



Nuisance Neighbours

Nuisance from neighbouring properties is a common source of complaint. The most frequent complaints are about:

- Noise (barking dogs/amplified music)
- Bonfires/smoke,
- Light pollution,
- Odour

What is Statutory Nuisance?

As part of everyday living we all have to expect some problems from the people living around us. Everyone is capable of making noise when they go about their daily business, people can be affected by different types of noise in various ways. What may cause distress and irritation to one person may not bother someone else.

The behaviours of neighbours can be annoying but the Council can only take action where the activity is found to cause a statutory nuisance. This is where the nuisance is either frequent enough, severe enough or of significant duration so as to cause a material interference at somebody's property.

We can only act where the problem comes from a premises and is either prejudicial to health or a nuisance.

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.

<https://www.gov.uk/how-to-resolve-neighbour-disputes/contact-your-neighbours-landlord>

What are the Alternatives?

Nuisance disputes are often resolved informally. Legal action should be a last option. It is unpleasant and will inevitably further damage 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 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 79(1) 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 telephone within four working days of receiving your complaint. We have a standard letter procedure for the initial stages of dealing with nuisance complaints. Depending upon circumstances of a case, when the Environmental Protection Team receives a complaint regarding nuisance, a letter is sent to the person affected by the nuisance enclosing a diary sheet to keep a record of the problem. We will also contact the person allegedly causing the problem to make them aware of the complaint offering advice and details any relevant legislation. At this stage we do not tell them who has made the complaint, however if the case goes to Court the identity of the person who has complained will be revealed.

The diary sheet is an important aid to the investigation and should detail dates and times when problem occurs and the effect it has. This will help us assess the best way of pursuing your complaint. A leaflet entitled Help us to Help you" will accompany the diary sheet to provide guidance on the type of information required.

It is extremely important the diary sheets are returned as quickly as possible, so that the next stage of the investigation can commence, if we are waiting for the return of diary sheets and/or correspondence etc., a fast resolution may not always be possible. If the diary sheet is not returned within **6 weeks**, it will be assumed that problem complained of has reduced to an acceptable level and no further action will be taken by the Council.

On return of the completed diary sheet if the recorded evidence indicates a possible statutory nuisance the second stage of the investigation is commenced. A formal letter will be sent to the person causing the alleged nuisance notifying them a further complaint has been made, asking that they resolve the problem informally and to advise that monitoring will be carried out at some point by an Authorised Officer. If, after monitoring, the Authorised 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.***

Useful Information:

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

<https://www.citizensadvice.org.uk/housing/problems-where-you-live/complaining-about-your-neighbour/>

<https://www.gov.uk/how-to-resolve-neighbour-disputes/complain-about-noise-to-the-council>

<https://www.lgo.org.uk/make-a-complaint/fact-sheets/housing/neighbour-nuisance-and-anti-social-behaviour>

<https://www.rspca.org.uk/adviceandwelfare/pets/dogs/behaviour/barking>

<https://www.environmental-protection.org.uk/wp-content/uploads/2016/03/Garden-Bonfires.pdf>

<http://environmentalp.wpengine.com/wp-content/uploads/2016/03/Light-Pollution.pdf>

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