

SPSO decision report

Case: 201707785, Falkirk Council
Sector: local government
Subject: policy / administration
Decision: not upheld, no recommendations

Summary

Mr C, a solicitor, complained on behalf of his clients, who are the residents of a housing development. During an inspection, an environmental regulator found that the sewage from the development was not discharging to the authorised location. The residents were faced with the cost of carrying out works to fix this. Mr C raised concerns that the council had failed to meet their obligations under the relevant building standards regulations, as they issued a completion certificate for the housing development without checking that the sewage outlet discharged to the authorised location.

We took independent advice from a building standards adviser. We found that the council was only responsible for the development's drainage system up to the point that it connected to the development's private sewage treatment plant. We found that the sewage outlet was solely a matter for the environmental regulator. We found that the council appropriately told the developers that they would need to get the regulator's consent for the sewage outlet and that they would need to comply with the conditions set by the regulator in that consent. We found that it was reasonable the council issued a completion certificate without checking or confirming the location of the sewage outlet, as they had no responsibility to do so. We did not uphold this complaint.