

PART 1 - PUBLIC

Decision Maker: Public Protection & Safety Portfolio Holder

**For Pre-decision scrutiny by the Public Protection & Safety
PDS Committee on 26th July 2011**

Date: 26th July 2011

Decision Type: Non-Urgent Non-Executive Non-Key

Title: REVIEW OF THE OUT OF HOURS NOISE SERVICE

Contact Officer: Jackie Goad, Head of Public Health Nuisance
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Chief Officer: Nigel Davies, Director of Environmental Services

Ward: All

1. Reason for report

To provide details of the review of the Out of Hours Noise Service in support of the Cabinet's decision to action the policy options outlined in the Organisational Improvement group's review of the Public Protection Division.

2. **RECOMMENDATION(S)**

The Portfolio Holder is requested to

- i) Consider the options for the provision of an out of hours noise service in Bromley and to**
- ii) Agree that Option 3 is run for a pilot period of 3 months with a view to being made permanent if successful.**
- iii) Agree Option 2 if the trial of Option 3 proves unsuccessful.**

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Safer Bromley.
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Financial

1. Cost of proposal: Estimated cost Estimated saving of £9k per annum for Option 3 or Option 2
 2. Ongoing costs: Recurring cost.
 3. Budget head/performance centre: Public Protection - Noise Allowance budget
 4. Total current budget for this head: £34,200
 5. Source of funding: Existing revenue budget 2011/12
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Staff

1. Number of staff (current and additional): 8 staff on a rota system
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory requirement. Environmental Protection Act 1990, London Local Authorities Act 1991, Noise and Statutory Nuisance Act 1993, Noise Act 1996
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): A total of 4000 noise complaints are received by the noise service although the impact of noise affects a far greater number. Potentially all Bromley residents benefit from this service.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Public Protection & Safety Portfolio Holder and PDS Committee, in support of the Cabinet's decision to action the policy options outlined in the Organisational Improvement Group's review of the Public Protection Division, have requested a review of the out of hours noise service. The review has assessed the current demand for the service and includes alternative methods of providing the service including the potential for joint working and service reductions. The review includes the options available for financial savings.
- 3.2 The Council operates a 7 day per week, 24 hours per day noise service. The decision to introduce an 'out of hours' service was based on the duty implied under the Environmental Protection Act 1990 and the increased demand from both residents and the police out of office hours.
- 3.2 There has been an increased demand for the service since its introduction. In 2010/2011, 68% of the total number of noise complaints received by the Division were reported outside of normal office hours.
- 3.3 The current out of hours noise service is broken down into the following areas:
- **5pm-Midnight Service:** (17:00-midnight). Introduced in 2002, this proactive and reactive service responds to all complaints and provides local residents the flexibility of officers visiting them at home after office hours to carry out noise monitoring visits, install noise monitoring equipment or investigate complaints.
 - **Call Out:** (17:00-08:00 hours). A reactive service where a single officer will respond to 'emergency' complaints including activating; intruder and car alarms, parties, construction noise including street works, noise from licensed premises and 'rapid response' referrals.
 - **Party Patrol:** (Saturday 22:00-04:00 hours). A reactive service where two officers work together and respond to complaints about parties only.
- 3.4 Members are provided with details of various options for financial savings of the service in Appendix 1. The 4 Options are summarised shown below: -
- Option 1 – Discontinue the out of hours noise service (Saving £34k)
- Option 2 – Reduce the provision of the Party Patrol service (Saving £9k)
- Option 3 – Joint working with the Metropolitan Police (Saving £9k)
- Option 4 – Maintain current level of service
- 3.5 The 2011/12 budget for the out of hours service is £34,200. This compares with a London average of £62,500 (figures obtained in 2009 following a benchmarking exercise with other London Boroughs). A more detailed breakdown of the noise service can be found in Appendix 2.

4 POLICY IMPLICATIONS

This report is in line with the current Portfolio Plan for Public Protection, Building a Better Bromley and the Safer Bromley Partnership Plans.

5 FINANCIAL IMPLICATIONS

5.1 The current budget for the out of hours noise service is £34,200.

5.2 The potential savings for each of the options detailed in Appendix 1 are as follows: -

Potential Savings	£
Option 1 - Discontinue the out of hours noise service	(34,200)
Option 2 - Reduce the provision of the Party Patrol service	(9,000)
Option 3 - Joint working with the Metropolitan police	(8,720)
Option 4 - Maintain current level of service	0

6 LEGAL IMPLICATIONS

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.

7 PERSONNEL IMPLICATIONS

The service is provided by staff in Public Protection on a voluntary basis. The staff who work 5pm-Midnight take time off in lieu. The call out rate is a set rate with an element for on call and an element for overtime. Staff who volunteer for the party patrol are paid an all inclusive flat rate payment. Discontinuing the service would have personnel implications in respect of employment custom and practise.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]