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PUBLIC PROTECTION AND SAFETY POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Meeting to be held on Tuesday 26 July 2011

9(c) OUT OF HOURS NOISE - SAVINGS OPTIONS (Pages 3 - 8)

The appendices to this report, which were omitted in error from the main agenda, are attached.

Copies of the documents referred to above can be obtained from
www.bromley.gov.uk/meetings

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Appendix 1

1. Option One

Removal of Bromley's Out of Hours Noise Service

The budget for the Out of Hours Noise Service for 2011/12 is £34,200 and discontinuing the service could provide revenue savings annually for the Council. However, in doing so, there would be a considerable impact on both the residents of Bromley and the Council in making such a decision.

The effect of noise on people's health is well documented and the percentage of the population affected by noise is currently being proposed as an indicator in the Public Health Outcomes Framework. Noise continues to be a significant cause of complaint and the out of hours noise service has seen an increase in demand year on year. In 2010/11, 68% of the total number of noise complaints received were reported out of hours and the service experienced a 4% increase in the number of complaints received.

The out of hours noise service reduces the response time to complaints and the time taken to resolve cases. Discontinuing the service would mean that the approximate 2500 complaints reported annually would not receive an immediate response and would be referred the next working day for the appropriate follow up action. In effect, intruder alarms could ring all weekend, causing significant disturbance to surrounding residents. Similarly, on going cases where the noise occurs outside of office hours and where evidence is required to pursue legal proceedings including seizing noise generating equipment would go unresolved. This would have significant impact on the victims of noise and could result in complaints to the Local Government Ombudsman.

Discontinuing the service would also impact on the Public Health Nuisance Team, responsible for investigating statutory nuisance, in terms of increased workload during the working day. The team has already experienced a reduction in staff resources.

Members should also be mindful that the Chartered Institute of Environmental Health (CIEH) are of the opinion that local authorities could be open to legal challenge by way of Judicial Review if they refuse as a matter of policy not to respond to complaints warranting a rapid response. Under the Environmental Protection Act 1990 local authorities have a statutory duty to take 'such steps as are reasonably practicable' to investigate noise complaints and to take action to remedy noise if this constitutes a statutory nuisance.

Whilst the act does not define what steps are reasonably practicable, it does suggest that some investigation of complaints will always be required. Should the investigation be so delayed as inevitably to be ineffective, the duty will not be met.

This duty is reinforced by Section 6 of the Human Rights Act 1998 which makes it unlawful for a local authority to fail to act to protect, inter alia, rights to private and family life which includes the impact of serious pollution.

Discontinuing the out of the hours noise service

Gross annual savings

£34,200

2. Option Two

Reducing the provision of the Party Patrol Service

The Party Patrol service presently consists of officers from Public Protection who volunteer to cover Saturday night from 10pm to 4am Sunday. The service is provided by two officers (and police support when necessary) who work together during the evening to deal with unreasonable parties and to respond to other emergency complaints for the standby call out officer.

The party patrol service currently operates 52 weeks of the year. Consideration has been given to adjust this service to reflect seasonal variation in the demand for the service. For this reason a review of the demand for the service during 2010 was undertaken and a review of the demand within the last 6 months compared with the corresponding 6 months of the previous year.

The results are shown in Figures 1 and 2 below.

Figure 1.

