



## Environmental Health

# Statutory nuisance - Standard Procedure for investigating complaints about nuisance.

Under the Environmental Protection Act 1990 we must investigate complaints about nuisance and take action if we are satisfied that the matter is a statutory nuisance.

## What is a statutory nuisance?

Statutory nuisance is generally defined as nuisance that is unreasonable and significant, and which has an unreasonable effect on a person's enjoyment of their property. It is much more than just something that is annoying.

Examples of statutory nuisance include the following.

- Excessive, unreasonable and very loud noise
- Excessive smoke
- Blinding light
- Extremely strong-smelling fumes or odours

## Making a complaint

Before you make a complaint, we recommend that you try talking to the person causing the problem in case they do not know that they are affecting you. If this does not solve the problem, you can complain to us as follows.

## During office hours

You can make a complaint during normal office hours in the following ways.

By phone: 01702 546366 or on-line: [www.rochford.gov.uk/nuisance](http://www.rochford.gov.uk/nuisance)

In person or in writing: The Council Offices

South Street  
Rochford  
Essex  
SS4 1BW

## Out of office hours

We do not currently offer an out-of-hours service for reporting a nuisance.

Your complaint **must** include the following details.

- Your name, address, phone number and e-mail if you have one, so we can keep you informed
- We will not reveal your name and address, but the person you have complained about may guess this. Also, your address may have to appear on a legal notice, or you may need to be a witness if the case goes to court.
- Sometimes we may need to share your details with another agency like the police, to help resolve your complaint, but we will advise you if we need to do this.
- If your complaint does not include your name and address, we will **not** investigate your complaint as we need this information to get evidence about how you are being affected.
- The exact address (or site) the nuisance is coming from.
- When it happens and how long it goes on.
- Where, when and in what circumstances you are affected, what it prevents you from doing
- Any action you have taken to try to deal with the problem (for example, talking to the person causing the problem).

## Types of complaint and what we will do

If you contact us by phone, a member of our customer services team will record your details and the details of your complaint. A case will be raised and passed to a member of our Environmental Health team, who will aim to contact you within five days.

The officer dealing with your complaint will tell you what action we will take. We will usually follow the procedure set out on the following pages.

### (Standard procedure)

If we accept your complaint, we will send a letter to the person you have complained about. This will tell them that a complaint has been made and ask them to consider ways to prevent their actions from being a nuisance.

At the same time, we will send you a letter to confirm what we have done. We will also send you a set of diary sheets for you to fill in if the nuisance continues. You would need to fill these in for a period of 21 days to give us evidence of the alleged nuisance.

These diaries are very important, and we may use them as evidence in court. Please be honest and accurate as magistrates do not look kindly on exaggerated or inaccurate evidence and may throw the case out of court.



If your diary sheets show that the problem is unreasonable and it happens during office hours, an officer may visit you to assess the nuisance. We may arrange a visit for regular nuisances that arise out of office hours.

Or if it is for noise, we may leave a locked recording device at your premises for a period of time. You would need to turn the device on when the noise happens.

If we carry out visits, we will usually make up to three visits at the time when the nuisance is most likely to happen, and usually based upon when your diary sheets show the nuisance happens.

If we are satisfied that the matter amounts to a statutory nuisance, we will issue an 'abatement notice' under the Environmental Protection Act 1990. However, we may first take informal action to try to solve the problem.

It may be difficult to solve the problem to everyone's satisfaction. However, we will keep you informed of our progress.

## **What happens if it is not a statutory nuisance?**

The officer you are dealing with will tell you what action we have taken and what other options are available to you.

You may need to take legal action yourself under section 82 of the Environmental Protection Act 1990. Your diaries will be a valuable source of evidence when taking this action. Please see our leaflet 'Statutory nuisance – Taking your own private action'.

We may also be able to put you in touch with a mediation service which can help settle problems between neighbours.

We can investigate a number of issues relating to statutory nuisance. We have produced a range of advice leaflets (listed below) which explain the law and give some suggestions to help prevent causing a nuisance.

You can view or download a copy of these leaflets from our website at [\*\*www.rochford.gov.uk/nuisance\*\*](http://www.rochford.gov.uk/nuisance)

- Advice on being a considerate contractor
- Barking Dogs
- Bonfires and Smoke
- DIY noise – advice to householders
- Dark Smoke
- Light
- Odours
- Premises and vehicle alarms
- Noise nuisance procedure and Policy
- Statutory nuisance – taking your own private action
- Other sources of help and advice



**Rochford District Council**

Council Offices, South Street, Rochford,  
Essex SS4 1BW

Phone: **01702 546366**

Email: **customerservices@rochford.gov.uk**

Website: **www.rochford.gov.uk/nuisance**

If you would like this information in  
large print, Braille or another  
language phone us on

**01702 318111**