

SPSO decision report

Case: 201403431, Fife Council
Sector: local government
Subject: noise pollution
Outcome: not upheld, no recommendations

Summary

Mrs C complained to the council about noise and air pollution from a nearby industrial site. The council looked into the matter but did not consider the problems to constitute a statutory nuisance. However, Mrs C did not feel that the council had taken sufficient steps to investigate her concerns and she was unhappy that they failed to take action against the site owners.

It was not our role to assess whether a nuisance existed as that was a matter for the council. The focus of our investigation was to establish whether the council acted in line with the appropriate procedures when investigating Mrs C's complaints.

The available evidence demonstrated that the council made a significant number of visits to the area, and carried out tests, to determine whether or not a statutory nuisance existed. They also contacted relevant specialists for advice on measuring the air pollution concerns. They responded to each of the complaints of nuisance raised by Mrs C within an appropriate timeframe. While they could have done more to keep Mrs C up to date on the progress of their investigations, they had already acknowledged this and apologised to Mrs C. In the absence of any evidence of administrative failure in the way the council investigated the complaints of nuisance, we did not uphold the complaint.