Residential Environmental Health – Nuisance and Pollution Policy

23/11/2026

THREE RIVERS DISTRICT COUNCIL

POLICY AND RESOURCES COMMITTEE

PART I

Residential EH – Nuisance and Pollution Policy (ADCCC)

1 Summary

1.1 The Environmental Protection Act 1990 (EPA1990) places a statutory duty on the council to take reasonably practicable steps to investigate complaints made by customers into potential statutory nuisance within the district.

1.2 Historically, these investigations have been undertaken using adopted internal procedure.

1.3 However, to provide our residents with greater transparency around these investigations and the steps that the council will take when conducting these investigations, this Policy has been drafted for consideration and adoption by Members.

2 Recommendation

2.1 That:

2.2 Members of the council's Policy and Resources Committee adopt this Policy to provide residents with greater transparency around how these investigations will be undertaken by Officers.

2.3 For Members to agree to delegate the authority to make minor amendments to the Policy to the council's Head of Strategic Housing and Environmental Health, in consultation with the Lead Member.

Report prepared by: Jason Hagland, Head of Strategic Housing and Environmental Health.

3 Details

3.1 Under Section 79 of the EPA1990, the things that can amount to a statutory nuisance are the following -

3.1.1 Premises in such a state as to be prejudicial to health or a nuisance

3.1.2 Smoke emitted from premises

3.1.3 Fumes or gases from private dwellings

3.1.4 Dust, steam, smell or other effluvia from industrial, trade or business premises

3.1.5 Accumulations or deposits, such as rubbish or waste, that are prejudicial to health or a nuisance

3.1.6 Animals kept in such a place or manner as to be prejudicial to health or a nuisance

3.1.7 Noise from premises

3.1.8 Noise from vehicles, machinery or equipment in the street

3.1.9 Artificial light emitted from premises

3.1.10 Insects from industrial, trade or business premises

3.2 As confirmed above, should the council receive a complaint on any of the above matters, then the council have a statutory duty under the EPA1990 to take reasonably practicable steps to investigate this matter and assess whether a statutory nuisance exists.

3.3 The adoption of this Policy will provide clarity for our customers as to how complaints of this nature will be investigated by Officers, whilst ensuring that these investigations by Officers are undertaken fairly, consistently and proportionately.

3.4 The Policy sets out the council's approach for investigating, managing and enforcing against nuisance and pollution complaints effecting residents, businesses and communities.

3.5 It also sets out how these complaints will be assessed, what evidence customers will be required to submit to ensure an appropriate investigation can be undertaken and any further requirement of the customer, should formal enforcement be considered. (witness statement, providing evidence at a Court hearing etc.)

3.6 The process of investigation of these matters is contained within this Policy, including what measures Officers may take to establish whether a statuary nuisance is present.

3.7 This will include the Officer visits, inspections, monitoring and the use of noise monitoring equipment.

3.8 The Policy clearly sets out how cases will be managed by Officers and sets out the enforcement options available to Officers in these matters. It also sets out the matters that the council will be unable to investigate and other avenues for resolution that customers may wish to pursue in these circumstances.

3.9 These are included within Appendix Two of the Policy and include matters such as aircraft noise, odour from domestic cooking and noise from vehicles travelling on major roads.

Options and Reasons for Recommendations

3.10 To ensure that investigations by Officers into complaints of potential statutory nuisance and pollution are undertaken fairly, consistently and proportionately, it is recommended that Members adopt the Policy.

3.11 Furthermore, the adoption of this Policy will ensure that customers have clarity and are well informed on how these investigations are conducted and the matters that the council is able to investigate.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are within the Council's agreed policy and budgets.

Financial, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Risk Management and Health & Safety Implications

None specific.

5 Legal Implications

5.1 Nil

6 Equal Opportunities Implications

6.1 Relevance Test

Has a relevance test been completed for Equality Impact?	Yes
Did the relevance test conclude a full impact assessment was required?	No

6.2 Impact Assessment

Nil negative impacts identified for any groups with protected characteristics

7 Customer Services Centre Implications

7.1 The adoption of this Policy is likely to have a positive implication on the council's Customer Services Centre.

7.2 The Policy will clearly set out for customers the matters that the council are able to investigate, therefore, will likely reduce the number of calls made to the council to report issues that are unable to be investigated. This will give this Customer Service Representatives more time to deal with other matters.

8 Communications and Website Implications

8.1 If adopted, the Residential EH Nuisance and Pollution Policy will require to be uploaded to the council's website.

9 Risk and Health & Safety Implications

9.1 The Council has agreed its risk management strategy which can be found on the website at http://www.threerivers.gov.uk. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Housing Services service plan(s). Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	**Consequence**	**Suggested Control Measures**	**Response** *(tolerate, treat terminate, transfer)*	**Risk Rating** *(combination of likelihood and impact)*
Investigations into a complaint of potential statutory nuisance are	Reputational risk to the council	The adoption of the Residential	Treat	4

unable to be considered a investigated in a fair, consistent and proportionate manner	Upholding of complaints by the housing and Social Care Ombudsman should complaints escalate to this body	EH – Nuisance and Pollution Policy		

9.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Likelihood				
Very Likely	**Low** 4	**High** 8	**Very High** 12	**Very High** 16
	Low 3	**Medium** 6	**High** 9	**Very High** 12
	Low 2	**Low** 4	**Medium** 6	**High** 8
Remote	**Low** 1	**Low** 2	**Low** 3	**Low** 4
	Impact			
	Low ----------▶			Unacceptable

Impact Score	**Likelihood Score**
4 (Catastrophic)	4 (Very Likely (≥80%))
3 (Critical)	3 (Likely (21-79%))
2 (Significant)	2 (Unlikely (6-20%))
1 (Marginal)	1 (Remote (≤5%))

9.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

Data Quality

Data sources: Nil

Data checked by: N/A

Data rating: N/A

1	**Poor**	**N/A**
2	**Sufficient**	**N/A**
3	**High**	**N/A**

Background Papers

APPENDICES / ATTACHMENTS

The council's Residential EH – Nuisance and Pollution Policy
Equalities Impact Assessment
Sustainability Impact Assessment

THREE RIVERS
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