

Introduction

Your Council has a responsibility under the Environmental Protection Act 1990 to deal with situations where there may be a risk to your health or a nuisance is being caused which significantly affects your comfort. These are generally referred to as public health nuisances. The legislation lays down which matters constitute statutory nuisances as follows:-

- Any premise in such a state as to be prejudicial to health or a nuisance
- Smoke emitted from premises so as to be prejudicial to health or a nuisance: (Dealt with by separate guidance leaflet)
- Fumes or gases emitted from premises so as to be prejudicial to health or a nuisance:
- Any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance:
- Any accumulation or deposit which is prejudicial to health or a nuisance;
- Any water covering land or land covered with water which is in such a state as to be prejudicial to health or a nuisance.
- Any animal kept in such a place or manner as to be prejudicial to health or a nuisance;
- Any insects emanating from premises and being prejudicial to health or a nuisance.
- Artificial light emitted from premises or any stationary object so as to be prejudicial to health or a nuisance.
- Noise emitted from premises so as to be prejudicial to health or a nuisance; (a separate guidance leaflet on noise is available).

- Noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery, or equipment in a street or in Scotland, a road.

Who would deal with your Complaint?

An Environmental Health Officer or Technical Officer who are specially trained staff whose main purpose is the enforcement of Environmental Health Laws.

Why are they Involved?

Public Health nuisances by their very nature may have an adverse effect on the health or cause a nuisance to individuals or a community. Authorised Officers have power to take action against the person or persons causing a statutory nuisance.

What will happen if you report a Nuisance?

When your complaint is received you will be contacted within 3 days and be advised of the action we propose to take. In most instances you will be contacted earlier depending on the initial assessment of your complaint by the Officer.

What will the Officer want to know?

The Officer will need information to determine whether it is a nuisance or not. If it is considered that immediate or early investigation is required then a visit will be made within 3 working days of your complaint. This is because it is necessary

for an Officer to confirm statutory nuisance before formal action can be taken.

In some cases where the nuisance is intermittent you will receive a monitoring form and be asked to record all the events over a period of time. This is particularly the case with noise complaints and complaints of smell. Once we have received the completed form we should be able to determine the extent of your complaint and a decision will be taken whether or not to carry out further investigation.

If our investigations confirm the existence of a statutory nuisance the local authority has a duty to serve the appropriate notice on the offender to have the nuisance conditions removed or have the activity causing the nuisance abated or modified. However where there is a likelihood of having the nuisance dealt with informally we may initially write to the offender.

The Local Authority may also give the person committing the offence a fixed penalty notice offering the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty of £150 (£400 if the nuisance is arising from industrial, trade or business premises

Sometimes it is necessary for complainants to give evidence in court. It is important that where formal action is to be taken you should be prepared to go to court. This is particularly the case where part of the evidence is the number of times

an event occurs and this cannot always be confirmed by the Officer.

It is our experience that not all activities which cause annoyance to you will in the Officers opinion constitute a statutory nuisance requiring formal action by the Council. In such circumstances you will be informed of the decision and you will be given advice about taking action yourself if you wish to do so.

Confidentiality

Your name and address will not be given to the person complained about without your permission. However you should be prepared to give us your name and address and you should also be aware that if the complaint is either dealt with by formal Notice or it ends in court action it will likely lead to the offender knowing who you are.

What are you entitled to from Officers?

- To be shown identification
- A courteous and professional manner
- Confirmation of the outcome of the investigation

Suggestions or Complaints about the Service

This leaflet sets out how your complaint will be handled. If you have any suggestions how we can improve the service we provide or wish to complain about the way your complaint has been handled please contact the Environmental Health Manager on 01738 476476 or by writing to him at:

**The Environment Service
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD**

ENVIRONMENTAL HEALTH



PUBLIC HEALTH COMPLAINTS

What can Perth and Kinross Council's Environmental Health staff do to help you with Public Health problems?