

## SPSO decision report



**Case:** 201802130, Argyll and Bute Council  
**Sector:** local government  
**Subject:** noise pollution  
**Decision:** upheld, recommendations

### Summary

Ms C runs a hostel and complained about noise coming from a nearby road depot. Ms C complained to the council but felt they did not undertake an appropriate assessment of the noise from the depot. She wanted the council to investigate and take enforcement action.

The council said that they had taken reasonable steps to investigate the complaint, stating that this was carried out in accordance with their enforcement policy. The council's position was that the site visits carried out by the environmental health officer, and subsequent interviews with staff, represented an appropriate response. They concluded there was no statutory nuisance and therefore said it was not appropriate to undertake enforcement action.

We noted that the council's website sets out the type of actions they will take upon receipt of a noise complaint. This includes asking for a noise diary to be maintained for one to two weeks, then assessing the written evidence to determine the scale and extent of the problem. Ms C had not been asked to keep a noise diary, and when the environmental health manager reviewed the actions of the investigating officer they stated it could not be judged whether the noise at the depot would constitute a nuisance without a noise diary to assist in identifying the times, duration and frequency of noise issues.

We found that there was a lack of clear evidence of the investigation which was undertaken by the council. We also found there was a lack of evidence to support the decision that the noise was not a statutory nuisance. We therefore upheld this complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms C for failing to take reasonable steps to investigate the complaints about noise. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).
- Contact Ms C to enquire whether the noise is an ongoing problem. If it is, liaise with her regarding the use of a noise diary, in line with council policy, and thereafter determine whether the noise constitutes a statutory nuisance.

What we said should change to put things right in future:

- Staff should be clear about how to apply council policy and procedures when complaints about noise are made.