

Report No.

London Borough of Bromley

PART ONE – PUBLIC

Decision Maker: **PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO HOLDER.**

Date: For pre-decision scrutiny by Public Protection and Enforcement PDS Committee on 8th September 2022

Decision Type: Non-Urgent Executive Key

Title: **OUT OF HOURS NOISE SERVICE – OPTIONS APPRAISAL**

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Ward: (All Wards)

1. Reason for report

The Out of Hours Noise Service (OOHNS) has been operating a revised service since September 2021 following Non-Key Decision (ES20111) 'Proposed Changes to Out of Hours Noise Service'. That report led to a temporary arrangement. It was agreed to review that decision/arrangement in September 2022.

This report assesses the current demand for OOHNS, reviews the temporary arrangement put in place following the last report, and provides an options appraisal for potential future OOHNS arrangements moving forward.

2. **RECOMMENDATION(S)**

The Portfolio Holder is requested to:

- i) Note the current service demand trends
- ii) Note the review of the current service
- iii) Consider the delivery options for OOHNS provision
- iv) Agree that **Option 5i** is the OOHNS provision recommended to be adopted moving forward but note that management and HR will carry out a quick re-examination of the current payment arrangement for the out of hours service in consultation with the affected

staff and representatives in order to achieve a fit for purpose arrangement and a committed workforce.

- v) Agree that an assessment of provision, for a service enhancement, to witness and intervene in one-off events (i.e., reinstate the Party Patrol) be brought to members for consideration in March 2023.

Impact on Vulnerable Adults and Children

1. Summary of Impact:

The OOHNS benefits all residents but is of particular benefit to residents who need to concentrate, recover, relax, rest, or sleep, without undue disturbance. This can include vulnerable adults and children.

Corporate Policy

1. Policy Status: Not Applicable:
 2. BBB Priority: Quality Environment & Healthy Bromley:
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Financial

1. Cost of proposal: £30k p.a.
 2. Ongoing cost: £30 p.a.
 3. Budget head/performance centre: Public Protection – Community Safety
 4. Total current budget for this head: £426k
 5. Source of funding: Annual Grant from the Mayor's Office for Policing and Crime, London Crime Prevention Fund.
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Personnel

1. Number of staff (current and additional): Not Applicable
 2. If from existing staff resources, number of staff hours: 1,134 hrs (out of office hours)
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Legal

1. Legal Requirement: Non-statutory
 2. Call-in: Applicable
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected):

The OOHNS receives an average of 2,258 contacts from the public each year (3-year average). 55% of those contacts are received outside of office hours i.e., between 17.00 and 09.00hrs or at weekends and Bank Holidays. These out of hours contacts could require a response in real-time. Potentially all Bromley residents could benefit from an operational OOHNS. During and following the COVID-19 pandemic there was an increase in the number of residents contacting the OOHNS. Currently service demand is estimated at ~2400 contacts/year.

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

Legal Position

- 3.1 Local authorities have a statutory duty to investigate reports of noise and statutory nuisance. It is for each local authority to determine their service offer.
- 3.2 There is no statutory requirement for local authorities to have an out of hours noise service (OOHNS). Several adjacent local authorities no longer have OOHNS. The provision of neighbouring authorities is shown in Table 1, Appendix 3.

History of LBB's OOHNS Provision

- 3.3 A summary of the historical service provision for the voluntary OOHNS was presented to PPE PDS Committee (ES20111) in September 2021. That report detailed the variations in service provision made since 2011. Changes occurred due to fiscal and staff adjustments.
- 3.4 During the lockdown periods of the pandemic the OOHNS was scaled down and its activities significantly limited by legal controls. Staff and resources were diverted to the COVID-19 response. The service resumed on removal of wider pandemic controls and is currently operating as detailed in Table 5, Appendix 2.
- 3.5 The Party Patrol service, which was a separate service from the OOHNS, was discontinued by member decision and has not been re-instated to date. As shown in Appendix 1 customer demand in the early hours of the morning does not require a Party Patrol Service to be in place beyond 01.00hrs.
- 3.6 During the pandemic many Public Protection staff worked long hours and weekends for an extended period (over a year). Since then, despite the small increase in remuneration and minor reduction in operational hours, as agreed in July 2021 and implemented in September 2021, and a subsequent management reduction of the rota period length from 7 to 4 days, staff continue to not volunteer for the OOHNS rota.

