

Problems with Neighbourhood Nuisance

Environmental Health



We are committed to being accessible to everyone. If you require this document in an alternative format or translation, please call Environmental Health and Licensing on Telephone 01635 551111.

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WBC/EH/CG/0319

Public Protection Partnership

Bracknell Forest
West Berkshire
Wokingham



A shared service provided by Bracknell Forest Council, West Berkshire Council and Wokingham Borough Council

www.westberks.gov.uk



Problems with neighbourhood nuisance

What you can do

If you feel that your neighbour is causing a nuisance (for example, excessive amplified music, bonfire smoke or odour), you should try to resolve the problem in an informal way by speaking to your neighbour directly. This frequently helps to reduce any bad feeling as often the first question we hear is “Why didn’t my neighbour come to us first?” Formal action is unpleasant, and should only be used as a last resort.

What we will do

If the problem continues, The Council may investigate your complaint. We will need information about the nature, duration and effect of the alleged nuisance to establish whether formal action can be taken. A case officer will then send standard letters to the source to inform them that there has been a complaint about an alleged nuisance and requesting their co-operation to resolve the matter. Often, this is enough to make people aware of the effect of their actions, and things may improve.

If this letter has no effect on the duration or intensity of the disturbance, you will need to keep detailed records for up to four weeks outlining the nature of the problem, how long it continues, and how it affects you. You should then return these sheets to your case officer.

The log sheets are important as they enable us to decide whether further action is possible. They help us to establish the best time to witness the problem, and are necessary as evidence in any future court appearance.

Legal action

Once we have examined your record sheets and we are satisfied that a statutory nuisance is likely to exist, we will endeavour to witness the nuisance, or in the case of noise complaints, may install noise recording equipment.

Unfortunately, if we are unable to witness the nuisance after three visits, no further action may be taken by the Council.

When a case officer from this service has witnessed a statutory nuisance, an Abatement Notice can be served on the source to prohibit the recurrence of the nuisance. A breach of this notice may result in a maximum fine of £5,000 (£20,000 for commercial premises).

Should it be determined that no statutory nuisance exists, the service can take no further action. The case officer will advise you either by telephone or in writing, and explain why this is the case.

Examples may be where the complaint is purely a neighbour dispute or where the law does not provide any help and so action is not possible. Mediation may be offered as an alternative at this point.

You do also have the option of taking the matter to court yourself under Section 82 of the Environmental Protection Act 1990. A leaflet giving information about this can be obtained from the case officer.

Out of hours complaints

This service does not receive many complaints that occur solely out of normal working hours. We cannot therefore justify providing a 24-hour call-out service to respond to complaints of nuisance.

If a complaint occurs regularly outside of working hours and your case is being formally investigated, an ‘out of hours’ response may be authorised to witness the nuisance. Please discuss these issues with your case officer.

Additional information

At no time during the initial investigation will the identity of the complainant be disclosed, although this may be self-evident to the person creating the problem when the officer approaches him or her. You should note however, that your identity would be disclosed should a prosecution be taken by the Council. If you have concerns about your personal safety, please do discuss this with the case officer, but also inform the local police. Any issues relating to threats, breach of the peace, or concerns for personal safety are matters that need to be brought to the attention of the police without delay.

[If you need to discuss any of the issues raised in this leaflet, please contact the relevant Environmental Health office.](#)
[Contact details are on the back page.](#)