

SMOKE NUISANCE PACK

You are reading this pack because you are concerned that you are suffering a smoke nuisance from a neighbouring premises.

We will investigate smoke nuisance complaints but encourage people to try to resolve the matter in an appropriate informal manner before we get involved, as experience shows, that if done well, it will often lead to a better and more permanent solution.

WHAT IS A SMOKE NUISANCE?

A smoke nuisance may be something that is continuous or intermittent but must be unreasonable, frequent and have a substantial interference with the use or enjoyment of your home. For example, smoke fills your house or you cannot use your garden. It does not take into account inconvenience, annoyance or personal sensitivity. Being able to see or smell the smoke does not make it a nuisance and it must come from a premises and affect you at your home.

The government have produced [guidance](#) on smoke nuisance.

HOW TO RESOLVE THE ISSUE

Should you consider that you are suffering a nuisance here are some basic steps to try to resolve the issue.

Talk in a calm and polite manner to the person and clearly explain your point of view. Make some notes beforehand as to what you would like to say and test on a friend. A display of aggression or anger will make situations worse.

Listen to their point of view. It is as valuable as yours and may help explain their behaviour.

Respect the person with the same respect you would like them to show you.

Compromise and find areas of agreement and use them to find a solution. You may find our [guidance on bonfires](#) useful.

Do not accuse them of deliberately upsetting you as they may just be unaware; instead explain the effect their behaviour has on you.

Write, whilst it's good to talk, you may be nervous of making a direct approach, instead try a polite letter or email. Make sure to explain what the issue is and how it

is affecting you. Include your contact details so the person can discuss the matter with you. As a starting point a sample letter has been provided.

Keep records of all conversations you have or correspondence you send or receive.

Sample letter:

(Date)

(Your name and contact details)

Dear Neighbour, (use *name if known*)

I am writing to let you know that the smoke from your property is affecting me.

The smoke that affects me is from *(describe the source of the smoke and when it occurs)*.

It affects me because *(describe what effect it has and how it makes you feel)*.

You may not be aware of this before but I would appreciate it if you could take measures to reduce the smoke such as..... *(describe any simple measures which you believe may help)*.

Thank you

Yours sincerely

(Signature)

MEDIATION

If you are worried about contacting your neighbour consider using a mediation service. Arch Resolution is a local community mediation service who will first arrange to speak to you so you can talk through the issues. Everything is kept confidential. The mediators will also meet the other people involved and do the same with them.

The mediators will then discuss with you what to do next. This could be more individual meetings or perhaps a joint meeting. If it is a joint meeting, the mediators are there to make sure everyone behaves fairly and gets a chance to speak.

TAKING YOUR OWN LEGAL ACTION

If your actions have not led to an improvement and the nuisance is continuing you may take your own legal action in the Magistrates' Court, which is independent of any action that may be available to the Council. We advise you to seek your own legal advice from the citizen advice bureau or a solicitor before taking such an approach.

CONTACTING THE COUNCIL

If your attempts to resolve the matter have been unsuccessful and you want the Council to investigate your nuisance complaint then we need you to carry out a period of monitoring using our nuisance monitoring form.

GUIDANCE ON COMPLETING YOUR NUISANCE MONITORING FORM

The form is an essential part of your nuisance complaint and an investigation will not progress without it. Complete all sections accurately and do not exaggerate, as this will not help your case. Return forms after a minimum of 14 days of monitoring.

DAY, DATE AND TIMES

Enter the day; date and times you suffered the nuisance and use the 24-hour clock. If the nuisance is occurring when you arrive at your premises or continuing when you leave, then record these times and do not use "unknown".

CONTINUOUS / INTERMITTENT

Do not use terms such as "every night" or "all the time". If intermittent give an indication of how many times over a given length of time.

TYPE OF NUISANCE

At the time of each nuisance event record what is occurring and provide a description of its effect upon you at your home.

EFFECT OF NUISANCE

Record any actions you took to minimise the effect of the nuisance and where you were when you suffered the nuisance.

SIGN AND DATE

You must sign and date the form to confirm that the information provided is a true and accurate record and that you give permission for the form to be used as part of any legal proceedings and that you are prepared to give evidence in a Court of Law.

RETURN

Return the form signed and dated to Environmental Protection. An officer will review the evidence you have provided and contact you to discuss your complaint.

Environmental Protection
Safer Communities
Harrogate Borough Council
PO Box 787
HG1 9RW

 ep@harrogate.gov.uk

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Nuisance Source Address				Complainants Name and Address				Officer
								EP
Day and Date	Time you suffered the nuisance		Continuous or Intermittent	Nuisance Scale Low: minor disturbance. High: major disturbance.				Describe Nuisance Record what you are experiencing and the nature of the nuisance. Describe its effect upon you, any actions you took to minimise the effect on you and where you were when you suffered the nuisance.
	Start	Stop		Low 1	2	3	High 4	
1								
2								
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10								
11								
12								

Day and Date	Time you suffered the nuisance		Continuous or Intermittent	Nuisance Scale Low: Minor disturbance. High: Major disturbance.				Describe the nuisance Record what you are experiencing and the nature of the nuisance. Describe its effect upon you, any actions you took to minimise the effect on you and where you were when you suffered the nuisance.
	Start	Stop		Low 1	2	3	High 4	
13								
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I confirm the information I have provided above is a true and accurate record and that it can be used as part of any future Council proceedings and I am prepared to give evidence in a Court of law.

Signature: _____ Full Name: _____ Date: _____ Sheet 2 of 2