Current OOHNS provision

- 3.7 The OOHNS operating hours are as detailed in Table 5, Appendix 2. The OOHNS currently responds to the following:
- Cases placed on the referral list by officers of the Noise & Nuisance team – to facilitate the witnessing and professional assessment of alleged statutory nuisances
 - Intruder alarms sounding for longer than 20 mins – alarms are designed to attract attention but should cut-out 15 to 20 mins after activation. If they don't, they have usually developed a fault and will likely not stop sounding until they are addressed
 - Noisy construction sites and street works operating outside of standard construction hours without a permit to do so – to witness an offence
 - Excessive noise from licensed activities if the case is on the referral list – to gain evidence of public nuisance, to enable the operator to be warned, called to license review, or to support statutory nuisance enforcement action
 - Loud amplified music from domestic premises if the case is on the referral list

- 3.8 Support for staff on the OOHNS rota includes:

- Training on relevant laws and procedures
- Training on staying safe, lone working and dynamic risk assessment
- An OOHNS pack containing contacts, procedure notes and notices
- Telephone support from team and service managers

Service Demand

3.9 The analysis of service demand for the OOHNS is detailed in the Tables in Appendix 1, they show:

- The hours of peak demand are from 21.00 – 01.00
- The days of peak demand are Saturday and Sunday
- The months of peak demand are May to September, peaking in July
- From the raw data 45% of requests for service made to the Noise & Nuisance team are received in office hours and 55% of requests for service are received outside of office hours
- The pattern of demand in the Borough has remained stable over time
- The demand for domestic noise since 2019 is shown in the table below:

	2019 – 2020	2020 – 2021 (1 st year of pandemic approx. a 25% increase)	2021 - 2022	2022 – 2023 (Q1 only)	2022 - 2023 projected
No of requests for service – domestic noise only	1244	1651	1340	280	1,120

There was a significant peak in demand in year 2020 – 2021 with 25% more requests received than the previous business year. This was due to the COVID-19 pandemic. Domestic noise demand followed the same pattern as overall service demand. The increase was due to many more people being at home during the day, some trying to work and educate, with others being on furlough, often with increased stress, thus, residents increasingly noticed the activities of their neighbours. The number of requests for service in 2021 – 2022 remained elevated in comparison to pre-pandemic levels with projections currently showing a return to pre-pandemic levels of demand by the end of this business year.

3.10 In summary, demand for the service has reduced compared to the increases seen during the pandemic, but to date has remained elevated in comparison to pre-pandemic levels.

Comparison of OOHNS both pre and post September 2021

3.11 Since September 2021 the revised temporary service presented to PPE PDS Committee (ES20111) in July 2021, as described in Table 5, Appendix 2, and Para. 3.7, has been operating. Despite regular requests to staff to join the OOHNS rota, staff levels have remained

at 3 officers. This is a sub-optimal level of staffing as occasionally there is no-one available to work on the rota and the service has been stood down due to staff unavailability.

3.12 To minimise the impact of low staffing, the length of time staff are on-call was reduced to 4 days. This operational change was to increase the chance of staff availability and minimise the length of periods when the service is unavailable.

3.13 The Table below compares the OOHNS pre and post September 2021.

	12 months pre-Sept 2021	12 months post-Sept 2021	Comment
Operational hours	Mon – Fri 17.00 – 03.00 Sat, Sun & BH 08.00 – 03.00	Mon-Fri 18.00 – 01.00 Sat, Sun & BH 10.00 – 01.00	Reduction in hours
Total cost	£27,642	£24,760	Reduction in cost. Staff are paid slightly more for less hours for being on-call post Sept 2021
No of regular staff on rota	3	3	No improvement
No of days on staff rota	7	4	Reduced no. of days that the staff on rota are on-call
No. of days the service was not available due to no staff volunteers	0	25	2 members of staff who were stalwarts of the OOHNS team, and who regularly covered open slots on the rota, have withdrawn. One to improve work life balance, the other has recently returned to work following a leave of absence

3.14 The data regarding formal complaints about service is stored and coded in such a way that it is not possible to identify whether complaints about the wider Noise & Nuisance team activities involve the OOHNS. There was 1 formal complaint about service for noise and nuisance team in each year, so no measurable change. See available data on formal complaints about service in the Table below.

Complaints about service - Public Protection Division	Number of complaints about service 2020/21	Number of complaints about service 2021/22
Lack of action	1 (Noise & Nuisance team)	5 – (1 for Noise & Nuisance team)
Operational Matters	0	2
Policy	0	2
Upheld	0	0
Total	1	9
Formal complaints as a % of all Public Protection interventions	0.01%	0.1%

