

# Take Your Own Legal Action

The Magistrates Court serving the area is:

**Colchester Magistrates Court  
Town Hall  
High Street  
Colchester  
01206 743123**

Section 82 of the Environmental Protection Act 1990 allows you to take your own legal action against a person causing an alleged nuisance. Brief guidelines on what to do follows, however you are advised to see professional advice from your own solicitor.

Once you have gathered your evidence you should go to the local magistrates court.

At the court you should contact the Clerk's Office and explain that you wish to make a complaint under Section 82 of the Environmental Protection Act 1990. You will need to be able to produce evidence of the nuisance as detailed above to show that you have an arguable case. The Clerk will tell you that you must give three days written notice to the person responsible that you intend complaining direct to the Magistrates Court. Ensure that your records, and those of any other witnesses, are kept up to date and that these witnesses will support you in Court.

The Clerk to the Court will set a hearing date and will serve a summons on the 'offender' (you may have to pay a fee for this). In Court you will be required to explain your case, produce your diary and any witnesses. The 'offender' will be able to cross examine you if he wishes.

If the Magistrates are convinced that you have a case, they will make an order requiring the nuisance to be abated, and prohibiting its recurrence. The Court can also impose a fine on the 'offender'.

If the Order is ignored, you must keep further records and if necessary return to court with your evidence.

If you would like this information leaflet in LARGE print or in another language, please contact; 01255 686767  
Environmental.services@tendringdc.gov.uk  
www.tendringdc.gov.uk

#### BENGALI

যদি আপনার এই নথিটি বাংলা ভাষায় প্রয়োজন হয়, তাহলে [www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk) এর মাধ্যমে অনুবাদ করে দেওয়ার জন্য অনুরোধ করা যেতে পারে।

#### CHINESE

如果你需要这份文件的简体中文翻译, 可以通过[www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk)订购。

#### GUJERATI

જો આ દસ્તાવેજ તમને ગુજરાતીમાં જાહેરું હોય તો [www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk) થી એનું ભાષાંતર પરીકી શકાય છે.

#### HINDI

यदि आप इस दस्तावेज को हिन्दी में चाहते हैं, तो [www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk) के माध्यम से अनुवाद का आर्डर दिया जा सकता है।

#### POLISH

Jeśli potrzebujesz ten dokument w J. Polskim, tłumaczenie może być zlecone na stronie [www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk)

#### TURKISH

Eğer bu dökümanı Türkçe olarak istiyorsanız, çeviri [www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk) yolu ile düzenlenebilir.

#### URDU

اگر آپ کو اس دستاویز کی ضرورت اردو میں ہے تو [www.Tendringdc.gov.uk](http://www.Tendringdc.gov.uk) کے ذریعے اس کے ترجمہ کی فرمائش کی جا سکتی ہے

**Tendring**  
District Council



# Light Nuisance



Are you being disturbed by light?

# What is a Light Nuisance?

Many people are unaware of the effect that their enjoyment of decorative or security lighting may have on their neighbours. They might well act in a more responsible and considerate way if the facts are politely brought to their attention.

A light nuisance would be a significant and unreasonable emission of artificial light, that affected you in a significant and unreasonable way.

It is more than 'annoyance' and much more than the mere awareness of a light.

Many other factors determine whether or not artificial light is a statutory nuisance and these can be;

- The time of night
- Your location e.g. Urban/ Rural
- The duration of the light
- The brightness of the light
- The angle of the light
- The area into which the light shines

## A light nuisance may be caused by:

- Domestic and commercial security lights
- Some healthy living and sports facilities
- Domestic decorative lighting.

## Exempt Sources are:

- Airports
- Harbours
- Light Houses
- Tram, Bus and Train Facilities
- Goods Vehicles Operators
- Prisons
- Defence Facilities

## What you should do first

Many complaints can be resolved by simply talking politely to the person causing the problem.

(how would you feel if the situation was reversed and your neighbour made a complaint to the council?)

However if the problem continues contact us, the Pollution and Environment Team on 01255 686767.



# Making a Complaint

Before the council can take a legal action on anyone's behalf, it must be satisfied that a

"Statutory nuisance" exists and that evidence (suitable for a Court) has been gathered to support the case. In most cases, the following procedure will be followed:

- An informal letter will be sent to the person being complained about to inform them of the problem.
- You will be asked to keep an accurate diary, detailing when the light occurs and how the light affects you.
- If an informal approach does not work then an Officer of the Council may visit when the light occurs to make an assessment.
- If a statutory nuisance is found to exist, an 'Abatement Notice' will be served to prohibit or restrict the light.
- If the light continues, you will be asked to maintain a nuisance diary and an officer will make another visit when the light is alleged to occur.
- If the nuisance continues and the notice is not complied with the 'offender' will be summonsed to appeal to a magistrates court where a fine may be imposed.