



## **Nuisance Diary Guidance – IMPORANT INFORMATION**

### **Why have I been asked to complete a diary?**

You have made a complaint about nuisance to the Local Authority and have been asked to keep records of the disturbance. This is the basis for carrying out a formal investigation and can be used as evidence in any formal action that might be taken.

We understand that there can be reluctance to completing nuisance diaries, but they really are essential and the case may not progress without them.

### **Who must complete the diary?**

Any person over the age of 16 being affected by the nuisance in the household can complete their own diary.

### **How should I complete the diary?**

Write directly onto the diary at the time you are experiencing the disturbance providing all the information as directed on the form.

Remember to add your details to the diary and the case reference number. This is on the letter you have had from ourselves.

It is important to be clear and accurate on your diary as this information will be used to plan our formal investigation of your complaint (see later).

Record all dates and times accurately. In the date column, note down the day, month and year. Try to be as precise as possible in the time column and show which part of the day the nuisance occurred, including the hour and minute i.e., 12:15am, 5:23pm or 18.46.

Do not write general phrases such as 'Every Day', 'All Day', 'Morning', 'Evening' or 'Night'.

Remember that the nuisance diary sheets may be used in Court so keep to the facts and do not add any information unrelated to the disturbance you are experiencing.

It is very important that when you give a description of 'how the disturbance affects you' that you give some description of the impact the smoke is having on you in your home. For example, "Bonfire, smoke and ash prevented me using my garden for 2 hours" or "smoke was getting into house, had to close all windows".

### **Can I get more nuisance diaries?**

Contact the EP Team at [EHTeam@n-kesteven.gov.uk](mailto:EHTeam@n-kesteven.gov.uk) or phone 01529 414155 or download from [www.n-kesteven.gov.uk/noise](http://www.n-kesteven.gov.uk/noise)

### **Why do you ask for so much detail?**

We are looking to prove "Statutory Nuisance" – to do this we must show that the disturbance is unduly affecting 'the use and enjoyment' of your property. Something simply happening, or it being annoying, is not enough. The detail on the diary helps us to make our case that the issue is unreasonable and excessive. This is information only you can provide.

## **What do I do with the form when its complete?**

Sign and date the form – **in doing so you are confirming that the diary has been completed by you and is a true and accurate record of the nuisance you are experiencing.**

Send the form to: The Environmental Protection Team, North Kesteven District Council, Kesteven Street, Sleaford NG34 7EF

Or scan it and send it to: [EHTeam@n-kesteven.gov.uk](mailto:EHTeam@n-kesteven.gov.uk)

Or drop it in at any NK office or info links marking it for the attention of the Environmental Protection Team <http://www.n-kesteven.gov.uk/contact-the-council>

## **How will you use the diary?**

The diary is vital for us to progress the investigation. We need to substantiate what is in the diary. This is so when we take formal action we can justify it, if necessary, in court because we have witnessed it for ourselves.

- We will review the information provided – if no Statutory Nuisance action is available we will advise you of this and other options available to you.
- If the disturbance happens mostly during office hours you will be asked to contact the team when it is happening so that, if possible, a monitoring visit can be carried out.
- If the forms show a pattern to the disturbance we may arrange to visit at times when the disturbance is likely to be happening.
- For disturbance which is occasional and unpredictable you may be provided with access to our Out of Hours Hotline Service which you can contact to arrange for an officer to attend at any time.

**If you do not return the diary, no further action will be taken by the Local Authority on your complaint.**

## **What will happen if you prove a Statutory Nuisance?**

We will serve an Abatement Notice on whoever is responsible for the nuisance. If the requirements of this are not met, the person who had received the Notice may be prosecuted, and the Local Authority can take whatever action necessary to abate the nuisance itself.

## **What happens if you can't prove a Statutory Nuisance?**

We will take reasonable steps to try to prove Statutory Nuisance. Sometimes this isn't possible. In such cases we will explore trying to solve the matter by other means or guide you through the process of taking your own action to deal with the disturbance.

## **Where can I get more information?**

Go to our website at [www.n-kesteven.gov.uk/noise](http://www.n-kesteven.gov.uk/noise) (which explains statutory nuisance) or <http://www.n-kesteven.gov.uk/bonfires>

# **North Kesteven District Council: Environmental Health Team**

Case Reference:

Criminal Justice Act 1967 s.9, Magistrates Court Act 1980 ss.5A(3)(a) and 5B, Magistrates Court Rules 1981, r.70

Completed by (name)	
Your address:	
Address where nuisance is arising:	
Type of nuisance:	

Date	Day	Time		REMARKS	
		Start Time	Finish Time	What is the nuisance?	HOW DOES IT AFFECT YOU?
<i>1 Feb 17</i>	<i>Mon</i>	<i>11.37am</i>	<i>2.43pm</i>	<i>Bonfire - <b>EXAMPLE</b></i>	<i>Smoke got in house, had to close windows, strong smell in house afterwards- <b>EXAMPLE</b></i>

**Continued**

Date	Day	Time		REMARKS	
		Start Time	Finish Time	What is the nuisance?	HOW DOES IT AFFECT YOU?

**This record is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.**

<b>Dated</b>		<b>Signed</b>	
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