

SPSO decision report

Case: 201704758, The City of Edinburgh Council
Sector: local government
Subject: control of pollution
Decision: some upheld, recommendations

Summary

Mr C complained that the council failed to investigate the issue of strong odours which were affecting him at his place of work. These were coming from a nearby restaurant and separate smells from a sewer pipe at a neighbouring hotel. Mr C said that it was the council's responsibility to ensure that both the restaurant and hotel were complying with health and safety regulations.

The council responded by advising that they had investigated the matter and attended the restaurant who agreed to take action to reduce the smell. The council felt that this resolved this particular issue. They also contacted the hotel owner who confirmed that they were aware of the issue and were working with the water provider to resolve this. The council held the view that the matter was in hand, and as they did not have authority over the sewerage pipes, they would not take any further action. Following continued complaints, the council visited Mr C's place of work but did not identify any smells that would be classed as a Statutory Nuisance and therefore could not issue an Abatement Order. They also liaised with the water provider to encourage the necessary work to be completed. Mr C remained unhappy and brought his complaint to us.

We found that the council had responded to the issues appropriately and promptly. The council remained largely involved in trying to resolve the issues by assisting the relevant parties involved despite having limited authority. Therefore, we did not uphold this aspect of Mr C's complaint.

Mr C also complained that the council failed to provide a reasonable response to his complaint. We found that some of the language used in their response to Mr C was inappropriate and they failed to advise him on how to escalate his complaint. Therefore, we upheld this aspect of Mr C's complaint. The council acknowledged these failings and have already taken action to prevent issues occurring again in the future.

Recommendations