- 3.15 It can be surmised that complaints about service for the whole Public Protection Division are very low in comparison to the approx. 10,000 complaints and proactive interventions actioned by the Division each year.
- 3.16 Appendix 2 shows the detail of OOHNS provision and spend both pre and post September 2021.
- 3.17 The adjustment to the service's operational hours has not caused a significant change in the quality of the service provided as the service still covers the periods of peak demand. However, the persistent lack of volunteers for the OOHNS rota means there is no resilience. The 3 staff on the rota are effectively on-call for 4 days, have 8 days off, then are back on call. The level of pay is causing staff dissatisfaction, with the levels of staffing resulting in staff burn out. This is causing eventual withdrawal by staff who do volunteer. The recent loss of 2 committed staff, who worked to cover open slots on the rota, has resulted in a measurable increase in the amount of time the service is unavailable.
- 3.18 The marginal adjustments made to operational hours and pay since September 2021 have not succeeded in making volunteering for the rota more attractive to competent officers from across the Division.
- 3.19 The OOHNS remains **RED** rated on the departmental risk register and further review and change is needed to mitigate this persistent risk.
- 3.20 The suspension of the Party Patrol Service, which immediately addressed one-off complaints regarding noisy households on Saturday nights/Sunday mornings, has had no discernible impact on customer satisfaction. The Party Patrol service will be a subject of a future committee report.
- 3.21 Complaint data shows that service demand is greatest at the weekend, when on an annual average there are 5 times the volume of officer call outs than received on a weekday.

OOHNS Funding

- 3.22 See Appendix 3 for benchmarking information for the cost of OOHNS at adjacent boroughs and the pay arrangements for staff operating on other LBB call out rotas.
- 3.23 The OOHNS is currently exclusively funded by a £30k grant from the Mayor's Office for Crime and Policing's (MOPAC) London Crime Prevention Fund. LBB recently took the option to extend the MOPAC grant for a further 3 years from 1st April 2022 to 31st March 2025. The bid application was approved, and funding now is in place until March 2025. The current service is costed to fit within this parameter.
- 3.24 The value of the MOPAC grant has reduced over time. It does not consider inflationary pressures, so, there will continue to be an effective reduction in the OOHNS budget year on year. To get officer remuneration to an attractive level, within current fiscal constraints, the authority must consider reducing the operational hours of the OOHNS and/or supplement the MOPAC grant with an internal growth bid.

Challenges and mitigation

- 3.25 The current level of remuneration for being on-call, with no remuneration for responding to calls, which in the summer are numerous each day, is not perceived by staff as being 'worth it' to give up their private time.

- 3.26 As the number of active staff on the rota has diminished the regularity of being on call, for a member of staff on the rota, has significantly increased, causing more staff to withdraw and a cycle of decline.
- 3.27 As staff on the rota must attend site at short notice, being on-call is a significant imposition on their private lives. Staff with care responsibilities generally do not take part due to difficulty arranging and paying for alternative care. The current rates of pay would not cover the cost of alternative care provision.
- 3.28 Being on the rota means staff have behavioural restrictions and must significantly adjust and limit their activity, such as:
- Not socialising far from home/Bromley – to enable reasonable response times
 - Abstaining from alcohol – they will likely be required to drive
 - Not going for long walks, cycle rides, etc. or being away from their cars for any length of time – to enable reasonable response times
- 3.29 As being on the OOH rota is voluntary, there is no management ability to insist staff to join or stay on the rota. To ensure cover and service resilience the number of staff required on the rota is a minimum of 6, preferably 8. As stated in Para. 3.11, the current rota staffing level is 3.
- 3.30 The current arrangements within the service is a £300 allowance on the basis of a 4 day rota. No additional overtime payments are paid regardless of the amount or lengths of call outs across this 4 day period. In comparison, the general standby allowances across the Council would be £8.50 per shift (or £15 per shift on a Saturday/Sunday) and then overtime rates of 1.25 x the hourly rate Monday-Saturday and 1.5 x the hourly rate on Sundays.
- 3.31 The call out rate for the Emergency Planning rota is £300/wk. This is a 24/7 rota, therefore officers cover 133 out of office hours. This results in an hourly rate of approx. £2.26/hr. However, it must be noted that the frequency of having to respond to an Emergency Planning call-out is very low i.e., 5x a year – not 5x a (weekend) day.
- 3.32 The length of time that an officer is 'on-call' has been reduced from 7 to 4 days
- 3.33 Regular emails have been sent to staff to encourage them to join the rota over the last 6 months.
- 3.34 None of the above interventions have improved service stability by encouraging staff a) to not withdraw and b) to volunteer.

4. FUTURE OPTIONS FOR THE OOHNS

- 4.1 The future options are:
1. Retain the service with its current funding and arrangements
 2. Close the service
 3. Provide the current service with further funding to increase staff remuneration
 4. Use Agency staff to staff the service
 5. Modify the service (several options explored)

- 4.2 To illuminate the decision several service designs have been considered. The advantages, disadvantages and cost calculations of the above options are shown in detail in Appendix 4.
- 4.3 The Net cost/s of the service delivery options are listed in the Table below. All figures are shown **minus the £30k** currently received from the MOPAC London Crime Reduction Fund. The recommended option is shown in **bold** text in the table below. All costs calculated include associated Bank Holidays.

