

**CHILTERN DISTRICT COUNCIL AND SOUTH BUCKS DISTRICT COUNCIL
GENERAL NUISANCE DIARY**

Dealt with by:

My Ref:

e-mail:

Direct Line:

RECORD NOTES – PLEASE READ CAREFULLY.

1. This record is necessary for the investigation of your nuisance complaint and must be an accurate account of the nuisance disturbing you. All entries must be precise and signed as this record may be used as evidence if legal proceedings are taken in the future.
Please only record the incidents that you consider unreasonable. Further guidance on completing the diary can be found in the Nuisance Information Pack.
2. Any adult staying in your house that is disturbed by the nuisance may fill in a diary sheet. The diary is **your own** personal record of what you experience. You cannot write down something that other people (including your wife, husband or partner) have witnessed. **They must record it in their own diary.** You should fill in the diary **as soon as possible** after the incident has happened.
3. Ensure you complete the top of the form with your name, address and telephone number. Please return the completed form to envhealth@chiltern.gov.uk or Environmental Health Dept. King George V House. King George V Road. Amersham. Bucks. HP6 5AW

NOTES FOR FILLING IN THE COLUMNS

- A. DAY AND NIGHT – Ensure that the day and full date, including the year, are put in this column.
- B. TIME OF DAY NUISANCE STARTED AND STOPS– It is important that the times are specific. IE. 09:55 until 10:20. Avoid using approximate times. Also please state whether it is am or pm or you can use the 24hr clock.
- C. LOCATION AND TYPE OF NUISANCE – State what the nuisance is and where it is coming from e.g. light from the front first floor fascade. The more detailed the information the better.

D. DESCRIPTION OF HOW THE NUISANCE AFFECTS YOU – You should state how the nuisance is affecting your normal life and the impact on you in your home.

The following is the statutory nuisance criteria that the investigating officer will consider when assessing your complaint

1. *Disturbance* - the nuisance must interfere with your enjoyment of living in your home, for example by preventing you sleeping (light).
2. *Length of time (Duration)* - the longer the nuisance goes on for the more likely it is to be a statutory nuisance.
3. *Occurrence (Frequency)* - the more often the nuisance occurs the more likely it is to be a statutory nuisance.
4. *Time of day* – a security light may not be a nuisance in the early evening but may be a nuisance later at night.
5. *Type of nuisance* - the more annoying the nuisance the more likely it is to be a statutory nuisance.
6. *Locality* - The law of nuisance states that people living in different areas, e.g. town and country, can expect to hear different types and different levels of nuisance.
7. *Average person* - the law considers an average person when deciding if a nuisance is occurring. If you have above average sensitivity then this cannot be taken into account.

DAY AND DATE (NOTE A)	TIME OF DAY NUISANCE STARTED (NOTE B)	TIME OF DAY NUISANCE STOPPED (NOTE B)	ROOM AFFECTED IN YOUR HOME AND TYPE OF NUISANCE (NOTE C)	DESCRIPTION OF HOW THE NUISANCE AFFECTS YOU (NOTE D)
FOR EXAMPLE Wednesday 23rd November 2016	22.45	00.30	Bedroom. Security light shining through bedroom window every time a car passes.	I was sleeping and it woke me up. I was not able to get back to sleep until it stopped.

Statement of Witness

(Criminal Justices Act 1967 s9; Magistrates Court Act s102; Magistrates Court Rules 1981 s70)

Our Ref:

Your Name:

Your Address:

Age (if over 18 state 'over 18'):

Alleged Source of Nuisance

Name (if known):

Address:

This statement consisting of pages is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true. I understand that this evidence may be provided to the defendant and that if the matter goes to court, I may be required to attend court to give evidence.

Signed

Date

Day and date (note a)	Time of day nuisance started (note b)	Time of day nuisance stopped (note b)	Room affected in your home and type of nuisance (note c)	Description of how the nuisance affects you (note d)

CONTINUATION OF STATEMENT OF

Day and date (note a)	Time of day nuisance started (note b)	Time of day nuisance stopped (note b)	Room affected in your home and type of nuisance (note c)	Description of how the nuisance affects you (note d)

Signed

Date

CONTINUATION OF STATEMENT OF

Day and date (note a)	Time of day nuisance started (note b)	Time of day nuisance stopped (note b)	Room affected in your home and type of nuisance (note c)	Description of how the nuisance affects you (note d)

Signed

Date