

## Outcome of the Draft Nuisance Policy Consultation (2024 – 2027)

### *Background*

Dealing with nuisance is a core function of the Public Protection Partnership (PPP); a shared service delivering Environmental Health, Licensing and Trading Standards across Bracknell Forest Council and West Berkshire Council. The purpose of this new policy is to ensure a consistent approach to both reactive and proactive work on nuisance issues.

We have a duty to take reasonable steps to investigate complaints of statutory nuisances. The Environmental Protection Act 1990 (The Act), as amended by the Clean Neighbourhood and Environment Act 2005, sets out in legislation what constitutes statutory nuisance. In addition, the Control of Pollution Act 1974 is relevant for dealing with noise from demolition and construction activities.

The types of nuisances the PPP deals with most frequently are:

- domestic noise, e.g. barking dogs, music, car and house alarms.
- commercial noise, e.g. entertainment from public houses or larger events, and refrigeration and extraction units at food premises.
- artificial light, e.g. security lighting on a house, floodlighting of a sports pitch. There are specific exemptions based on security and safety, such as bus stations, prisons and streetlighting.
- dust, steam, grit, effluvia (odour) from industrial, trade or business premises only.
- smoke from bonfires.
- insects from industrial, trade or business premises only. For the issue to count as a statutory nuisance, it must unreasonably and substantially interfere with the use or enjoyment of a home or other premises, or injure health, or be likely to injure health.

Some household noises aren't considered to be a statutory nuisance and can't be investigated. These include:

- the sound of footsteps
- slamming doors or cupboards
- dropping objects or moving furniture
- children and babies crying
- children playing (including playgrounds)
- talking or laughing coming from inside a home or garden
- the reasonable use of noisy garden equipment, e.g. lawnmowers or leaf blowers
- the reasonable use of washing machines, vacuum cleaners, or kitchen appliances.

The preferred outcome to a service request regarding a nuisance made to the PPP is an informal solution. In some cases, this may involve a mediation process which the PPP will arrange. Where all parties agree to try an informal approach, the PPP will make a referral to our third-party agents, Resolve Mediation Service.

For issues that require formal action, we may issue an abatement notice on those responsible for the nuisance, or on a premises owner or occupier if this is not possible. This may require whoever's responsible to stop the activity, or limit it to certain times,

to avoid causing a nuisance and can include specific actions to reduce the problem. If someone doesn't comply with an abatement notice they can be prosecuted and fined.

## **Why We Wanted Your Views**

We'd like your views on our draft policy. It's by hearing from local people that we can make the changes needed to ensure our policy is fit for purpose and reflective of the needs in our local area.

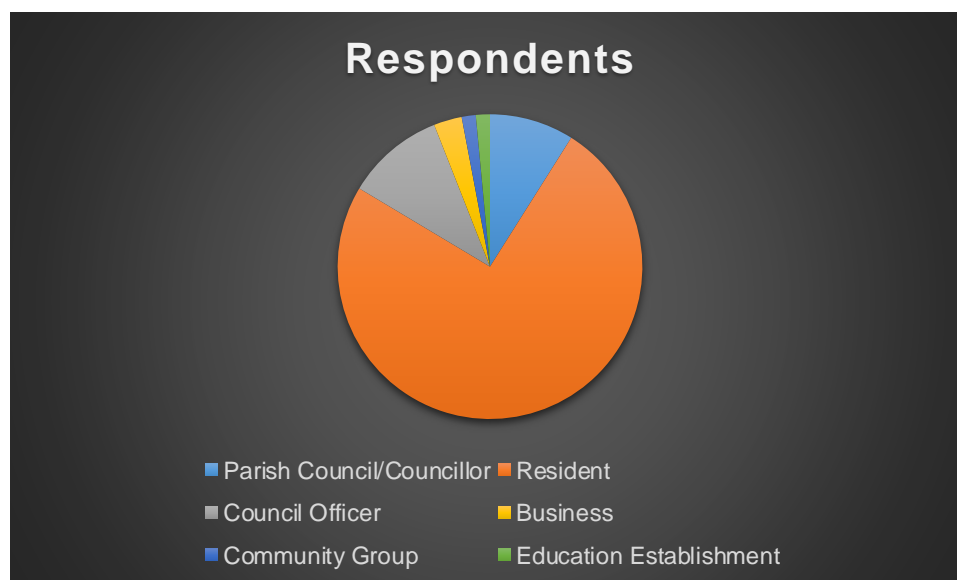
## **Who and How we Consulted**

- The consultation was posted on the West Berkshire Council's Consultation Hub on the 08 July 2024, on the Bracknell Forest Council Consultation Hub on 14 August 2024 and on the Public Protection Partnership's website on the 09 July 2024.
- A notification was also sent out to the 2483 people on the West Berkshire Community Panel on the 18 July 2024
- Facebook messages were posted on the 09 July 2024 and 06 August 2024.
- A press release was issued on the 09 July 2024
- The consultation ran from the 08 July to 26 August 2024. The consultation period was extended by a week as a result of the delays in uploading it onto the Bracknell portal.

## **What you Told Us**

The Council received 68 responses to the consultation via the consultation hub and one response was emailed directly to Officers.