Option Number	Option	Net Cost (£)	Comment
1	Current in-house service 7 day	£5,460 Cr	Small surplus. Insecure service due to inadequate staffing
2	Close service	£30,000 loss (not including resultant increase in overtime to bring cases to resolution)	No service. Lose grant. Increased overtime/toil costs to address casework will be required.
3	In-house current service arrangements with increased renumeration 7 day	£19,059.86	Fully rejuvenated service with ability to modify to include other rapid response work from across the Public Protection Division in the future. Would need growth bid of ~£20k
4	Agency staff 7 day	£285,732.50	Too costly. Doesn't include increase in management costs. Would need growth bid of ~£286k
5a	In house 7 evenings	£10,633.36	Reduced service hours would remove ability to address construction noise and alarms at weekends. Would need growth bid of ~£10.5k
5c	In house 4 day (Thurs – Sun)	£9,436.36	More manageable. Addresses peak demand and weekend construction work, etc. Would need growth bid of ~£10.5k
5e	In house 4 evenings	£924.36	Good value. Does address peak demand. Reduced service hours would remove ability to address construction noise, at weekends and alarms on nights service is not operational. Almost covered by current level of MOPAC grant. Would need growth bid of ~£1k.
5g	In house 3 day (Fri – Sun)	£5,978.36	Good value. Addresses peak demand. More manageable. No service Mon to Thurs. Would need growth bid of ~£6k
5i	In house 3 evenings RECOMMENDED OPTION	£1,469.64 Cr	Within cost of MOPAC grant. Does address peak demand. Reduced service hours would remove ability to address construction noise at weekends and alarms on nights service is not operational.

- 4.4 Closing the Service is a viable option but, setting it up again would cause a significant step increase in cost. Local authorities who previously closed their OOHNS are finding that they must use agency staff to reintroduce their OOHNS.
- 4.5 The level of service provision must decrease if the MOPAC London Crime Reduction Grant remains a ceiling cost.
- 4.6 Agency staff options are significantly more costly when compared to the value of in-house arrangements, whatever the option.
- 4.7 As the OOHNS reduces in scope, complaints that the OOH service fails to address will lead to increased cost to the noise and nuisance team budget. This will arise from increased staff overtime needed to investigate out of hours complaints. There will be a reduction in customer satisfaction due to it taking longer to get cases to resolution and a potential increase in formal complaints about service and Local Government Ombudsman queries.

4.8 The above issues would also occur to a greater extent if the OOHNS was closed.

Options Appraisal

4.9 OOHNSs are popular with the public and members. Local authorities have devised many different delivery models based on their demand, priorities, and resource. However, these services are:

- Not a statutory requirement
- Have staff safety & service delivery challenges

4.10 If there was a time to close the OOHNS it would be now. There would likely be an initial backlash from the public that would have to be weathered. The loss of the MOPAC London Crime Prevention Fund grant would cause a £30k fall in grant income received.

4.11 The option analysis is shown at Appendix 4. The option recommended to members is Option 5i as it covers peak demand at least cost.

5. IMPACT ON VULNERABLE ADULTS AND CHILDREN

5.1 The law pertaining to statutory nuisance specifically does not take individual's vulnerabilities into account, notwithstanding this, it is anticipated that the proposed changes could adversely affect vulnerable groups more than the wider population of residents due to them more likely being at home more of the time and potentially less likely to be able to take evasive action.

6. POLICY IMPLICATIONS

6.1 The recommendations within this report remain in line with the current Portfolio Plan for Public Protection and Enforcement, Building a Better Bromley, and the Safer Bromley Partnership Strategy.

7. FINANCIAL IMPLICATIONS

7.1 The existing £30k MOPAC funded budget is sufficient to contain proposed expenditure based on the activity levels detailed within this report for the preferred Option 5i.

7.2 There is a potential funding risk if the MOPAC grant is reduced or stopped in future years. If this were to be the case, then the level of provision of LBB's OOHNS would need to be reconsidered.

8. PERSONNEL IMPLICATIONS

8.1 The current service is provided by environmental health enforcement staff in Public Protection on a voluntary basis, with a set on-call rate that differs between weekday, weekend, and Bank Holidays.

8.2 The proposed delivery option (option 5i) will require a re-examination of the current remuneration arrangement to ensure that it is financially viable and fit for purpose to attract and retain committed staff. Therefore, if the delivery option is accepted by Members, further work will be led by HR and management, in consultation with the affected staff and their representatives to look at a competitive out of hours pay arrangement, taking into account the arrangements elsewhere in the organisation and other boroughs, and the equal pay law.

