

## Officer comments on responses to the consultation

Ref	Comment	Response
Q2 - 1	It's written in clear English and not legalise!	Noted – thank you
Q2 - 2	In so far as it goes, yes. But the examples of nuisance are limited.	This is a high-level policy and it would not be possible to identify all examples of nuisance. Where specific issues have been raised as part of the consultation that it is thought should be included, we have made amendments to the draft policy
Q2 - 3	It is very basic and there are numerous potential issues that haven't been set out.	It is not intended to be an exhaustive list of all types of statutory nuisance. Where specific examples have been raised during the consultation we have addressed them in this document or the policy itself.
Q2 - 4	The whole process/procedure is damage limitations to ensure that there is no challenge back on WBC. The interests of the complainant don't appear to count for much	The purpose of the policy is to set a framework that will help the PPP ensure the continuation of a consistent and up to date best practice approach to both reactive and proactive work on nuisance issues.
Q2 - 5	Far too long... most people wouldn't bother reading it all.	Noted
Q2 - 6	But is always open to interpretation	Noted
Q2 - 7	But you don't go far enough, what about vehicle noise, racing cars and motorbikes, exhausts that they make back fire	This would be a matter for the Police – see Appendix 2
Q2 - 8	Clear in identifying the difference between nuisances which can be moderated and those that can't.	Noted – thank you
Q2 - 9	'SLAMMING DOORS OR CUPBOARDS NOT A NUISANCE' I was shocked that the 'household noise' "slamming doors or cupboards" is 'not considered a statutory nuisance so cannot be investigated.' This, to	The amended draft policy notes that no house or flat is totally soundproof and everyday living gives rise to noise from time to time. It is unusual for neighbours to slam doors repeatedly/deliberately. Each case is likely to be different and

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	me, is most inhumane. These kinds of sharp 'impact type' sounds can be the most distressing to someone's mental state - not to mention horribly startling. It's shocking to hear that this particular 'household noise' can be so trivialized in this way This 'household noise' can badly impact on one's enjoyment of one's OWN home, so therefore can become most injurious to health and wellbeing.	other factors may need consideration. The first response to such a complaint would be dependent on circumstances but is often to suggest a conversation with the neighbours.
<b>Q3 - 1</b>	It doesn't identify the nuisance of bamboo. While bamboo isn't covered by legislation for hedges (as it is a grass), there is legislation which covers damage to boundaries (fences, walls), if the damage is repeated and the neighbour does nothing. So, getting off my hobby horse, yes it does identify what a statutory nuisance is, but it isn't comprehensive and if communications activities are to be based on the policy, it needs to be more specific	Bamboo does not come under provisions relating to invasive weeds or those relating to high hedges. As such, issues with bamboo would be classed as a private matter.
<b>Q3 - 2</b>	Definition of a smoke nuisance needs to be extended to include charcoal BBQ's	Smoke from barbeques is responded to by the service in the same way it responds to bonfires. Frequency and severity would be relevant in assessing nuisance.
<b>Q3 - 3</b>	It's not clear if a neighbour having a noisy party - inside or outside - is considered a statutory nuisance or if the police would need to be called.	The policy addresses noise nuisance in section 3. There is procedural guidance that officers follow in relation to noise nuisance from domestic and commercial premises. A one-off party is not usually considered to be a statutory nuisance. The police would be likely to refer a complaint about a noisy party to the Local Authority unless there were issues, other than noise, that they considered required a direct police response .
<b>Q3 - 4</b>	I would add in the discharge and ingress of children into and from school, using unsafe and bad practice, poor road safety and the like as well as by parents	Congestion issues are dealt with by the Highway Services in both West Berkshire and Bracknell Forest Councils. Vehicle idling is not considered to be a statutory nuisance. Problems at

