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Environmental Health and your business

SENIOR ENVIRONMENTAL HEALTH OFFICER



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How does our role affect your business ?

- If you sell food then you need to be registered with us. This is free to do .
- This allows us to know that you are selling food
- If we have an issue with a supplier that you use , be it Tesco or Mr Smith the butcher , we can contact you and ensure that you do not have any of the suspect food.
- If you are serving food we inspect your business and when you have gained a pass standard your business receives a certificate and your details are put on the food standards website .
- We are always available to give advice regarding food standards , food hygiene etc.





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Regarding Nuisance

Environmental Health deal with three types of nuisance



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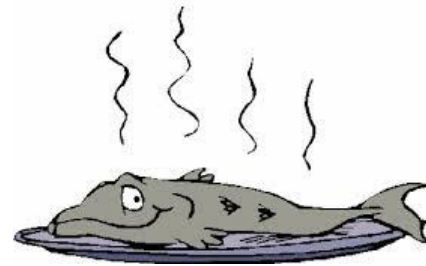
Light Nuisance

- Are your lights shining into your neighbours property?
- Do you have a sign that is lit even when you are not open for business?
- These may be a nuisance





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Smell Nuisance

- This can be quite subjective, I may love the smell of the local brewery , but the complainant may not.
- If a smell is strong , or constant this may be a nuisance.
- For example are you using the correct extraction system in your kitchen or can all your neighbours smell fried food in their gardens / homes?





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Noise Nuisance

- And thirdly Noise Nuisance
- Noise is very subjective, my favourite group being played at full volume may sound great to me , but to my neighbour it may be of great annoyance.





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What is the legal definition of a Nuisance?

- A nuisance is defined as a matter which is an unreasonable and substantial interference on the use and enjoyment of a persons property.
- For a matter to qualify and be actionable as a Nuisance in law it must be a serious matter.
- One off events are rarely sufficient.

Also

- Specific sensitivities of those suffering cannot be taken into account of in deciding whether a matter is a nuisance.



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- In Environmental Health we judge whether something is a Nuisance against if it would affect the average man on the London omnibus.
- This means that we look at the complaint to see if the complaint is reasonable.
- To explain this a little better I thought a couple of examples may be useful





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Example 1

- We receive a complaint from Mr A that the dead lion pub , that he lives next door to , has loud music playing on a Sunday afternoon in the beer garden. The complainant can hear the music in his house and he cannot sit in and enjoy his garden.
- We visit the land lord to find that yes there was noise and music in the beer garden as it was the annual village fete. It happens once a year and all the village turns our from 10am to 3pm.
- **IS THIS A NUISANCE?**



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- This may have caused the neighbour a problem , but it is a one off , we would not consider it as a problem





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Example 2

- We receive a complaint from Mr B. He alleges that the local off licence receives deliveries at 5am three times a week and he is woken by the reversing alarm and voices.
- We visit the shop and the owner tells us that the deliveries are about 8am. We ask the complainant to fill out a noise log to clarify which dates and times the deliveries occur.
- The sheet is returned and shows that the deliveries are , according to the complainant regular and very early.



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- We then arrange to put noise equipment into the complainants property which will record when the deliveries are made .
- In the mean time an officer will visit the premises one morning before 5am to confirm the details of the vehicle allegedly delivering to the premises.
- If the recordings confirm the time of deliveries a further visit would be made to the shop owner explaining that deliveries are far too early and the time must be changed. We would also speak to the van drivers company and explain that if the times are not altered for delivery then a Notice may be served.



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- The van driver starts delivering at 8am. Complaint resolved





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Example 3

- We receive a complaint from Mr C. He lives across the road from a public house .
- His complaint is that there is regular music, shouting and excessive car door slamming every Friday and Saturday evening from the Donkey Stone public house.
- We speak to licensing who confirm the business has a licence to play live and pre-recorded music.
- We speak to the landlord who advises that no one has complained to him and he did not think that it was loud , but he will ‘keep it down’



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- We explain to the landlord that this is an initial investigation, but want to make him aware that there has been a complaint from a local resident.
- The complainant completes a noise diary and noise equipment is installed in the complainants property.
- This confirms that music can clearly be heard in the complainants property.
- We revisit the landlord and advise that there is a problem he needs to keep doors and windows closed when music is being played , turn the juke box down etc. he agrees to do so.



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- The noise complaints continue and we visit during the evening to witness the noise from the complainants premises.
- The noise in the complainants property is so loud that it is vibrating the windows.
- A visit is made to the pub, the land lord is asked to stop the music immediately and a Notice is served to stop music being played. Licensing is informed .





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We take all complaints seriously and hope that by communicating to both parties the issues can be resolved.



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ANY QUESTIONS ?



"That's \$27.50, including the fuel surcharge, carbon tax, noise nuisance and environmental impact fee."