9. LEGAL IMPLICATIONS

- 9.1 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 act to remedy noise if this constitutes a statutory nuisance. This duty is reinforced by S.6 of the Human Rights Act 1998, which makes it unlawful for a local authority to fail to act to protect individual and community rights to private and family life, which includes the impact of serious pollution.
- 9.2 To fulfil these duties local authorities must have adequately resourced and competent officers available to take appropriate action. There is no legal requirement to provide an out of hours service, however, the determination of what constitutes an appropriate level of resource to commit to the noise service will be guided by the assessment of local need and an evaluation of staffing, revenue, and capital operational costs. As such, there is no definition as to what is considered practicable, and the size and type of a noise service varies between Local Authorities. See Appendix 3.
- 9.3 In 2011 the OONHS was reduced from the previous 24hr 7 day a week provision. The demand analysis in Appendix 1 demonstrates that the service provision recommended will still cover the periods of highest demand.

Non-Applicable Sections:	PROCUREMENT
Background Documents: (Access via Contact Officer)	<p>Report No.ES11095 REVIEW OF THE OUT OF HOURS NOISE SERVICE 26th July 2011</p> <p>Report No.ES12047 UPDATE ON THE PROVISION OF THE OUT OF HOURS NOISE SERVICE 13th March 2012</p> <p>Report No.ES20111 PROPOSED CHANGES TO THE OUT OF HOURS NOISE SERVICE 26th July 2021</p>

Appendix 1 – Summary of OOHNS demand

Table 1 – Service demand – Days of the week (from 3-year averages)

Days of week	% of requests for service received	Comment
Mon	23	This is due to the requests for service, made over the weekend and not passed to the OOHNS officer on rota, being put on the complaint database within normal office hours, hence the majority are calls from over the previous weekend
Tues	11	
Wed	9	
Thurs	10	
Fri	10	
Sat	20	Peak day
Sun	17	Peak day

Table 2 – Service demand over 24hr period (from 3-year averages)

Hour period	% of requests for service received	Comment
00.00 – 01.00	8	Peak demand
01.00 – 02.00	3	Low to very low demand
02.00 – 03.00	1	
03.00 – 04.00	1	
04.00 – 05.00	0	
05.00 – 06.00	0	
06.00 – 07.00	1	
07.00 – 08.00	1	
08.00 – 09.00	4	
09.00 – 10.00	6	Office hours
10.00 – 11.00	12	
11.00 – 12.00	7	
12.00 – 13.00	6	
13.00 – 14.00	4	
14.00 – 15.00	3	
15.00 – 16.00	3	
16.00 – 17.00	2	
17.00 – 18.00	5	Steady demand early and mid-evening
18.00 – 19.00	5	
19.00 – 20.00	5	
20.00 – 21.00	5	
21.00 – 22.00	6	Demand increases slightly after 21.00hrs
22.00 – 23.00	6	
23.00 – 00.00	6	

Table 3 – % of calls received by month (5-year average)

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
% of calls Received	6%	5%	6%	7%	10%	9%	15%	12%	11%	7%	6%	6%

Comment – Increased demand for OOHNS from May to September with July being the peak month

Appendix 2 – Service provision & costs pre & post September 2021

Table 4 – Service & Costs – pre-September 2021

Days	Start	Finish	No of Officers	Daily hours	Weekly Hours	Annual Hours	No officer days per annum	Hourly Rate per officer	Daily Rate per officer	Weekly rate per officer	Annual Cost
OOH Mon-Fri	17:00	03:00	1	10	50	2600	253	£3.40	£34	£170	£8,602
OOH Sat & Sun	08:00	03:00	1	19	38	3952	104	£5.68	£108	£216	£11,232
Bank Holiday	08:00	03:00	1	19	n/a	152	8	£4.42	£84	n/a	£672
Party Patrol Sat Eve-Sun Morning	22:00	04:00	2	6	12	624	40 (2 officers)	£25 (working from office – not on-call)	£150	£150	£6,600
Total						7271*	403				
Budget										£30,000	
Rota Costs										£27,106	
Budget Surplus										£2,894*	
Total										£30,000	

* Surplus used to pay for the noise monitoring of OOH licenced events, etc.

Table 5 – Service & Costs – post-September 2021 – Current Service model

Days	Start	Finish	No of Officers	Daily hours	Weekly Hours	Annual Hours	No officer days per annum	Hourly Rate per officer	Daily Rate per officer	Weekly rate per officer	Annual Cost
OOH Mon-Fri	18:00	01:00	1	7	50	2600	252	£5.71	£40	£200	£10,080
OOH Sat & Sun	10:00	01:00	1	15	38	3952	104	£8.67	£130	£215.84	£13,520
Bank Holiday	10:00	01:00	1	15	n/a	135	9	£6.00	£90	n/a	£810
Party Patrol Sat Eve-Sun Morning	Non operational										£0
Total						6647*	364				
Budget										£30,000	
Rota Costs										£24,410	
Budget Surplus										£5,590*	
Total										£30,000	

* Surplus used to pay for the noise monitoring of OOH licenced events, etc.

