# Medway council: Regeneration, community and culture directorate

Please ensure you read all parts of this form carefully, and ensure you sign the top and bottom of the incident record as indicated. Please note, failure to complete this record as directed may result in the content being void.

These records are your evidence of the events that have taken place and therefore should be completed by you. If you are unable to complete the record due to limitations and have nominated another person to act for you, then this must be declared. You should sign the appropriate declaration at the start of the record.

It is strongly recommended that you record enough information so that the events can be recalled clearly and accurately should you be required to provide evidence in a magistrates court.

## Incident witness record form

This form is intended for use by members of the public in situations where nuisance is alleged to occur. It is obviously extremely difficult for the Environmental Protection Team to guarantee being able to visit when the nuisance occurs. Consequently, this record assists us in selecting a representative time to visit to witness the alleged nuisance forourselves and decide what further action can be taken on your behalf.

It is important that any person completing the sheets should realise that in the event of the Council deciding to take legal action in respect of the activity concerned he or she may be called upon to give evidence in a Magistrates Court and may be subjected to cross­-examination in respect of the details recorded. Please note that not all cases require Court action.

## Guidance notes for the completion of this form

### 1. Time

The start and finish should be entered in this column. If the nuisance in question arises from a number of extremely short-duration events over a longer period of time, e.g. banging, dog barking, pile driving operations or bird-scarers etc, the times of starting and finishing should relate to a complete sequence if possible and some indication should be given as to intervals between single events within the sequence. Please note, you should complete the record at the time of it happening or as close as practicable to retain as much clarity of the event as possible.

### 2. Description of incident

Such descriptions should be kept as short as possible consistent with giving precise details. Depending upon the type of nuisance concerned details such as weather conditions, wind direction, etc. may be vital to the record.

### 3. How the incident affected you

Give clear detail of how and to what extend the incident interfered with the use and enjoyment of your premises.

Example:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Day and date | Time started | Time finished | Description of incident | How the incident affected you |
| Tuesday 23/02/2016 Thursday 25/02/2016 | 8pm | 1am | Loud music, strong bass beat, vibration through the wall | Could not hear own TV – later on – kept us all awake |

It is not possible to cover all eventualities in these notes. Further information and guidance in completing the form will be provided by the Officer dealing with each case.

### 4. Who should complete the record?

1. The person making the complaint/being affected by the nuisance should complete the record, and that person must sign the declaration at the start of the record. They must also sign each completed page at the bottom where indicated.
2. If another person completes the record from their perspective (e.g. spouse/housemate), then they should complete their own record. We can provide you with additional record sheets for this. Please ask if you require one.
3. If you are unable to complete the record yourself due to limitation’s and you have a nominated person writing your words on your behalf onto the record, then this must be declared at the start of the record, by signing the appropriate declaration. You or your nominated person must also sign at the bottom of each page where indicated.



**INCIDENT RECORD OF NUISANCE COMPLAINTS**

## WITNESS RECORD

**Your name:**

**Your address:**

**Your telephone no - home:**

 **- Work:**

**Complaint ref. No.:**

**Address you are complaining about:**

The following statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it, anything which I know to be false or do not believe to be true.

**Signature:**

**If your record has been completed by another person:**

The following statement has been completed on my behalf by a person nominated by myself. The record that has been made, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

**Signature:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Day & date** | **Time started** | **Time finished** | **Description of incident** | **How the incident affected you** |
| **Day & date** | **Time started** | **Time finished** | **Description of incident** | **How the incident affected you** |
|  |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Day & date** | **Time started** | **Time finished** | **Description of incident** | **How the incident affected you** |
|  |  |  |  |  |