

SPSO decision report

Case: 201601989, Glasgow City Council
Sector: local government
Subject: noise pollution
Decision: not upheld, no recommendations

Summary

Mr C, who owns a commercial property, complained about the way the council had handled his complaints of noise nuisance from a neighbouring commercial property.

Mr C complained that the council had not taken reasonable enforcement action against the other premises. We took independent advice from an environmental health adviser. We found that the council has a legal responsibility under the Environmental Health Act 1990 to investigate complaints of noise and to take action where they determine that a statutory noise nuisance exists. We found that the council had investigated the complaints of noise nuisance and had decided that there were no grounds to take statutory enforcement action. We were satisfied that the council had explained the reasons for their decision and the basis upon which they had exercised their judgement in this case. As such, based on the evidence available and taking into account the advice we received, we did not uphold the complaint.

Mr C also complained that the council had failed to provide a full and reasonable response to his complaint. We found that while the responses were outwith the timescales detailed in the complaints handling procedure, the council had met with Mr C and had provided a reasonable response to his representations. As such, we did not uphold the complaint.

Finally, Mr C complained that the council had decided to withdraw the services of their noise pollution team until suitable insulation had been installed. We found that the council had decided, after investigation, that the noise problems were being caused by ineffective noise insulation between the two premises and that, until such time as sound insulation works were carried out, they would not respond to further noise complaints. This was a discretionary decision for the council to take and we found no evidence of fault in arriving at the decision. We were satisfied that the council had explained the reasons for their decision to Mr C. Based on the available evidence and taking into account the advice we received, we did not uphold the complaint.