

## SPSO decision report

**Case:** 201200030, North Lanarkshire Council  
**Sector:** local government  
**Subject:** control of pollution  
**Outcome:** some upheld, recommendations

### Summary

Mrs C complained that after she experienced sewage flooding into her garden, the council's environmental health and building control departments failed to take sufficient action. She alleged that as a consequence, the health of her family had been compromised. She was also unhappy that the council had allowed the owner of the property causing the problem to live in his house without having had a completion certificate provided. Mrs C said that after she complained formally about these matters, the council failed to respond properly to her concerns and did not deal with her formal complaint in terms of their own complaints process.

We investigated the complaint and took all the information provided by the council and Mrs C into account. This included the complaints files, internal emails, water testing results and inspection notes, together with drainage plans and the relevant environmental health and building legislation. Our investigation found that, while the council took appropriate action after a meeting, for about five months beforehand there had been no plan or impetus to resolve the matter, and so we upheld this part of the complaint. After the meeting, environmental health and building standards departments worked with the neighbour to find a resolution to the problem. There were some delays, but these were caused by the neighbour. The council took the view that in both this matter and that of the completion certificate, they would rather work with the neighbour's cooperation than take enforcement action against him. We found that this was a decision they were entitled to take. In terms of complaints handling, after Mrs C complained, the council found her correspondence challenging to deal with because of the amount that she sent them. Nevertheless, after tracking all the documentation as part of this investigation, we found that, overall, they dealt with Mrs C's complaint appropriately.

### Recommendations

We recommended that the council:

- apologise for the initial delay; and
- apologise for their failure in this matter.