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	leaving engines running, dropping litter whilst parked waiting for said children.	school drop off are often best addressed, initially, by approaching the school directly.
<b>Q3 - 5</b>	It doesn't cover a lot of nuisances such as bonfires etc	Smoke from bonfires is referred to in section 3 of the policy.
<b>Q3 - 6</b>	It should include behaviours like constant ringing of doorbells to disrupt householder peace	This would be classified as anti-social behaviour and West Berkshire residents with such a problem should contact the Council's Building Communities Together Team. Information about how anti-social behaviour is dealt with at Bracknell Forest Council can be found <a href="#">here</a> .
<b>Q3 - 7</b>	No mention of loose drain covers outside residence that thump everytime someone drives over it night and day	These are dealt with either by the Highways Authority (West Berkshire Council or Bracknell Forest Council) or the appropriate utility company.
<b>Q3 - 8</b>	Two big nuisances that haven't been mentioned are smoke from charcoal BBQ's and smoke from charcoal firepits - both of which are unbearable to neighbours. The definition of a statutory nuisance needs to reflect more the actual issues	Smoke from barbeques is responded to by the service in the same way it responds to bonfires. Frequency and severity would be relevant in assessing nuisance.
<b>Q3 - 9</b>	Should include children playing with balls in the street	This is not considered to be a nuisance in law.
<b>Q3 - 10</b>	As previously stated you don't include vehicle noise on a public road where local housing is, we cannot sit and enjoy our gardens	Appendix 2 of the draft policy notes that traffic noise is a matter for either National Highways or Thames Valley Police depending on the category of road concerned.
<b>Q3 - 11</b>	Visual ones eg like flags that are placed in the view of a home could be noted	This would be a planning matter.
<b>Q4 - 1</b>	Absolutely no proactive steps other than Planning	It is considered that section 4 of the policy does cover proactive work. It refers to planning, including construction sites; licensing; the safety advisory group in relation to events; relationships with local businesses; work with other organisations and how advice can be accessed through the PPP website and social media. Section 5 of the policy also

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		notes that the PPP website provides information on how to avoid causing nuisance.
Q4 - 2	But again - it doesn't cover all nuisances	The policy is not intended to be an exhaustive list of all types of statutory nuisance. Where specific examples have been raised during the consultation we have addressed them in this document or the policy itself.
Q4 - 3	Based on personal experience, the assigned investigation officer take their time in responding as there is no SLA in the policy that mandates when they are to respond. This allows the disturbing people to continue with their disturbance until they are ready to stop and move on to something else.	Section 5 of the policy notes that 95% of service requests receive a response within 48 hours. The duty officer system allows any service request that appears to be urgent to receive an appropriate response.
Q4 - 4	Good to see an understandable and logical process for something where emotion is often in play!	Noted thank you
Q4 - 5	The problem is that without intervention nuisance quickly becomes anti-social behaviour, which is a problem faced in the area that I live in and it would appear that despite reports to the police, there is nothing being done about it	Noted
Q5 - 1	It is a clear policy but designed to protect WBC against a potential challenge rather than understanding the complaint and trying to resolve	Noted
Q5 - 2	It needs SLA to be clear and for officers to respond promptly. And what happens if people continue to do the wrong thing? There are not strong enough punitive measures	Section 5 of the policy notes that 95% of service requests receive a response within 48 hours. The duty officer system allows any service request that appears to be urgent to receive an appropriate response. The measures available to the PPP are determined by legislation, and by the courts should a matter proceed that far.

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<b>Q5 - 3</b>	Agree only as long as these are consistently and timely implemented.	The policy and associated processes are designed to set in place a consistent approach and timely interventions.
<b>Q6 - 1</b>	What do you mean when it states 'a private matter' in the section where complaints are not dealt with by the PPP?	This is now described in Appendix 2 of the strategy.
<b>Q6 - 2</b>	takes forever to get any sort of resolution	Some matters are complicated, and it can take time to investigate and resolve them.
<b>Q7 - 1</b>	Garden nuisance - it's not just hedges and leylandii. I couldn't see where one would go for help with these matters.	The most common issues such as the reasonable use of noisy equipment, for example, lawn mowers and leaf blowers are not considered to be a statutory nuisance. There may be cases involving exceptional issues which the service might investigate.
<b>Q7 - 2</b>	nothing about cannabis smoke, which is very strong smelling and prejudicial to health of those with lung conditions as well as being illegal	Cannabis smoke is treated by the service as tobacco smoke and is not usually considered to be a statutory nuisance.
<b>Q7 - 3</b>	The complaint types are very limited, which may put residents off from complaining when they actually a justifiable cause.	This is a high-level policy and it would not be possible to identify all examples of nuisance. Residents are able to contact the service to find out if the matter they are concerned about can be looked into or not. Where another organisation is the enforcing body we would signpost the resident to the appropriate organisation.
<b>Q7 - 4</b>	This is an area where there will always be things to add and delete. Nonetheless this is a strong list, hard to disagree with.	Noted
<b>Q7 - 5</b>	List of things not dealt with should probably include CCTV complaints,	It is not clear what the comment is referring to. Complaints about the CCTV system itself would not be dealt with by the PPP.
<b>Q7 - 6</b>	Fence/Boundary disputes,	These are a private matter.

