

ENVIRONMENTAL PROTECTION

Nuisance Neighbours

Nuisance from neighbouring properties is a common source of grievance. The most frequent complaints are about household noise, bonfires/smoke, light pollution, odour and barking dogs.

What is Statutory Nuisance?

As part of everyday living we all have to expect some problems from the people living around us. The things neighbours do can be irritating and annoying but the Council can only take action where the activity is found to cause a statutory nuisance. This is where the nuisance is so intrusive because of its intensity, regularity and duration, that it unreasonably affects a persons use and enjoyment of their own property. We can only act where the problem comes from a premises and is either prejudicial to health or a nuisance:

<https://www.west-lindsey.gov.uk/my-services/my-community/environment/pollution-control/nuisance-neighbours-noise-smoke-odour-etc/>

What can I do?

If you are being affected by nuisance from neighbouring properties, firstly consider if what is disturbing you is unreasonable or are you particularly sensitive. If you feel you can, then approach your neighbour and explain politely that you are being troubled. People can be unaware that they are causing a problem and may be happy to alter their actions to reduce the problems. Always approach tactfully to avoid giving any offence.

If the problem continues, start a diary recording dates, times and cause of the nuisance, and the affect it has on you. Write to your neighbour explaining the problem. Ask them to stop the nuisance referring to any conversations you may have had and what, if anything they agreed to do about it. Keep a record of any conversations you have or letters you write. If your neighbours are tenants, discuss the problem with their landlord. Most conditions of tenancy require that tenants do not cause nuisance to neighbours.

What are the Alternatives?

Nuisance disputes are often resolved informally. Legal action should be a last resort. It is unpleasant and will inevitably further sour the relationship between you and your neighbour. It is very important that you do your best to resolve any problem in a friendly way.

There is are mediation services available which may be able to help in neighbour problems. There may be a cost for use of the service.

<https://www.gov.uk/how-to-resolve-neighbour-disputes/use-a-mediation-service>

What can the Council do for me?

If the problem persists, contact West Lindsey District Council's Environmental Protection Team for advice. Under Section 80 of the Environmental Protection Act 1990 we must take "all reasonable steps" to investigate your complaint.

We will respond by writing (post or email) or telephoning within four working days of receiving your complaint. We will send out a monitoring form to you to record the dates and times of each incident and how it is affecting you for at least a week (or consecutive weekends, dependant on when the nuisance occurs). Return the completed form to the team to assess the best way to pursue your case. Please be aware that while we aim to complete the investigation as quickly as possible if we are waiting for the return of record sheets and correspondence etc, a fast resolution may not always be possible **NB.** If the monitoring form is not returned within six weeks of the case being opened, the complaint will be closed and no further action will be carried out.

When the completed monitoring form is received and the recorded evidence indicates a possible statutory nuisance, a letter is then sent to the person causing the alleged nuisance notifying them that a complaint has been made, asking that they resolve the problem informally and inform them that monitoring will be carried out in the near future by the Environmental Protection team. If, after monitoring, the Environmental Protection officer judges that a statutory nuisance exists, a notice will be served, instructing the person responsible to stop causing the nuisance. The served person has the right of appeal within 21 days of the Notice being served.

Where evidence gained by the Council is insufficient to support formal action or the problem is of an intermittent nature making it difficult to witness, you may be advised that the Council cannot assist you further. You do of course have the option to take your own action under Section 82 of the Environmental Protection Act 1990, via a Magistrates Court:

<https://www.gov.uk/how-to-resolve-neighbour-disputes/take-action-through-the-courts>

What if the Notice is not complied with?

If the served person fails, without reasonable cause, to comply with the instructions of the Notice, they will have committed an offence. We will then gather evidence of non-compliance to the notice to proceed to a prosecution in the Magistrates Court. If the Court is satisfied with our evidence then they may impose a fine of up to £5,000 for domestic premises and up to £20,000 for business premises, with a further fine of up to £500 for each day the offence continues after conviction. **NB.** It is only at this stage that your details as the complainant are made known.

If you would like a copy of this document in large, clear print, audio, braille or in another language, please telephone: -

01427 676676

Guildhall, Marshall's Yard,
Gainsborough, Lincolnshire, DN21 2NA
Tel: 01427 676676 Fax: 01427 675170
DX 27214 Gainsborough

www.west-lindsey.gov.uk

