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Senior Investigations Officer
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Irean Àrainneachdail na h-Alba

ENVIRONMENTAL
Standards Scotland

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1 May 2025

Subject: Case Reference IESS.25.018 Street Cleansing

Dear ██████████,

Thank you for contacting Environmental Standards Scotland (ESS) and taking the time to discuss your concerns with me. Following our telephone conversation and email correspondence I have considered your representation and have concluded that it is not within remit for ESS and that an alternative remedy is available.

During our conversation you confirmed that your concerns relate to the City of Edinburgh Council's (CEC) fulfilment of their street cleansing duties under Section 89 of the Environmental Protection Act 1990 and statutory Code of Practice on Litter and Refuse; and the effect this is having on your residential amenity, for example visual impact and cleanliness.

You advised that you have already raised your concerns with CEC, however the response you have received to date has not resolved the issue to your satisfaction.

ESS is an independent environmental oversight body set up to consider public bodies' compliance with, and the effectiveness of, environmental law. Accordingly, when we receive a representation, our first steps are to confirm whether the concerns raised fall within our remit, and to consider whether the case would be appropriate for investigation.

The representation you raised has been considered against ESS' remit and investigation criteria. In view of the information you have provided, the concerns you raised do not meet the criteria to investigate. However, an alternative remedy to the issue you have raised is available. The relevant oversight body to assist you in this case would be the Scottish Public Services Ombudsman (SPSO). I understand that you have lodged formal Stage 1 and Stage 2 complaints with CEC and remain dissatisfied. At this stage you can submit a complaint to the Scottish Public Services Ombudsman (SPSO).

The role of ESS has been specifically defined by [the Continuity \(Scotland\) Act 2021](#) to avoid any overlap with the responsibilities and functions of existing oversight and regulatory bodies (such as the SPSO).

Environmental Standards Scotland Enquiries
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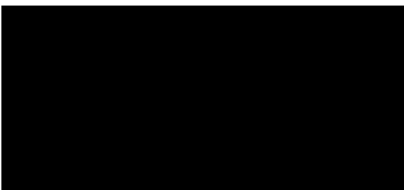
Unlike ESS, the SPSO can review individual cases and regulatory decisions made by public authorities and consider complaints of maladministration. Maladministration can cover matters including failure to follow relevant law, policy, procedure, or guidance. Further information on how to make a complaint to the SPSO can be found at:

<https://www.spsso.org.uk/making-complaint>

The SPSO website contains published decision reports relating to similar street cleansing issues, for example [Decision Report 201508681 | Glasgow City Council | SPSO](#); and [Decision Report 201609191 | Glasgow City Council | SPSO](#)

For the above reasons, no further action will be taken by ESS in respect of your representation. I appreciate you may find this response disappointing, but I hope my explanation reassures you that I have fully considered the concerns you have brought to ESS.

Yours sincerely,



Senior Investigations Officer.

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