
Decision Maker: Public Protection & Safety PDS Committee

Date: 13th March 2012

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

Title: **UPDATE ON THE PROVISION 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 members with an update on the Out of Hours Noise Service following the decision to reduce the provision of the Saturday night party patrol service.

2. **RECOMMENDATIONS**

The Committee is requested to

- a) note the points raised in the report and comment as appropriate and
- b) recommend that a further report is presented in June 2012 to summarise the overall impact of withdrawing the party patrol service.

Corporate Policy

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

1. Cost of proposal: N/A
 2. Ongoing costs: Recurring cost.
 3. Budget head/performance centre: Public Protection - Noise Allowance Budget
 4. Total current budget for this head: £34,200 reducing to £25,200 in 2012/13
 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: n/a
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Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents of the borough
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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 At the Public Protection and Safety Policy Development and Scrutiny Committee held on the 26 July 2011, Members were presented with a report on the review of the Council's Out of Hours Noise Service with four options for financial savings to consider.
- 3.2 Members agreed that Option 3 (Joint working with the Metropolitan Police) would run for a pilot period of 6 months, commencing September 2011, with a caveat that if it appeared not to be working to implement Option 2 (Reduce the provision of the Saturday night party patrol service).
- 3.3 At the Public Protection and Safety Policy Development and Scrutiny Committee held on the 29 November 2011, Members were advised that it had not been possible to implement Option 3 due to difficulties in securing, in advance, sufficient police support. As such and in line with Members' previous decision, the dedicated Saturday night party patrol service was withdrawn on 7th January 2012.
- 3.4 The Out of Hours noise service is now provided by a single standby officer who responds to all emergency noise complaints including complaints specifically about party noise, reported on a Saturday night.
- 3.5 As a result of withdrawing the party patrol service it has been necessary to apply criterion for referring party noise complaints to the standby officer. The criterion being that the party must affect more than one property; i.e. more than one complaint about the same party must be received before the noise officer will respond. It is also a prerequisite that the standby officer must request police assistance before attending a noisy party that requires remedial action.
- 3.6 Since withdrawing the party patrol service, a total of 14 party noise complaints have been reported to the out of hours noise service of which 4 complaints related to the same party. The remaining 10 reports were individual complaints and therefore not passed to the noise officer to respond.
- 3.7 For the party requiring remedial action, the police were unable to provide priority assistance for the noise officer on request. The party ceased before the officer was able to remediate the noise and whilst waiting for police assistance. Subsequent follow up action was taken against the property owner by the noise team the next working day.
- 3.8 Complaints about parties not passed for immediate action are followed up by the noise team the next working day.

Conclusions

- 3.9 It is not possible to conclude at this stage the overall impact of withdrawing the dedicated party patrol service during the off peak demand period. Early analysis however confirms that the number of complaints concerning noisy parties received during the winter months is minimal.
- 3.10 The resolution and speed of resolving noisy parties is reliant on police attendance. There is potential for local residents to be disturbed for long periods and potentially all night if police assistance is not available.
- 3.11 No formal complaints have been received from Bromley residents concerning the rationalised noise service.

3.12 A fuller assessment of the overall impact of withdrawing the party patrol service would be available at the end of May 2012.

4 POLICY IMPLICATIONS

4.1 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. This will reduce to £25,200 from 1st April 2012 following the decision in September to reduce the budget by £9,000.

6 LEGAL IMPLICATIONS

6.1 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 to take action to remedy noise if this constitutes a statutory nuisance.

6.2 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.

6.3 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

7.1 The service is provided by staff in Public Protection on a voluntary basis. 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.

Non-Applicable Sections:	n/a
Background Documents: (Access via Contact Officer)	n/a