Appendix 3 – OOHNS & staff pay benchmarking

Table 1 – Benchmarking of LBB’s OOHNS provision in comparison to adjacent authorities

Authority	OOH noise service provision	Cost (£)	Demand
Bexley	None	0	Low
Bromley (current)	Lone officer on standby to respond to continuous premises alarms, reports regarding noise & nuisance cases on the officer referral list and construction noise Mon to Fri 18.00 – 01.00 Sat & Sun & BHs 10.00 – 01.00	0 – covered by MOPAC grant	Low
Croydon	None	0	High
Dartford	None	0	Low
Greenwich	Out of hours service Thursday and Friday nights and Saturday and Sunday day and night. Based on 8 agency officers working a shift pattern, the total cost is approx. £72k a year.	£72k	Medium
Lambeth	Responsive noise service in working day with 3-day, very late night, response over weekends Mon to Fri 09.00 – 17.00 Thurs 20.00 – 04.00 Fri & Sat 21.00 – 05.00 Sun No service	No response – Assuming 2 teams of 2 agency officers £85 - £100k	Very High
Lewisham	None	0	High
Sevenoaks	Weekend service until midnight for large noise nuisance and referred cases only Fri & Sat 18.00 – 00.00hrs	£15,600	Low
Southwark	Responsive Noise Service, funded by HRA, working, in teams of 2, on shifts, running 24/7 through the weekend (1 team on Mon – Weds, 2 teams on Thurs and Sun, and 3 teams on Fri & Sat) Tues – Thurs 07.00 – 02.30 Fri – Mon – 24hr from 07.00 Fri to 02.30 Tues	>£220,000	Very high
Tandridge	None	0	Low

Table 2 – Benchmarking of OOHNS payment against other LBB out of hours services

Service	Pay	Arrangements	Comments
Emergency Planning Silver & Gold	£300/wk. for a 7-day rota covering 17.00 – 09.00hrs weekdays and 24hr at weekends & BHs – a total of 132 hrs	Respond if called by the LALO for a civil emergency	Call out likelihood is very infrequent
OOHNS – current	Mon – Fri (7hrs) £34 Sat (15hrs) £108 Sun (15hrs) £108 Bank Hols (15hrs) £158	Respond if called by the Customer Service Centre	Call out is very frequent. It averages 1 call each weekday and 5 calls each weekend over the year but demand is seasonal, so service is much busier between May & September
OOHNS – proposed	Mon – Fri (7hrs) £66.50 Sat (15hrs) £142.50 Sun (15hrs) £142.50 Bank Hols (15hrs) £142.50 All pay based on £9.50/hr – national living wage	Respond if called by the Customer Service Centre	Call out is very frequent. It averages 1 call each weekday and 5 calls each weekend over the year but demand is seasonal, so service is much busier between May & September
Emergency Duty Team Children’s Social Care	Covered by job evaluation JD and contract	EDT workers do not receive a call out payment. They work from 5pm – 9am every weekday and cover all the days over the weekend. Being on call and going out is factored into their JD and pay. They do not receive a specific call out payment. EDT workers only work out of hours so their evaluated salary covers the OOH working	Covered by job evaluation JD and contract – no call out – staff are at work out of hours.

Appendix 4 – Option Analysis

Option 1 – No change to current service

Arrangements

The service is currently 7 days a week, with staff on a rolling 4-day rota. See hours of operation in the following table. All staff payments cited are before tax. The minimum staff on-call currently get paid is £160, for 4 standard weekdays; £340, if they covered a 2-day standard weekend; up to a maximum of £620 for covering the 4-day Easter and Platinum Jubilee weekends (2 bank holiday days and 2 weekend days).

Days	Start	End	Daily Hours	Rate Per Day £
Monday to Friday (6pm to 1am)	18:00	01:00	7	40.00
Saturday (10am to 1am)	10:00	01:00	15	130.00
Sunday (10am to 1am)	10:00	01:00	15	130.00
Bank Holiday (10am to 1am)	10:00	01:00	15	180.00

There are no extra payments for the hours that staff on-call spend attending site, which, in the case of an empty premises alarm, significant public impact event, or in the summer months, can be several calls and several hours. All calls are fielded by the Contact Centre, to minimise the disturbance to on-call staff without just cause. Officers respond to call about noise and nuisance cases listed on a referral sheet and for a selection of other types of report – see point 3.8 in the main body of the report. Occasionally the Contact Centre will contact staff on-call for advice on whether to refer a call through. New reports and one-off events are recorded by the Contact Centre and referred to the relevant team the next working day.

