

SPSO decision report



Case: 201901549, East Lothian Council
Sector: Local Government
Subject: Public Health & Civic Government Acts - nuisances / problems in/around buildings
Decision: not upheld, no recommendations

Summary

C complained about the council's handling of a Statutory Nuisance under the Environmental Protection Act 1990 (the Act), which was affecting their home. They had a number of concerns regarding the procedures followed by the council and the abatement notices served under the Act to reduce the nuisance.

In addition, the council had restricted C's contact to them through a single point of contact, which C considered was unreasonable in the circumstances. C also held concerns regarding the council's handling of their subsequent complaints about these matters.

We took independent advice from an environmental health adviser. We found that the council's handling of the nuisance had overall been reasonable, although they identified some minor procedural issues in the way this had been handled. The procedural irregularities did not result in any practical impact, and the handling was, overall, reasonable. In addition, we considered that the council had acted reasonably within their discretion when restricting C's contact and in responding to their complaints. For these reasons, we did not uphold C's complaints.