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.

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’. ‘All day’ and ‘Continuous’ are not acceptable, and we will ask that you complete the diary forms again.  This may cause a delay in dealing with the complaint.

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 ‘effect of the disturbance’ that you give some description of the impact the disturbance is having on you. For example, if your complaint relates to noise “Barking Dog went on for 3-4 minutes approx. every 10 minutes, it woke me up” or “Music was louder than my TV”.

Can I get more nuisance diaries?

Contact the department who is investigating your complaint:

* Environmental Protection Team - EHS@southkesteven.gov.uk
* Neighbourhoods Team - neighbourhoods@southkesteven.gov.uk

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. Simply being able to hear something, 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 it is 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, Council Offices, St Catherine Road, Grantham, Lincolnshire, NG31 6TT or scan it and send it to: EHS@southkesteven.gov.uk

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.

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. This could involve, say, seizing noise making equipment.

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.

Reference Number:

 EVENT RECORD SHEET

|  |  |
| --- | --- |
| ADDRESS:  | ADDRESS OF ALLEGED NUISANCE: |

EVENT RECORD

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| DAY AND DATE | TIME START | TIME END | TYPE OF DISTURBANCE | WEATHERCONDITION | **EFFECT OF DISTURBANCE** | **LOCATION OF PERSON RECORDING NUISANCE** |
| EXAMPLE FOR GUIDANCE ONLY |  |  |  |  |
| Monday30.03.2022 | 23.00hrs | 23.15hrs | Dust | Fine and dry - light breeze | Could not hear TV at normalvolume | Sitting room1 High Street |
|  |  |  |  |  |  |  |

Dated………………………………………… Signed…………………………………………………

Reference Number:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| DAY AND DATE | TIME START | TIME END | TYPE OF DISTURBANCE | WEATHERCONDITION | EFFECT OF DISTURBANCE | LOCATION OF PERSON RECORDING NUISANCE |
|  |  |  |  |  |  |  |

Dated………………………………………… Signed……………………………………………