The Graph below sets out the respondents identified themselves:



## **Comments on Clarity**

The responses show that 90% of the respondents believe that the draft policy is clear and easy to understand. The comments submitted are set out below.

<b>Comments</b>
It's written in clear English and not legalise!
In so far as it goes, yes. But the examples of nuisance are limited.
It is very basic and there are numerous potential issues that haven't been set out.

The whole process/procedure is damage limitations to ensure that there is no challenge back on WBC. The interests of the complainant dont appear to count for much
Far too long... most people wouldn't bother reading it all.
But is always open to interpretation
But you don't go far enough, what about vehicle noise, racing cars and motorbikes, exhausts that they make back fire
Clear in identifying the difference between nuisances which can be moderated and those that can't.
'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 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.

### Comments on Defining Statutory Nuisance

Of those that responded to the question as to whether the draft policy identified that a statutory nuisance is 72% either agreed or strongly agreed that it did, 12% neither agreed nor disagreed and 16% disagreed or strongly disagreed.

Comments
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
Definition of a smoke nuisance needs to be extended to include charcoal BBQ's
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.
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 leaving engines running, droppping litted whilst parked waiting for said children.
It doesn't cover a lot of nuisances such as bonfires etc
It should include behaviours like constant ringing of doorbells to disrupt householder peace
No mention of loose drain covers outside residence that thump everytime someone drives over it night and day
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
Should include children playing with balls in the street
As previously stated you don't include vehicle noise on a public road where local housing is, we cannot sit and enjoy our gardens
Visual ones e.g like flags that are placed in the view of a home could be noted

## ***Comments on Proactive Activity Undertake by the PPP***

66% of the respondents stated that the policy identified the proactive steps undertaken by the PPP to reduce statutory nuisance, 29% neither agreed nor disagreed and 5% disagreed.

<b>Comments</b>
Absolutely no proactive steps other than Planning
But again - it doesn't cover all nuisances
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.
Good to see an understandable and logical process for something where emotion is often in play!
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

## ***Clarity on How Statutory Nuisance Complaints Will Be Dealt With***

73% of respondents agreed or strongly agreed that the policy was clear about how statutory nuisance complaints would be dealt with, 11% nether agreed nor disagreed, while 6% disagreed with the statement.

<b>Comments</b>
It is a clear policy but designed to protect WBC against a potential challenge rather than understanding the complaint and trying to resolve
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
Agree only as long as these are consistently and timely implemented.

## ***Clarity on Tools Available for Informal or Formal Resolution***

Although 23% of respondents neither agreed nor disagreed with this statement 71% agreed or strongly agreed that draft policy explained what tools were available to the PPP to resolve issues, both formally and informally. Six percentage of respondents disagreed with this statement.

<b>Comments</b>
What do you mean when it states 'a private matter' in the section where complaints are not dealt with by the PPP?
takes forever to get any sort of resolution

## ***Clarity on Complaints the PPP Cannot Deal With***

70% of respondents either agreed or strongly agreed that the policy clearly sets out the types of complaint that the PPP cannot deal with? 15% disagreed with the statement and 15% neither agreed nor disagreed.

<b>Comments</b>
Garden nuisance - it's not just hedges and leylandii. I couldn't see where one would go for help with these matters.

nothing about cannabis smoke, which is very strong smelling and prejudicial to health of those with lung conditions as well as being illegal
The complaint types are very limited, which may put residents off from complaining when they actually a justifiable cause.
This is an area where there will always be things to add and delete. Nonetheless this is a strong list, hard to disagree with.
List of things not dealt with should probably include CCTV complaints,
Fence/Boundary disputes,

## Additions Needed to Policy

48% of respondents that answered this question (16 people) opined that there were areas missing from the policy.

Comments
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.
The budget and expenditure to see how the money is spent.
cannabis smoke
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.
Motorbikes in Parks and other public open spaces...
As noted before, I would consider the dropping off and collection of school children a nuisance and H&S risk, Children making there own way from school also need to be included as this is a majopr nuisance and risk.
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.
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" ?
SLA to respond Stronger punitive measures for offending people
Loose drain covers see above
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?
There is no reference to anonymous complaints, of which we get a significant number of nuisance complaints via the on-line forms/email.
Policy needs to set out how prolific or vexatious complainants are dealt with
High Hedges/denial of light. ?? not sure if this is covered by nuisance
Drainage – not sure if neighbours drainage issues are covered by “nuisance”?

Noisy vehicles that have been altered 'souped' up to make them noisy on acceleration around homes
People working from home in hot weather with doors/ windows open running loud meetings etc. Destroys peace in a garden
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.
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.
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. 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.

### Additional Comments

Comments
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.
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).
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
Its far too long and needs to be much clearer as to the steps taken with any complaints.
This shouldn't be too difficult to implement. It's also very fair to both sides in any such dispute
Next steps if it doesn't work?
Preventing nuisances from developing into anti-social behaviour.
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.

## ***What We Are Proposing To Do***

Your feedback will be used to inform the final policy before it is submitted for consideration by elected members at the [Joint Public Protection Committee on Monday, 7 October 2024.](#)

Once approved, the final strategy will be published on our Strategies, policies, and plans [webpage.](#)