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Q9 - 1	BAMBOO. Particularly when it is planted next boundary in a garden approx 13ft x 20ft (both gardens are this size). it's irresponsible and inconsiderate. Also - and I'm not sure if this is considered anywhere else, support that considers the personal situation, e.g. single people having to deal with couples (two can be a crowd) and single women having to deal with "assertive" men. You need back up.	Bamboo is does not come under provisions relating to invasive weeds or those relating to high hedges. As such, issues with bamboo would be classed as a private matter.  The service provides guidance on approaching a neighbour directly about a problem.
Q9 - 2	The budget and expenditure to see how the money is spent.	The policy is intended to provide an operational framework; budget matters are determined elsewhere. More information on budget setting can be found at the October meetings of the <a href="#">Joint Public Protection Committee</a>
Q9 - 3	cannabis smoke	This is treated by the service as tobacco smoke and is not usually considered to be a statutory nuisance.
Q9 - 4	Smoke from charcoal BBQ's - whilst the smoke doesn't go on for ever, the effects of the smoke do. It limits the ability of a neighbour to enjoy their own garden, and for those asthma, causes health issues that continue long after the BBQ has ended. With the focus on Climate change I cannot understand why charcoal BBQ's are allowed to continue, they are a major nuisance to those unfortunate enough to have to suffer them.	This is responded to by the service in the same way it responds to bonfires. Frequency and severity would be relevant in assessing nuisance.
Q9 - 5	Motorbikes in Parks and other public open spaces...	It is expected that these would be regulated if they were part of a specific event or function. Otherwise, usually they would be the responsibility of those owning or managing the park or open space. Access restrictions are often used to prevent problems.
Q9 - 6	As noted before, I would consider the dropping off and collection of school children a nuisance and H&S risk,	Congestion issues are dealt with by the Highway services in both West Berkshire and Bracknell Forest Councils. Problems

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	Children making there own way from school also need to be included as this is a majopr nuisance and risk.	at school drop off are often best addressed, initially, by approaching the school directly.
<b>Q9 - 7</b>	It states that dogs barking for example are considered a nuisance.... Yet children crying is fine? But doesn't detail anywhere the level of dog barking that is acceptable and what isn't acceptable. As a responsible dog owner, I would like to know what actions are taken under what circumstances. I hasten to add that my dog barks only when someone knocks at the door or they hear fireworks). However I know of other dogs that bark consistently throughout the day.	This is referred to in the revised text of section 3 of the policy.
<b>Q9 - 8</b>	I think that although it is draft policy then there is a need for a clear, binding interpretation of "Nuisance" and how it is dealt with. For example, if we look at noise, will one occurrence of "Nuisance Noise" be enough for action or will it need, for example, 6 occurences? How loud does noise have to be to be a "nuisance" ?	<p>Clarity on what constitutes a nuisance – the revised text in section 3 of the policy seeks to clarify this point. The draft policy notes that: “there is no maximum noise level (decibel level) that relates to noise nuisance. Each case is judged on what might be reasonable and normal for the situation. Factors taken into consideration include:</p> <ul style="list-style-type: none"> <li>• when the noise is happening (noise can be a nuisance at any time of the day or night)</li> <li>• the duration of the noise</li> <li>• how often it is happening</li> <li>• the type of noise</li> <li>• whether there is social acceptance (for example, bonfire night or church bells)”</li> </ul>
<b>Q9 - 9</b>	SLA to respond Stronger punitive measures for offending people	The measures available to the PPP are determined by legislation and by the courts should a matter proceed that far.

