



## Environmental Protection Team

Case Ref:

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

Completed by: - Your full Name: .....

Your address: .....

Address where nuisance is arising: .....

Source/type of nuisance: .....

Please see the accompanying guidance below before completing this form or go to [www.torrige.gov.uk/article/559/Noise-and-other-nuisances](http://www.torrige.gov.uk/article/559/Noise-and-other-nuisances)

Date	Day	Time		REMARKS	
		Start Time	Finish Time	What is the nuisance?	HOW DOES IT AFFECT YOU?
1/Feb/12	Mon	11.37pm	01.43am	Loud music - <b>EXAMPLE</b>	Woke me up, kept awake, could hear it all through the house - <b>EXAMPLE</b>

Continue on reverse



## **Nuisance Diary Guidance – IMPORTANT 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 us**. 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 below). 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, for example 12:15am, 5:23pm or 18.46. Do not write general phrases such as 'Every Day', 'All Day', 'Morning', 'Evening' or 'Night'. 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 noise is having on you in your home. For example, "Barking Dog went on for 3-4 minutes approx every 10 minutes, it woke me up" or "Music was louder than my TV". 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.

**Can I get more nuisance diaries?** - These are available on our website: <http://www.torridge.gov.uk/article/559/Noise-and-other-nuisances> or contact the EP Team at [environmental.protection@torridge.gov.uk](mailto:environmental.protection@torridge.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 or drop it into the office: Environmental Protection Team, Torridge District Council, Riverbank House, Bank End, Bideford, Devon EX39 2QG or scan it and send it to: [environmental.protection@torridge.gov.uk](mailto:environmental.protection@torridge.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 so that if we take formal action we can justify it in court because we have witnessed it for ourselves. We will review the information provided and 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. Where the disturbance is regular but there is no pattern to it you may be provided with noise monitoring equipment that will record the noise and how loud it is.

### **If you do not return the diary, no further action will be taken by the Local Authority**

**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.

**Where can I get more information?** - Go to our website at: <http://www.torridge.gov.uk/article/559/Noise-and-other-nuisances>

## Privacy Notice

Torrige District Council collects stores and processes your personal information in accordance with the requirements of the General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018.

Our lawful basis has been determined as:

- Public Task – in relation to personal data
- Substantial Public Interest/Legal Claims – in relation to ‘special category’ personal data

Personal information provided on this form may be shared with other council services to enable us to provide the service requested.

Personal information provided on this form may be shared with third parties where we are legally obliged to do so, or where this is necessary to enable us to provide the service requested.

To view our full privacy policy including information on your rights, how to contact the Data Protection Officer, data retention information, more detail on information sharing and how to provide feedback or make a complaint, please see the privacy pages of our website

Website: <http://www.torrige.gov.uk/privacypolicy/>

Alternatively, a full copy of our privacy policy can be viewed at our main office or a copy can be requested by writing to the Data Protection Officer at Riverbank House, Bideford, Devon, EX39 2QG