

Flies:

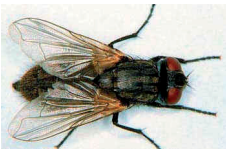
Clean Neighbourhood and Environments Act 2005 Environmental Protection Act 1990

Why can flies cause problems?

The vast majority of insects do not cause a nuisance but are essential components of our ecosystem. Flies can create problems if they are present in significant numbers or alternatively through their behaviour.

What are the most common flies?

There are three common species of fly which can cause a problem:



The Common House Fly
Musca domestica



The Lesser House Fly
Fannia canicularis



The Blow Fly
Calliphora vicina

The House Fly is often associated with rotting/fermenting or moist organic matter and can transmit disease due to their habit of feeding on and contaminating clean material with material picked up from an unclean source.

Blow Flies breed in animal manure and decaying feed, although they are more likely to be found developing in decomposing animal carcasses and sites contaminated with milk or broken eggs.

It is not the intention of the Act to enable all fly complaints to be investigated. There is a difference between insects arising from a deliberate activity carried out in connection with a business, trade or commercial premise and a natural occurrence of insect populations.

Can I make a complaint to the council and how will it be investigated?

It is not the intention of the Act to enable all fly complaints to be investigated. There is a difference between insects arising from a deliberate activity carried out in connection with a business, trade or commercial premise and a natural occurrence of insect populations.

The council can investigate complaints of nuisance flies under the Environmental Protection Act 1990. Initially, a letter will be sent to all complainants with monitoring forms to enable a clearer picture of the situation to be gathered. A sample of the flies will be requested to aid in their identification and to assist with tracing the possible source. Visits may also be made to any likely sources of the flies such as farms, sewage works or other trade or commercial premises.

It is important to note that the logistics of tracing the source of a particular infestation can be difficult and time consuming. Even where the source of an infestation is identified and a statutory nuisance is established, once flies have left the breeding site they may continue to breed in other areas. It is therefore important to note that complainants are unlikely to see an immediate improvement in the situation.

What is a Statutory Nuisance?

A Statutory Nuisance is defined as a “material interference with the comfort and enjoyment of another’s home.”

What does this mean in practice?

In practice, to be a Statutory Nuisance, the fly numbers would have to be excessive and unreasonable in the circumstances and significantly interfere with the use and enjoyment of someone’s home.

What action could the council take?

If the council is satisfied that the noise is causing a Statutory Nuisance, a notice can be served which can stop the activity occurring. IF:-

- there is an identifiable source and cause of the fly infestation;
- if the fly problem is considered preventable.

It should be noted that not all fly problems would be considered to be a nuisance. Some fly problems would be as a result of a natural occurrence. In addition, there may be a temptation for some people to attribute a fly infestation to a business by virtue of them being a likely source when in fact they may be suffers themselves.

Is there anything I can do without involving the council?

You can speak to the person(s) who you think may be responsible for the fly problem you are experiencing. A local farmer or landowner may be genuinely unaware that residents are experiencing a problem and may be willing to try and resolve the matter informally with residents. This may be the quickest and most effective means of resolving matters. Environmental Services are unable to investigate anonymous complaints under the Environmental Protection Act 1990. However, there is the option for any individual to take a private action under the same Act without any involvement by the council.

How do I take a private action?

Any person may make a complaint to the Magistrates Court if they consider themselves to be affected by a nuisance under section 82 of the Environmental Protection Act 1990. You may also take your own legal action for an injunction or damages in respect of private nuisance.

Environmental Services would advise you to contact a Solicitor regarding private action. Please note that you would be responsible for any costs incurred by this course of action.

How can fly problems be avoided?

It is impossible to predict whether flies will be a problem from year to year or where they may originate. Environmental Services is however compiling a record of those premises where there have been identified problems with a view to carrying out visits to the premises early in the Spring to ensure that appropriate preventative steps are being taken by the farmer/landowner to prevent, where possible, further problems arising. Individuals have a responsibility to ensure that they are not encouraging pests such as flies. Prevention is better than cure. There are a number of steps which individuals can take to avoid fly problems:

1. Ensure that all refuse is stored in either securely tied refuse sacks or containers with a tightly fitting lid.
2. Ensure that refuse is only put out on the morning of collection to minimise the potential for other scavengers to rip open bags containing waste.
3. Ensure that putrescible items of waste ie meat and dairy products, are not added to a compost heap and that garden refuse is kept tidy to reduce the number of fly breeding sites.
4. Plastic strips over doors and window openings can also discourage flies from entering buildings.

If you are a farmer or landowner ensure that you monitor likely sources of harbourage for flies such as muck heaps, observe good husbandry of farm animals and their bedding etc and ensure that appropriate steps are taken in the event of noticing a problem.