



THE LONDON BOROUGH  
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## **London Borough of Bromley**

### **Public Protection**

#### **Noise Strategy 2010 - 2012 (Draft Version 1/10)**

**August 2010**

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## Summary

- The growth in the number of noise complaints has been accompanied by an increased public expectation of local authority response. It is the purpose of this strategy to detail the measures already being taken and those to be taken to increase the effectiveness of the noise service in order to meet this increased expectation and increased demand on the service.
- The strategy explains the issues relating to all sources of noise and sets out our commitments to addressing noise problems:
- The overall aim of the strategy is to contribute to the Council's 2020 vision of 'Building a Better Bromley' in terms of improving the health and wellbeing of Bromley's residents, workers and visitors by decreasing noise pollution and enhancing the Borough's sound environment but also proves cost effective.
- Bromley's commitment to a quiet environment for its residents can be summarised in the following principles which have been adopted to meet the public's expectations for a noise service:
  - 1) To give priority to those experiencing the highest levels of noise or at most antisocial times.
  - 2) To provide a service for visiting out of hours where necessary, to assess noise nuisance at the time it is happening and where appropriate take action to eliminate that nuisance.
  - 3) To encourage noise prevention wherever possible rather than trying to cure problems which have already occurred.
  - 4) To support the concept of 'self help' by providing 'Take your own action' information to assist residents in dealing with noise nuisances where the Council is unable to take any further action.
  - 5) To encourage effective informal remedies to deal with noise problems e.g. mediation,
  - 6) To raise awareness of noise issues amongst local residents and businesses.
  - 7) To promote the following noise policies:

***The Council will use its powers to prevent noise nuisance and where it does occur, will take action in accordance with its enforcement policies to deal with any such nuisance that occurs. These policies will be reviewed periodically to ensure that the needs of the community are being met.***

***The Council will seek to minimise noise disturbance from street works and will encourage the council's highway division to share information about forthcoming street works.***

***The Council recognises the problems associated with restricting delivery and collection times and will continue to protect residents from the noise associated with early morning and night time deliveries/collections. It will be flexible in its approach and continue to take part in night time delivery trials when deemed appropriate.***

## 1. Introduction

The overall aim of the strategy is to contribute to the Council's 2020 vision of 'Building a Better Bromley' in terms of improving the health and wellbeing of Bromley's residents, workers and visitors by decreasing noise pollution and enhancing the Borough's sound environment.

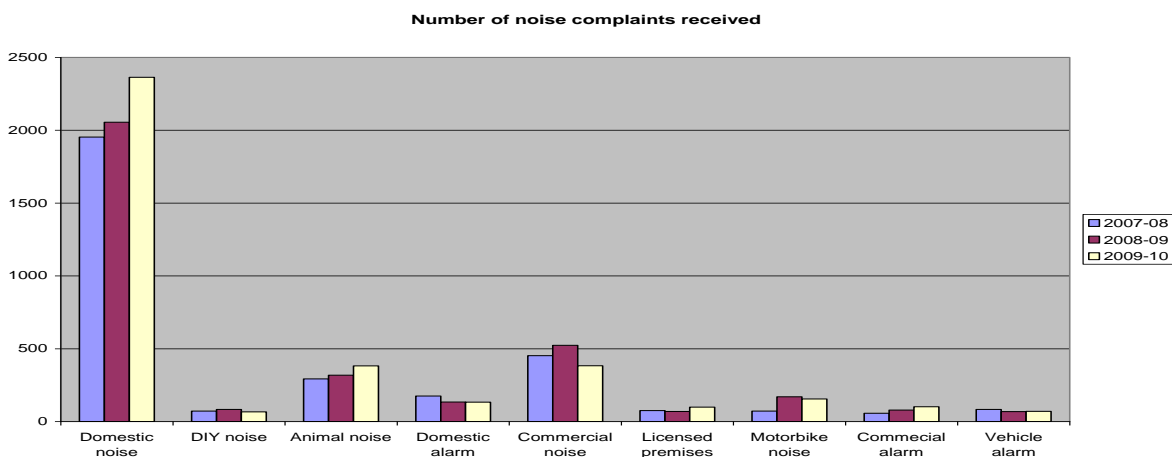
The Public Protection Division (Environmental Services) has responsibility for most noise related enforcement issues. The Public Health Nuisance team within this Division has a central role in the investigation and abatement of statutory noise nuisance.

