



Development Services Directorate
Environmental Health Division

Nuisance From Pollution



for prosperity



for the future



for living



for everyone

Making it happen

NUISANCE FROM POLLUTION

Pollution can be very upsetting. This leaflet explains what you can do about it and how and when the Council can help.

It's best to talk

Before you make a formal complaint, we do advise you to approach the person causing the problem, especially if it is a neighbour. A friendly approach may get better results than a formal complaint to the Council.

- Don't wait until the problem makes you angry.
- See your neighbour and talk about how the problem is affecting you.
- Don't be aggressive. This may only make matters worse.
- Try to keep your discussion to the particular problem of the pollution.
- Explain how the pollution makes you feel. Do not blame or accuse. Your neighbour may not be aware how much their behaviour is affecting you.
- Above all stay calm and be polite.

The Council will respond to complaints about pollution, but we can only take formal action where there are statutory powers to do so.

Environmental Protection Act 1990

The powers available to the Council are those within the Environmental Protection Act 1990. Where any court action is taken by the Council on your behalf, the magistrates will need to be persuaded that the pollution is really serious enough to be a statutory nuisance.

Problems that can be dealt with as 'statutory nuisances' under the Environmental Protection Act include:

- Accumulations
- Noise or vibration (See separate leaflet)
- Smoke, fumes or gases from premises
- Dust, steam, or smells from business premises
- Odours from domestic premises
- Premises in a poor state

STATUTORY NUISANCE

For pollution to be a statutory nuisance it must be:

- Excessive and unreasonable
- Interfere with a persons normal life

For the Council to be able to act on a statutory nuisance:

- There must be sufficient evidence
(much of this to be provided by you)

Remember: you may have to appear in court as a witness

HOUSEHOLD WASTE

Problems can be prevented if the following points are remembered:

- Refuse should be properly contained.
- Keep your refuse within your property boundary until collection day

- If you have a large amount of household waste to dispose of you can take it to the County Council Household Waste sites that are located at:
 - Eastman Way, Hemel Hempstead
 - Northbridge Road, Berkhamsted
 - Tringford Road, Tring
- The council will collect bulky items from your home, there is a charge for this. Please ring our Cupid Green Depot on: 01442 228666 for further information

MINIMISING NUISANCE FROM BONFIRES

Although you may have bonfires, they should not cause a nuisance to neighbours at any time of the day.

Preferably dispose of rubbish including garden refuse, in the following ways:

- Household waste sites
- Compost heaps
- Council's recycling schemes for waste disposal please ring our Cupid Green Depot on: 01442 228666

If you still need a bonfire please remember the following points:

- Burn only dry material
- Site the bonfire where it is least likely to affect people
- Choose a dry day with no wind
- Choose a time when people are least likely to be affected
- If possible let your neighbours know that you intend to have a bonfire
- **DO NOT** allow the bonfire to smoulder for a long time
- **DO NOT** leave it unattended

AIR QUALITY

Dacorum Borough Council has been monitoring air quality across the Borough for some time. In 1999 the Hertfordshire and Bedfordshire Air Pollution Monitoring Network was formed, and this now co-ordinates the monitoring and reporting of air quality across the region.

If you would like more information please access via the councils website.
www.dacorum.gov.uk Or direct www.seiph.umds.ac.uk/hbnet.htm

Or contact 01442 228860

CLEAN AIR ACT 1993

The Council may take action against any commercial business having a bonfire and producing dark smoke.

ABOUT THE COUNCIL'S SERVICE

We provide a service to the community by:

- Advising on pollution problems
- Helping people to resolve pollution nuisance
- Advising everyone involved on the best way forward
- Taking legal action where a statutory nuisance is found
- Prosecuting for continuing offences

Before we can act, we require:

- A formal complaint in writing (except in very urgent cases)
- Clear written evidence on the serious effects of the pollution
- A commitment by the complainant to give evidence in court if necessary

APPROACHING THE COUNCIL

When you first contact us, we will discuss your problem with you and give you advice on what action you can take.

Our advice may be sufficient to help you sort out the problem for yourself. You may not want us to go any further, alternatively you may wish to consider the Dacorum Mediation Service. Mediation Dacorum can be contacted at Dacre House, 19 Hillfield Road, Hemel Hempstead, Herts HP2 4AA or on Tel: 01442 268044. In some cases, we may advise you that we cannot help.

If a complaint is made about you, please talk to us. We promise to listen to your point of view and to give you our best advice.

OUR PROCEDURES

- We log all complaints and give them a reference number.
- After you have contacted us, we will, within 3 days, write to you and where appropriate, send you a complaint form and diary sheets to record any incidents.
- If you want us to pursue your complaint, we ask you to fill in a complaint form. If this is a problem for you, please tell us and we will help.
- We will not usually take any action until we have your complaint in writing. When we receive your written complaint form, we will write to the person you are complaining about, to inform them that we have had a complaint, and give them the opportunity to respond to us. We do this to be fair to everyone and because it often solves the problem.
- If the problem does continue, we will ask you to continue to keep diary records to substantiate your complaint and return them to us. Use the diary sheets to record any pollution incidents and return these to us when you have sufficient information for us to form an opinion of events. This evidence may be used in court.
- We will not at this stage reveal your name. However sometimes it will be obvious and if we do have to go to court then your name will be revealed.
- If we are satisfied that there is a statutory nuisance we will serve a notice requiring that the nuisance be controlled or stopped. This is an Abatement Notice.

- If the problem goes on, we can take action through the magistrate's court. We usually require you to attend as a witness.
- If despite the prosecution, the problem goes on, we may have to return to court. As long as the problem continues it is vital that you keep making diary records.

DIARY RECORDS

It is important that you keep an accurate record of any incidents when the pollution becomes a nuisance to you. This will be your evidence, which we will use if any legal action is taken.

We will supply you with diary sheets. You need to record:

- The date and times when the nuisance occurs
- The nature of the pollution
- How the pollution has affected you

Without this diary record we may not be able to help you.

The diary sheets should be sent to us. The information will be used to assess the problem and take any further action that may be necessary.

THE ENVIRONMENT AGENCY

The Environment Agency has a duty to investigate a number of pollution issues. These include pollution of watercourses, fly tipping and any potential contamination of land. They can be contacted on 0800 807060.

Our Commitment To Service

If you receive a telephone call from our Customer Survey team then please let us know what you think of our service. Our job is to do our best for you. Your comments will help us to improve our service

**If you are not satisfied with our advice,
please contact our helpline:
01442 228455**

**If you are still not satisfied, then ask for details
of the council's complaints procedure.**

**To report initial pollution complaints
telephone the call centre on: 01442 867866**
Open Monday ~ Friday 8.00am ~ 6.30pm

**This publication is about
Dacorum Borough Council's Services.**

If you would like this information provided
in another language or another way, then please
Telephone: 01442 228455

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