


## Slide 1

**Nuisance Law and its  
application**

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**Leicester City Council**




## Slide 2

**What is a nuisance?**

Nuisance is defined as:  
*'the unacceptable interference with the personal comfort or amenity of neighbours or the nearby community'*.  
Judged by what would be deemed as *'unacceptable'* to ordinary decent people.

Nuisance law: Two types

1. Common law ('public' and 'private')
2. Statutory nuisance



## Slide 3


**What is a Nuisance? (Cont)**

2. Statutory nuisance  
*'where a particular nuisance has been made so by statute'*<sup>1</sup>

Two limbs:

- *Prejudicial to health*
- *Nuisance*

Enforced by Local Authorities



## Slide 4

### What can constitute a statutory nuisance?

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- Premises
- Smoke
- Fumes or gases
- Dust, steam or other effluvia
- Accumulations or deposits
- Animals
- Noise from premises, vehicles, machinery or equipment
- Insects
- Artificial light



## Slide 5

### Enforcement of statutory nuisance law

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Local Authorities: powers to inspect and enforce

- Abatement notice
- Criminal proceedings
- **Section 82** Individuals right to take action against statutory nuisance



## Slide 6

### Key considerations in determining statutory nuisance

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- **Location**
- **Frequency**
- **Duration**
- **Time**
- **Level & type**
- **Importance and value to the community**
- **Difficulty in avoiding external effects**



## Slide 7

### The Best Practicable Means (BPM)

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**Practicable** = reasonably practicable in regards to local conditions / circumstances, current technical knowledge and financial implications

**Means** = design, installation and maintenance



## Slide 8

### Leicester City Council involvement with Euro Dyers Ltd

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- Involvement prior to Section 80 Abatement notice
- Service of Section 80 Abatement notice (18/05/2010)
- Monitoring
  - 30 reactive visits
  - 34 proactive visits
- Last 'statutory nuisance' witnessed on 6<sup>th</sup> May 2010.
- Company voluntarily wound up October 2011



## Slide 9

### Euro Print Dyers Ltd

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- Euro Dyers Ltd no longer operator of dye works at 499a Saffron Lane
- Abatement notice no longer in effect with change of company
- New operator at 499a Saffron Lane is Euro Print Dyers Ltd (October 2011)
- Monitoring
  - 0 reactive visits
  - 6 proactive visits
- No nuisance has yet been established



## Slide 10

### Future action / involvement

- Reactive monitoring where complaints are received
- Continued proactive monitoring
- Liaison with Euro Print Dyers Ltd to highlight process issues resulting in increased levels of odour and complaints
- Any witnessed nuisance odour to be investigated in line with Leicester City Council's enforcement procedures




## Slide 11

### Registering a complaint

#### Contacting the Council

- Initial contact
  - Customer Services (0116 2527001)
  - Generate complaint reference number
  - Complaint passed to relevant team
  - Initial contact made / Service details provided / visit carried out (if applicable)
- Follow up complaint
  - Direct contact with team
  - Service visit and observation
  - Action taken if nuisance witnessed
  - Response to complainant



## Slide 12

### Pollution team – Service details

#### Service hours

- Monday – Thursday 9am – 5pm
- Friday 9am – 4:30pm

Contact on: 0116 2526438 and ask to speak with the duty officer.  
Alternatively contact via email on: [pollution@leicester.gov.uk](mailto:pollution@leicester.gov.uk)

Additional service cover for evenings and night time can be arranged.