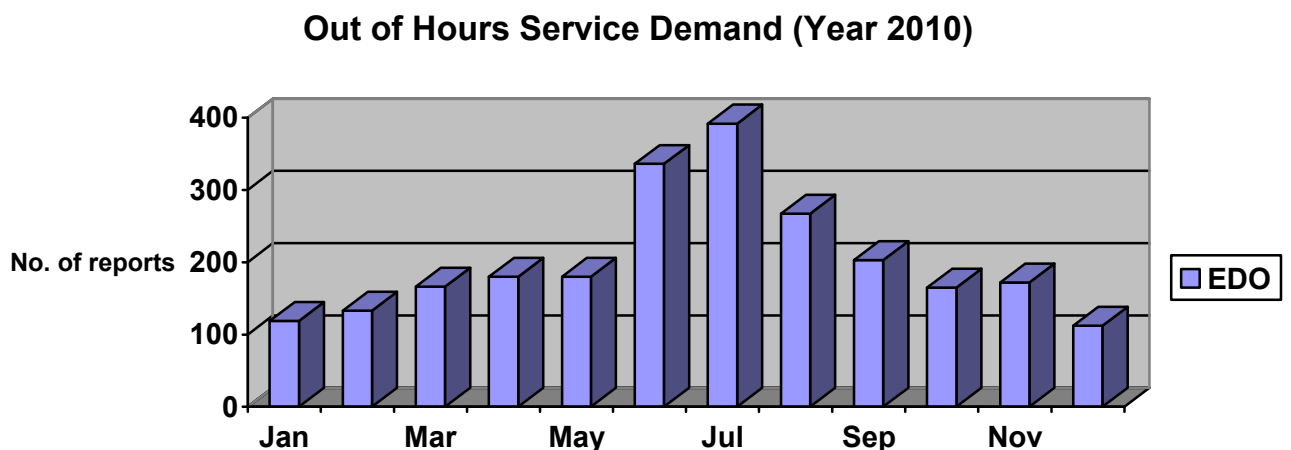
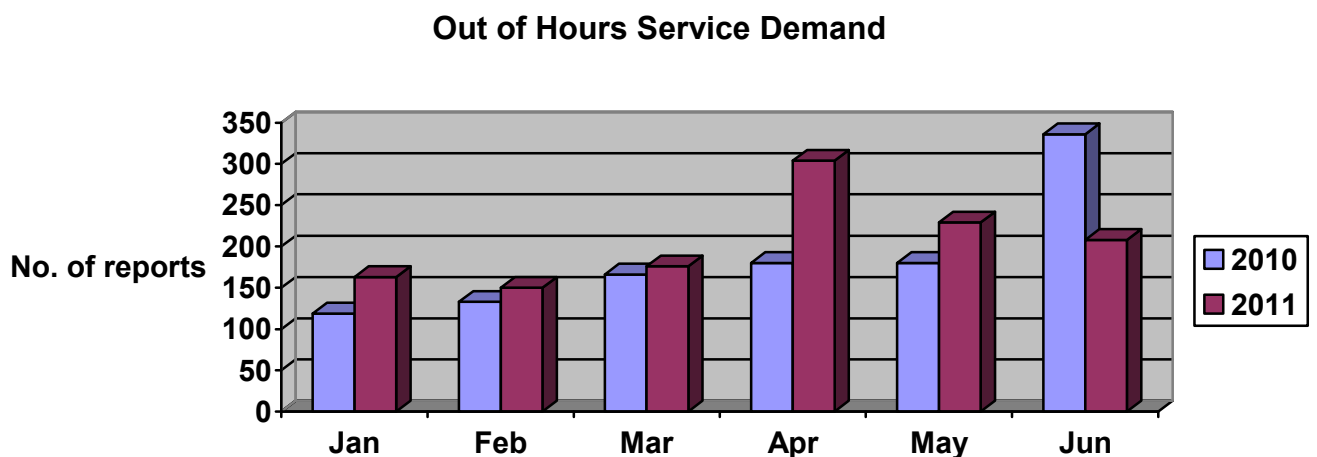


Figure 2.



Complaint numbers are significantly higher in the summer than the winter and increased demand for the service is typically between April to September. Reducing the provision of the Party Patrol service to cover the period 1st May to 31st September would achieve an annual saving of £9,000. However, whilst the number of complaints concerning parties considerably reduces during the period October to March, a decision would need to be made as to whether such complaints received during this period are referred for action the next working day or whether they are passed to the standby call out officer to respond to. In the former scenario this may result in an increase in service complaints to Ward Councillors and in the latter, there may be implications for the Council under the Working Time Directive.

Reducing the Saturday night party patrol service

Gross annual savings	£9,000
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3. Option Three

Joint working with the Metropolitan Police

There are significant personal safety issues for staff engaged in the investigation and enforcement of noise complaints out of hours. For this reason, the party patrol service is currently covered by two noise officers. However, discussions are currently in progress with the police to consider the proposal to provide a Special Constable (MSC) to accompany a single noise officer during the hours of operation.

Such an arrangement was in place many years ago and the system proved very effective. The police presence provided additional reassurance and noise issues were resolved quickly and effectively.

It would be a significant partnership development with both the police and council officers out on patrol on a Saturday night and provide a number of potential benefits for the partnership and the residents of Bromley as a whole.

This arrangement would mean that the party patrol service could continue to operate all year round and provide a saving of £8,720 (as one less noise officer would be required).

However, during the 2012 Olympics period, which will coincide with the peak demand for the service, there will be a high demand on a daily basis for MSC officers who will be volunteering their time. The MSC priority focus will be around the games and events before and after.

Outside the Olympic game time frame, early or late 2012, there may be possibility for the use of Bromley MSC however this cannot be relied on to offer a service as there will be times when there are no volunteers. The shift time of 10pm to 4 am may also prove a problem to some volunteers.

Having no guaranteed support or being given late notice of unavailable support would have implications for the service.

Joint Working with the Police

Gross annual savings	£8,720
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4. Option Four

Maintain current level of service

The London Borough of Bromley provides one of the cheapest and best value Out of Hours service in London. A more detailed breakdown of the service can be found in Appendix 2 which provides details of the results of a benchmark review carried out in 2009.

As outlined in the options above, there will be implications on both the Council and the residents of Bromley if the service is either reduced in part or removed in its entirety.

Appendix 2

Noise Service Review 2009

A review of the Noise Service was carried out in the Autumn 2009, in the form of a benchmarking exercise with other London Boroughs and consultation with previous users of the service.

The results of the benchmarking exercise are summarised below:

1. The Out of Hours Service:

OUT of HOURS	London average	Bromley
Cost of service:	£ 62,477	£ 33,210
Range of costs -full 24hr cover	£800,000	£33,210
Total no. of staff	12	8 (rota system)
Hours of service	7-1am (weekdays); 8-3am Fri/Sat; ad hoc Sat/Sun	5pm -8am (Mon-Sun) 10pm – 4am party patrol (Sat/Sun)
Response time	1 hour	1 hour
Complaints dealt with	Predominantly noise - domestic and commercial	All noise complaints, as well as limited other nuisances e.g. bonfires
Not usually dealt with	Aircraft noise; issues with police primacy; domestic noise e.g. arguments	Road, rail and aircraft noise

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