

SPSO decision report

Case: 201406394, The City of Edinburgh Council

Sector: local government

Subject: noise pollution

Outcome: not upheld, no recommendations

Summary

Mr C complained about the council's decision to request a church bell's chime to be switched off following noise complaints from neighbouring residents. The council's noise team investigated the complaints as per their duty under the Environmental Protection Act 1990, and they used World Health Organisation guidelines to establish whether the measured noise levels would cause sleep disturbance. As the recorded noise levels from one of the complainants' properties exceeded the guideline level, the council deemed the noise to be a nuisance. They asked for the chime to be switched off until a longer-term solution could be identified. Mr C noted the historic nature of the church bell. He considered that the council were inappropriately treating it in the same manner as a malfunctioning car alarm or a late night party.

The council explained how they investigated the noise complaints. They assured us that they had adhered to their statutory and procedural responsibilities. They noted that their public safety team were responsible for maintaining the church bell. Therefore, they had assumed that the team was also responsible for taking action to resolve the noise complaints. The chime was switched off via an informal agreement with the public safety team and the council felt that a longer-term solution could be quickly identified and agreed. However, it was then clarified that the role of the public safety team did not extend to this, and the church owners were responsible. The council told us they were committed to working with the owners to help find an appropriate solution, and they provided evidence of their ongoing involvement in this process.

Apart from the confusion over responsibilities, we concluded that the decision to ask for the chime to be switched off was a discretionary one that the council were entitled to take. We were satisfied that they provided evidence to demonstrate the basis upon which they exercised their professional judgement. As we did not see any evidence of administrative failure on the council's part, we did not uphold the complaint.