Advantages	Disadvantages
7 days a week 18.00 – 01.00 on weekdays 10.00 – 01.00 on weekends & BH	Voluntary Unattractive offer to staff Service is insecure
Cost funded by MOPAC so no current cost to LBB	Available budget is very limited
Minimal cost to LBB as the LBB contribution is equipment and officer time to manage the service and to process staff payments	Very late night and one-off events not addressed
Equity - Residents get a similar level of service as they would if they called during office hours	Service is red on the Departmental risk register

Costs

Days	Calculation	Cost
Weekdays	252 days @ £40	10,080
Weekend days	104 days @ £130	13,520
Bank Holidays	9 days @ £90	810
Total	365	24,410

The remaining £5,590 of the MOPAC grant is held by the service to cover overtime for weekend noise monitoring at large, licensed, outdoor events, of which there are an increasing number being held in the borough.

Conclusion

No cost to LBB but service will remain at risk.

Option 2 – Close the service

There would be no arrangements and no cost. OOHNS is popular with the public and members so there are disadvantages. Local authorities have devised many different delivery models based on their demand, wider priorities, and resources. OOHNS are:

- Not a statutory requirement
- Have significant staff safety & service delivery challenges
- Have inherent costs associated with them

In recent years many local authorities have come to consider OOHNS an unaffordable luxury and have closed them. This is demonstrated in the range of similar services currently provided by adjacent local authorities – see Appendix 3.

Advantages	Disadvantages
Clarity	Loss of service valued by public
Same level of service for all complaints	Loss of £30k MOPAC grant
	Increased spend on overtime and toil as staff do OOH inspections to progress their caseload
	Slower resolution of noise and statutory nuisance cases, particularly where they are sporadic and/or occur outside office hours
	Potential for increased complaints about service & LGO queries
	Expensive to re-instate service once it ceases

Conclusion

If there is a time to close the OOHNS it is now. However, there would likely be a backlash from the public that would have to be weathered. It must be noted that several Councils who previously cut their provision are now reinstating out of hours noise services in one form or another.

Option 3 – Improved remuneration for current in-house service

Arrangements

As for Option 1, but with:

- Improved staff pay for being on-call to level of National Living Wage of £9.50/hr
- Overtime for time spent attending site (more callouts = more personal disruption = more pay)

Advantages	Disadvantages
The offer, to staff would be more attractive	Staff may not volunteer for rota for reasons other than pay
MOPAC funding would remain, so cost to LBB, compared to benefit to public, would remain good value	The cost of the service would increase beyond the MOPAC grant limit and LBB would need to contribute via a growth bid
Staff would continue to respond to reports that need attention out of hours	Staff would remain lone working at night
The service would remain available 7 days a week	Calls that staff respond to will remain limited in range
Residents would continue to have access to the same level of service as currently available	
LBB retains management control and retains the potential to rationalise OOH duties across the Division	

Cost

Days	Calculation	Cost
Weekdays – 7hr	252 days x (£9.50 x 7hr = £66.50)	£16,758.00
Weekend days – 15 hr	104 days x (£9.50 x 15 = £142.50)	£14,820.00
Bank Holidays – 15hr	9 days x £142.50	£1,282.50
Estimated overtime	586 hrs @ £28.26	£16,560.36
Total cost		£49,420.86
LBB total cost	- £30k from MOPAC =	£19,420.86

Conclusion

A service valued by officers, the public and members would remain in-house, and be more attractive to volunteers, but, unless the service is significantly modified this option will require ~£20k growth bid from LBB on top of the MOPAC funding.

Option 4 – Outsource the service

Arrangements

Officers sought quotes for outsourcing service provision for suitably experienced and qualified regulatory officers on standby/call out to respond to the same range of calls as in the previous options.

Advantages	Disadvantages
Establishment staff do not have to take part on the rota	Agency staff will have to live relatively local to be on-call/attend site within a reasonable time frame
Should service be modified or closed in future it will not affect established staff	The increased recruitment, payment processing and management time & costs would still have to be covered by LBB and management time constantly recruiting could increase significantly and impact on BAU
Choice of models based on balance between cost and level of service wanted	Agency staff would not be associated with daytime service provision so would need careful monitoring for frequency and quality of responses delivered
Could extend the remit of the service significantly to do immediate responses to all types of calls	Very costly

Cost

Officers asked 3 established EH recruitment agencies for quotes. They were:

- Buckingham Futures
- Osbourne Richardson
- Oyster Partnership

No provider approached would manage the OOHNS outright, but they would be able to provide agency staff at £30 – £65/hr. Average hourly charge for Agency staff = £47.50/hr

All stated that the agency staff would only work for a fixed hourly rate and would not be interested in a low standby rate with or without an hourly payment for attendance, as they would likely be fitting this contract around other full time work arrangements. Thus, they would not commit to standby rates which would prevent them taking better enumerated work elsewhere.