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Q9 - 10	Loose drain covers see above	These are dealt with either by the Highways Authority (West Berkshire Council or Bracknell Forest Council) or the appropriate utility company.
Q9 - 11	Music is stated as being a nuisance but no definition of music is given. Is this music played loudly from a radio, hi-fi or television or does it include the playing of music instruments for practice and personal entertainment?	As far as the PPP is aware there is no legal definition of music in relation to nuisance. The approach set out in section 3 covers loud noise.
Q9 - 12	There is no reference to anonymous complaints, of which we get a significant number of nuisance complaints via the on-line forms/email.	Anonymous complaints are referred to in the revised version of the policy.
Q9 - 13	Policy needs to set out how prolific or vexatious complainants are dealt with	West Berkshire Council. As the host authority, has corporate policies that relate to unsubstantiated, abusive, and prolific/persistent complaints against the Council. Depending on the nature and history of the complaint and the complainant, the PPP may use the approach taken in the corporate guidance in order to manage vexatious or prolific complaints relating to nuisance.
Q9 - 14	High Hedges/denial of light. ?? not sure if this is covered by nuisance	Problems with high hedges are not covered by nuisance legislation. The government sets out guidance for local authorities on how they should deal with the issue under the Anti-Social Behaviour Act, 2003. Before a complaint can be accepted by the PPP, the aggrieved party must evidence attempts to engage with the owner of the problem hedge. There is an initial administrative fee required from the complainant.
Q9 - 15	Drainage – not sure if neighbours drainage issues are covered by “nuisance”?	Private drainage issues are covered under Public Health legislation and the Building Act.
Q9 - 16	Noisy vehicles that have been altered 'souped' up to make them noisy on acceleration around homes	This would be a matter for the Police – see Appendix 2



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<b>Q9 - 17</b>	People working from home in hot weather with doors/windows open running loud meetings etc. Destroys peace in a garden	The draft policy notes that talking or laughing from inside a home or garden is not considered a statutory nuisance. Initial advice, if the noise from meetings was frequent and unusually loud, would be to approach the neighbour directly.
<b>Q9 -18</b>	Power tools. With so much home improvement and house building locally, more noise intrusion is homing from power tools like angle grinders, chain saws, woodworking tools. Guidance on suitable times to use these would be useful.	Construction sites are regulated using powers under the Control of Pollution Act, 1974. Noise from DIY or domestic building works is subject to the same principles as other noise nuisance. Section 3 of the draft policy sets out how PPP approach such issues and assess whether there is a nuisance. Advice may include suggesting that work is not undertaken, for example, late into the evening.
<b>Q9 -19</b>	Household noise' such as 'slamming doors and cupboards' - or any impact-type sounds heard through walls and floors - being counted as a 'statutory nuisance' and therefore worthy of being investigated.	The amended draft policy notes that no house or flat is totally soundproof and everyday living gives rise to noise from time to time. It is unusual for neighbours to slam doors repeatedly/deliberately. Each case is likely to be different and other factors may need consideration. The first response to such a complaint, dependent on circumstances, is often to suggest a conversation with the neighbour.
<b>Q9 -20</b>	Page 5, "Intelligence", Fig 1 I would want the PPP to - Offer some training to town and parish clerks and councillors about what the PPP can and cannot do on this and other subjects - Proactively treat town and parish councils as sources of intelligence I would like to see an attempt at a definition of "Reasonable", as used in - "the reasonable use of noisy garden equipment such as lawnmowers or leaf blowers" - "the reasonable use of washing machines, vacuum cleaners, or kitchen appliances". o And to me noise from DIY should also be covered. I write as someone who used to come back from my office job at say 7 or 8 pm, get something to eat and then start on the DIY.	This could be included as an item at a future district parish meeting for West Berkshire and at the meetings that are held with the Parish and Town Councils in Bracknell Forest. Parish and Town Councils and Councillors as well as Ward Members are a valuable source of information, and they are encouraged to interact with the PPP and raise matters of concern. There is no definition for reasonable as each circumstance is different. In some examples case law may be helpful. The amended draft policy notes that "there is no maximum noise level (decibel level) that relates to noise nuisance. Each case is judged on what might be reasonable and normal for the situation. Factors taken into consideration include:

