

From: [REDACTED]
To: [REDACTED]
Subject: 20240827 Email Outgoing Subject - Response and case closure from ESS - IESS.24.058
Date: 27 August 2024 19:32:00
Attachments: [image001.png](#)
[image003.png](#)
[image002.png](#)

Dear [REDACTED]

Thank you for submitting a representation to Environmental Standards Scotland (ESS).

To offer a little background, ESS is an independent body set up to ensure the effectiveness of environmental law, and prevent enforcement gaps arising from the UK leaving the European Union. We are here to monitor the effectiveness of environmental law in Scotland, and public authorities' compliance with it. Unfortunately the concerns you raise fall out with our remit, however I can advise that the issues raised would be best dealt with by East Dunbartonshire Council's environmental health department, as they are responsible for carrying out inspections where alleged nuisance (i.e. water leakage) is occurring. In addition they often have officers who can investigate private housing issues and engage with private landlords and residents within the building, when communal repairs are necessary.

You have confirmed in your submission that you have already raised your concerns with East Dunbartonshire Council, however the response you have received to date has been disappointing. On reviewing the information provided I think you may have contacted the housing team at East Dunbartonshire Council as they are the factors and own two of the four properties within the building. If you feel dissatisfied with the lack of action or process undertaken by East Dunbartonshire Council, you can lodge a formal complaint and depending on the outcome you may then wish to escalate this to a stage 2 complaint, this should be responded to by East Dunbartonshire Council within 20 working days. Following this, if you remain unhappy with the response provided, you can submit a complaint to the Scottish Public Services Ombudsman (SPSO).

The SPSO is another oversight body however unlike ESS, the SPSO can review individual cases and regulatory decisions made by public authorities and consider complaints of maladministration. Maladministration is not defined in legislation, but case law confirms that it can cover things like failure to follow relevant law, policy, procedure, or guidance. Further information on how to make a complaint to the SPSO can be found at: [Making a complaint | SPSO](#).

Whilst ESS can investigate non-compliance by public authorities, the role of ESS has been specifically defined by the [Continuity \(Scotland\) Act 2021](#) so to avoid any overlap with the responsibilities and functions of existing oversight and regulatory bodies (such as the SPSO). What this means is that, given your concerns fall under the remit of SPSO, ESS is unable to take your concerns forward.

Should you require any clarification on any of the above, or have any further concerns please do not hesitate to contact me.

Kind regards

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Senior Investigations Officer
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