

Environmental Health Division

The procedure that Oadby & Wigston Council follow when investigating alleged noise nuisance complaints is as follows: -

STAGE	ACTION	TIMESCALE or DATE
1.	Take receipt of complaint details, log the complaint on the computer system and on the file record for the premises at the source of the complaint	Within 2 Working days of receipt of complaint
2.	Discuss the nature of the problem/nuisance with complainant	As above, if required
3.	Ask the complainant to complete diary sheets(s). The diary sheets are sent out with a covering letter advising that the complaint will be closed if they are not returned. These provide essential information about the type of nuisance, the frequency, the duration, the intensity and most importantly, <u>how</u> the nuisance affects the complainant. <i>NB. No further action is normally taken until those diary sheets are returned completed and signed by the complainant</i>	In initial letter from Council Upon return
4.	When the diary sheets are returned, the Environmental Health Team (EH Team) discuss the records with the complainant. With their approval, the EH Team may contact the person or premises at the source of the complaint to discuss the complaint details. This may be the first time that they become aware of the complaint. The EH team would always follow this discussion up with a letter confirming what had been discussed	2-6 weeks from receipt of complaint
5.	If there was subsequently no improvement in the situation - the complainant would normally inform us on this point – we would make arrangements to try and witness the ongoing problem. At this point the investigation becomes more formal	Following return of complaint diary
6.	The EH Team provides an Out of Hours <u>Contact Service</u> . Details are given out to complainants who have reached this stage, where there has been no improvement in the situation. <i>NB. Applicable only if nuisance takes place outside office hours</i>	As above.
7.	An Environmental Health Officer (EHO) may make an on site visit to your home to witness the problem, if contacted between 08.45 and 24.00. If, having witnessed the problem, they are satisfied it constitutes a 'Statutory Nuisance' under section 79 of the above Act, they will serve an abatement notice. Typically, such a notice would require that a nuisance is not caused at any time of day	If applicable, upon coming out to witness problem
8.	Quite often the service of a notice solves the problem and things improve or at least reduce to an acceptable level. However, if the problems continue, the EH Team will seek to witness the problem <u>again</u> . At this point, anything witnessed that constitutes a Statutory Nuisance is an <u>offence</u>	If applicable, upon coming out to witness problem <u>again</u>
9.	The matter will be referred via the Councils legal Department to the Magistrates Court for deliberation and if appropriate, sentence. Currently, the sentence is a possible maximum £5000 penalty (£20 000 for a Commercial organisation)	At the end of the investigation

The whole process can take many months. Crucially, the Council is concerned with gathering sufficient evidence to support our case that the nuisance witnessed is a Statutory Nuisance. The term has been defined in Case Law, but can be thought of as something that affects the amenity enjoyed by the complainants.