

Statutory **nuisance**



This leaflet is designed to guide you through the process of making a complaint about a Statutory Nuisance.

Should I complain?

Before you complain directly to North Norfolk District Council try to consider how the problem is affecting you. Statutory Nuisance is designed to deal with nontrivial matters. This might include noisy neighbours (domestic & commercial), smells or smoke. If you need advice on whether your problem might constitute a nuisance telephone the Environmental Protection Team on 01263 516085.

It is also a good idea to approach the person causing the nuisance and explain the problem politely to see if it can be resolved informally.

You should also keep a diary of events. This will help you to determine how often the problem occurs and how it affects you when it does. The things you should consider are the time of the occurrence, how long it lasted, where you were and what it prevented you from doing. An example is shown overleaf.

For the Council to take action to resolve your problem, it must also be affecting you at your premises. Premises include your house and any gardens you may have.

I have spoken to the neighbours but am still being disturbed

Phone North Norfolk District Council's Environmental Health Department on 01263 516085 and ask to speak to a member of the Environmental Protection Team.

If you are advised that your complaint will be investigated, you will be sent log sheets, which you will need to complete and return after approximately two weeks. If you have kept a diary already you can transcribe these entries onto the log sheet.

In addition the Council will write to the person causing the problem to advise them that a complaint has been received and that the matter will be investigated.

You will then be contacted and an appointment made for an officer to visit you to try to witness and assess the problem. Should the officer fail to witness the problem a further visit will be arranged. These visits are arranged according to the information on the log sheets. It is therefore important that you complete the sheets as accurately as possible.



The problem occurs late at night. Will an officer visit me outside office hours?

Yes. If it is necessary to visit you out of normal working hours, the officer will arrange an appointment with you.

In the case of noise complaints, the officer may decide to install sound monitoring equipment in your premises. This helps determine whether or not the complaint is serious enough to constitute the Council taking action.

Noise monitoring equipment is usually left with you over a weekend or for up to one week if necessary.

My complaint has been assessed. What's the next step?

You will receive a letter explaining the next step. If the complaint does not constitute a Statutory Nuisance, we will inform you and advise you as to how you can progress the case privately.

If the complaint constitutes a Statutory Nuisance, the Council will contact the person responsible and ask them to abate the nuisance. In the first instance this will usually be an informal request.

The Council has contacted my neighbour but there has been no improvement

If the person responsible ignores the Council's request then formal action under the Environmental Protection Act 1990 will be taken. This will involve serving a Notice requiring abatement and giving the person a time-scale for complying with the request. Witness Statements will need to be provided should Court proceedings result.

Notice has been served but the problem is still happening

In reality, this is a very rare occurrence. However, once the Notice has expired the Council will reassess the problem to determine if the Nuisance has been abated. If the problem has not been successfully abated then the Council will refer the case for legal proceedings against the person responsible. You may well be required to attend Court to give evidence of the problem.

In some circumstances, the Council may also undertake works itself to abate the Nuisance or alternatively seize equipment causing a noise nuisance. This will only occur in extreme cases.

Ultimately, it is for the courts to decide if an offence has been committed. It is, therefore, important that the Council has all the evidence needed to bring a prosecution. This is why you may need to attend Court.

Environmental Health



The table below show examples of how to record a complaint

Date	Time Started	Time Finished	Description of Alleged Nuisance	Where Were you affected	How you were affected	General Observations
12 May	21:00	21:50	Noisy stereo	Living room watch TV	Unable to of very heavy bass beat	Music consisted
15 May	23:00	01:30	Noisy stereo	Bedroom from sleep	Woke me back to sleep	Unable to get
18 May	13:00	16:30	Noisy stereo	Garden my garden	Unable to enjoy inside and close my windows	I had to go

Telephone, Fax and Email:

Tel: 01263 516085

fax: 01263 514627

email: ep@north-norfolk.gov.uk

Our switchboard - 01263 513811 operates from:

8:30am to 5pm Monday to Thursday

8:30am to 4:30pm Friday

Write to:

Environmental Protection Team

Environmental Health

North Norfolk District Council

Holt Road

Cromer

Norfolk NR27 9EN

www.northnorfolk.org



If you would like this leaflet in large print, audio, Braille, alternative format or in a different language please call North Norfolk District Council on 01263 513811, and we will do our best to help.