The £30 - £65/hr rate range is because agency staff set their own hourly rate based on their level of qualification, skills, and experience and the current market rate. Recent graduates seeking experience and technical experience only agency staff tend to ask for lower rates than the highly experienced, fully qualified staff.

Given the hourly rate charges there would be no further payment expected for attending site. Also given the 'local response' nature of the work, only agency staff based in and around Bromley and its neighbouring authorities would be suitable.

The cost for an agency staff-only service are shown in the table at Para.4.3 in the main report and in the Table at Option 5 of this Appendix. All figures given are a good, but not exact, approximation. The

best comparison to elucidate the cost difference is to compare agency cost and the in-house cost for the same service level. Using the average agency cost/hr of £47.50 assumes that there would be several agency staff on the rota on an even spread hourly rates. Recruitment costs would be minimal as it is done by CV from the recruitment providers on Matrix, however, the regular flow of staff in and out of the service would have a noticeable impact on the Team Manger's time and diary.

See Table at Option 5 of this Appendix for Gross cost comparisons and Table at Para. 4.3 of the report for the Net cost comparison for this option

Conclusion

All agency staff options are very expensive in comparison to in-house options, even when reduced by the £30k from the MOPAC grant. LBB would need a stable of a minimum 6 agency staff to ensure effective service resilience for staff absence. It may be difficult to find that many suitable agency staff local enough to LBB.

Option 5 – Reduce the operational hours of the service

Arrangements

When analysing the demand for OOHNS Saturday & Sunday (and Bank Hols) are clearly the peak times. There are options to reprofile the service to:

- Remove the daytime service and become evening only
- Remove the service midweek and have a 3 or 4-day weekend service
- Do both of the above

Advantages	Disadvantages
Maintains service at peak periods of demand	Reduces the operational hours of the OOHNS
Takes account of real fall in value of funding from MOPAC	Reduces the number of calls that will be addressed by the OOHNS
Permits officer remuneration to be increased without recourse to significant further LBB funding	Will increase service/divisional overtime and toil costs for the Noise & Nuisance team
Calls received in week will be able to be actioned the next working day	Potential for increased formal complaints about service

Cost

Various options are costed for both agency and in-house in the following Table. A selection are at Table at 4.3 in the main body of the report.

Contracted hours	In-house cost	Agency cost
	<i>Option 3</i>	<i>Option 4</i>

7 (days & evenings) Weekdays 18.00 – 01.00 Weekends & BHs 10.00 – 01.00	Daily call out rates based on National Living wage of £9.50/hr are: Mon – Fri = £66.50 Sat, Sun & BH = £142.50 Estimated cost of paying staff overtime (based on 293 calls received in last year, an average length of 2hrs each and paid BR13 overtime rate of £28.26 = £16,560.36 £49,059.86	6,647hrs x £47.50/hr = £315,732.50
7 (evenings only) 18.00 – 01.00	Option 5a 362days x 7hrs @ £9.50/hr = £24,073 + estimated overtime @ £16,560.36 = £40,633.36	Option 5b 362days x 7hrs @ £47.50/hr = £120,365
4 (days & evenings) Thurs & Fri 18.00 – 01.00 Weekends & BHs 10.00 – 01.00	Option 5c 2408hrs x £9.50 = £22,876 + £16,560.36 overtime = £39,436.36	Option 5d 104days x 7hrs = 728 hrs 104days + 8days x 15hrs = 1680 hrs 2408hrs tot. x £47.50/hr = £114,380
4 (evenings only) Thurs – Sat 18.00 – 01.00	Option 5e 216 days x 7hrs @ £9.50 = £14,364 + £16,560.36 overtime = £30,924.36	Option 5f 4 x 52 & 8 = 216 days x 7hrs = £1,512 @ £47.50 = £71,820
3 (days & evenings) Fri 18.00 – 01.00 Sat, Sun & BH 10.00 – 01.00	Option 5g 2,044hrs x £9.50 = £19,418 + £16,560.36 overtime = £35,978.36	Option 5h 52days @7hrs = 364hrs 104 & 8 days @ 15 hrs = 1680 hrs 364 & 1680 = 2,044hrs @ £47.50/hr = £97,090
3 (evenings only) Fri, Weekends & BHs 18.00 – 01.00	Option 5i 180days x 7hrs x £9.50/hr = £11,970 + £16,560.36 overtime = £28,530.36	Option 5j 3 x 52 & 8 = 180days x 7hrs x = 1,260 hrs @ £47.50/hr = £59,850

Conclusion

To encourage more staff to join the rota all that can be done is to increase the pay, to make it an attractive offer to encourage staff to give up their private time, and reduce the operational hours, to make it less of an imposition. If staff feel the pay is fair for their time, they will be more likely to volunteer.

Option 5i is the only option which comes in within the MOPAC grant. All other options would require a growth bid.