government acts - nuisances/problems in/around buildings
Outcome: not upheld, no recommendations

Summary

When a school was rebuilt, a new glass fronted entrance area and carpark were created opposite Mr C's house. He found that security lights and internal lights shone into his house throughout the night, disrupting his sleep, and he complained to the council. Although it was agreed that timers would be used to ensure that the lights only came on at certain times, Mr C told us that these arrangements were not implemented at first and, when they later were, they were not adhered to. Some of the lights were also controlled by motion sensors, and were set off by animals at all hours of the night. Mr C did not feel that the council took reasonable steps to investigate and respond to his concerns.

We found, however, that the council had taken Mr C's concerns seriously and that they took steps to minimise the impact on him. Initially this involved altering the hours during which the lights operated but, when the problem persisted, the council arranged for a lighting survey to be carried out to establish whether the lights caused a statutory nuisance. The survey concluded that, during normal operation, the light levels were significantly below the required maximum level and after 21:30, the maximum lighting level was lower. The lights could exceed the maximum level after 21:30, but the council were satisfied that, as they would only come on occasionally when triggered by a motion sensor, this was acceptable. We were satisfied that the council had appropriately assessed the situation and had made decisions about the lighting levels and hours of operation taking account of Mr C's concerns and those of school staff.