

Ensure that the letters are dated and keep copies. This will provide evidence in the Magistrates' Court and demonstrate that you have tried to resolve the problem yourself.

Contact the Clerk to the Magistrates' Court and explain that you want to make a complaint, under Section 82 of the Environmental Protection Act 1990, concerning a nuisance.

It is likely that you will be asked to provide further details of your complaint, including copies of your log sheet and any correspondence, before a court hearing is set.

At the court hearing, you will have an opportunity to present your case and your neighbour will also be able to put forward their views. The Magistrates will then decide the outcome of the case, based on the evidence heard.

They can ask your neighbour to stop the nuisance and impose a fine of up to £5000 if they feel this is necessary.

If you have any queries or require any further information please contact the Environmental Protection team. The address and telephone number are given on the back of this leaflet.

Further Information

If you require any further advice or information - please do not hesitate to contact us.



By Post
Environmental Health Services
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ



By Telephone
01962 840222



By Fax
01962 840586



By E Mail
environment@winchester.gov.uk

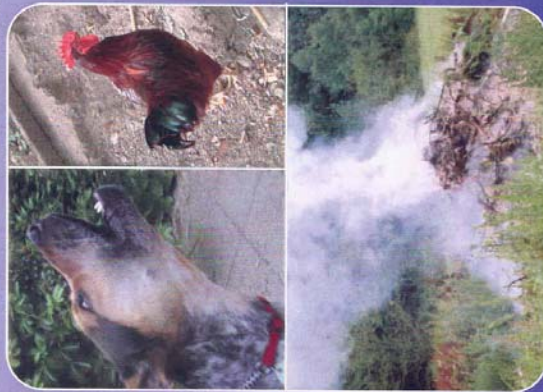


Or visit our Website
<http://www.winchester.gov.uk>

If you know someone who would like this information in another format, please telephone: 01962 848367

Nuisances

How To Take Your Own Private Action



Environmental Health Services



Winchester
City Council



Awarded for excellence

EH034-0567

Introduction

This leaflet provides advice for those people affected by nuisances who want to take their own legal proceedings to stop them.

Nuisances can include smoke from garden bonfires, barking dogs, accumulation of rubbish, odours and dust.

If you are suffering a nuisance, you should firstly contact us to discuss your complaint. We may be able to help you avoid spending a lot of money on legal fees trying to solve the problem.

However, not all complaints can be resolved formally by the City Council's Environmental Health Services and you may want to pursue the matter further yourself, in which case the guidance contained in this leaflet may be of help.

The Law

Under the provisions of the Environmental Protection Act 1990, private individuals are able to make a complaint direct to a magistrates' court if they feel they are aggrieved by a nuisance.

If the court is satisfied that a nuisance does exist, it has the power to make a nuisance order requiring the abatement of the nuisance and preventing a recurrence.

Any breaches of a court order are then an offence and therefore liable to a fine, upon conviction.

What You Should Do

Initially, discuss the problem with your neighbour. Legal action can be very expensive and many problems can be resolved informally with a little co-operation on both sides.

Sometimes neighbours do not realise they are causing a problem. Try to be reasonable, otherwise discussions could end in further arguments.

Explain the details of your complaint and try to agree a reasonable solution to the problem.

If the situation does not improve then keep a detailed record of any disturbance on a log sheet which should contain the following details:

- A description of the nuisance
- Dates when the nuisance occurred
- The time of day the nuisance occurred
- How long the nuisance lasted
- How the nuisance affected you

Write to the person responsible for the nuisance and advise that you may take your own legal action if the nuisance does not cease.