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	<p>It was not quiet and I would not wish to foist my younger self on others now! “Reasonable” here would relate to timing. o Page 9 – “Resolution of issues” – you write “Important to the success of the partnership in managing nuisance is allowing staff to develop a local, on the ground knowledge of the people and businesses in the area.” I entirely agree with the statement but I would have hoped for reference to working with towns and parishes in this respect.</p>	<ul style="list-style-type: none"> <li>• when the noise is happening (noise can be a nuisance at any time of the day or night)</li> <li>• the duration of the noise</li> <li>• how often it is happening</li> <li>• the type of noise</li> <li>• whether there is social acceptance (for example, bonfire night or church bells)”</li> </ul> <p>Noise from DIY or domestic building works is subject to the same principles as other noise nuisance. Section 3 of the draft policy sets out how PPP approach such issues and assess whether there is a nuisance. Advice may include suggesting that work is not undertaken, for example, late into the evening.</p>
<p><b>Q10 - 1</b></p>	<p>I would like to see a bit more detail included so when an issue arises the policy can shown to the offender straight away, giving them chance to stop causing a nuisance before any formal action is taken.</p>	<p>The policy is intended to provide an overarching framework. It is neither a procedure/guidance note nor an advice leaflet. The PPP website includes general information relating to nuisance. It is unusual for formal action to be taken as the first response. In general, the PPP provides advice and allows an individual or organisation the opportunity to mitigate any issues.</p>
<p><b>Q10 - 2</b></p>	<p>Generally Clear. I hope the full list of PPP and other contacts will also be listed in your West Berks Council web site (if not already).</p>	<p>Noted - please see this page: <a href="http://publicprotectionpartnership.org.uk">What we cannot consider - PPP (publicprotectionpartnership.org.uk)</a></p>
<p><b>Q10 - 3</b></p>	<p>No question the Draft Policy has been written by professionals for professionals , they have tried to cover all potential legal challenges to ensure that WBC is not found to be at fault but does very little to address the real issue. It ensures that for majority of possible claims , someone else should be responsible e.g Police</p>	<p>Noted</p>
<p><b>Q10 - 4</b></p>	<p>Its far too long and needs to be much clearer as to the steps taken with any complaints.</p>	<p>Noted</p>

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<b>Q10 - 5</b>	This shouldn't be too difficult to implement. It's also very fair to both sides in any such dispute	Noted
<b>Q10 - 6</b>	Next steps if it doesn't work?	Section 6 of the policy refers to formal action. Formal action is taken in line with the PPP Enforcement Policy. If a formal notice is served on an individual or organisation and the requirements set out in that notice are not complied with, for example, a nuisance continues, then prosecution may be considered.
<b>Q10 - 7</b>	Preventing nuisances from developing into anti-social behaviour.	The draft policy and supporting guidance, together with the PPP Enforcement Policy are intended to enable the PPP to manage nuisance. If there is an issue of anti-social behaviour this would be dealt with in West Berkshire by the Council's Building Communities Together Team. Information about how anti-social behaviour is dealt with at Bracknell Forest Council can be found <a href="#">here</a> .
<b>Q10 - 8</b>	Household noise' such as 'slamming doors and cupboards' - or any impact-type sounds heard through walls and floors - being SHOULD be counted as a 'statutory nuisance' and therefore SHOULD be worthy of being investigated. 'Second hand noise' of this type can be most injurious to mental health and feeling secure in one's OWN home. PLEASE consider making this issue a SERIOUS statutory nuisance.	The amended draft policy notes that no house or flat is totally soundproof and everyday living gives rise to noise from time to time. It is unusual for neighbours to slam doors repeatedly/deliberately. Each case is likely to be different and other factors may need consideration. The first response to such a complaint would be dependent on circumstances but is often to suggest a conversation with the neighbours.