The service receives approximately 4000 noise complaints per annum. In 2008-2009, 60% of those complaints were associated with 'domestic' or 'neighbour' noise (amplified music/loud television). The number of complaints reported via the Council's 'out of hours' service has increased by 36.5% in the last year.

Reducing noise and its impact is a difficult and long term process. Councils have limited powers in relation to many sources but Bromley takes action to reduce noise pollution and its impacts in a number of ways:

- Providing a 24 hour, 7 days a week reactive noise service to deal with 'emergency' noise issues such as parties, burglar alarms, car alarms and construction site noise.
- Providing a 5pm-12 midnight service to respond to all noise enquiries.
- Applying a Code of Practice on the control of pollution and noise from demolition and construction sites to minimise environmental impact during major projects.
- Working with entertainment venues to ensure preventative solutions are implemented.
- Requesting (where appropriate) the condition for noise limiting devices and other noise attenuation measures to be included on premises licences on application.
- Setting noise limits on outdoor concerts/events and monitoring these for compliance.
- Restricting delivery and collection times between the hours of 07:00-22:00 hours.
- A self help 'Take your own action pack' to assist residents to take their own action where the Council is unable to take any further action.

## 2. The main noise problems in the borough



- Domestic or 'neighbour' noise accounted for 60% of all service requests to the noise service in 2008-09. This figure has already increased to 64% in 2009-10.
- Noise from commercial premises produces the second highest number of service requests (10%). E.g. deliveries, building works, air conditioning units.
- Noise from domestic animals (dog barking) has increased by 20% over the last 2 years and accounts for 10% of the total number of noise complaints received.
- Off road motorbikes continue to generate noise complaints although the number reported has declined in the last year (-8%)

### 3. The Council's Service in relation to Noise Complaints

The Council operates a 24 hour/7 day a week 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 residents and the police out of office hours.

The current response target is generally 3 working days. Where a complaint is of an urgent nature (i.e. affecting a number of properties) such as an activating burglar alarm, then a noise officer will respond within one hour.

The noise service is broken down into the following areas:

- **9-5 Service** (during office hours). The public health nuisance team deals with all public health nuisance complaints including all noise related issues.
- **5-12 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 an officer will respond to 'emergency' complaints only e.g. alarms, parties, construction noise, commercial bonfires and 'rapid response' referrals.
- **Party Patrol:** (Saturday 22:00-04:00 hours). The service responds to complaints about parties only.

The service policy and standards are detailed in Appendix 1

#### 3.1 Cost of the Service

Table 1 below summarises both the cost of the full and the 'out of hours' service. A more detailed breakdown can be found in Appendix 9.

**Table 1**

<b>Cost of Service</b>	<b>London Average</b>	<b>Bromley</b>
<b>Full Service</b>	<b>£637,500</b>	<b>£145,000</b>
<b>Out of Hours Service</b>	<b>£62,477</b>	<b>£33,210</b>

## 4. Delivering the Strategy

The increasing number of noise complaints is placing more demands on the service. In light of the recent Government's announcement to cut public spending a detailed review of the Council's existing practice and policies in relation to dealing with noise and a more coordinated approach to noise enforcement is essential in order that the causes of noise are effectively tackled and the consequences of such activity are dealt with within the resources available.

**In summary the Council is committed to the following:**

- Complaints data relating to all noise types will be collated and assessed
- Review the needs of the residents of Bromley in relation to noise control
- Review existing practices and consider the resource implications
- Prioritise services where necessary

### 4.1 Education

Increased emphasis is needed on preventative action as noise education as one of the key tools in combating noise pollution and its effects.

**Self Help Projects** -The Division has produced a number of guidance documents to assist residents and businesses including a 'Take your own action' information pack to assist residents take their own action (where the Council is unable to take any further action), an information pack for residents/businesses providing advice on burglar alarms and a Code of Practice on controlling noise from construction sites. Further guidance and information needs to be made available via the Council's website.

**ACTION POINT 1: Review and develop web pages providing information and advice on all noise problems including information on the out of hours service.**

**ACTION POINT 2: Develop a Code of Practice for event organisers to control noise emitted from marquee events.**

**ACTION POINT 3: Produce a downloadable noise guide outlining the Council's procedure for investigating/dealing with noise.**

### 4.2 Partnership Working

Long term and sustainable reduction in noise complaints is only achievable if all stakeholders work in partnership to tackle the root causes of excessive noise. Neighbour noise is the biggest source of complaints but significantly under reported. Greater coordination with Registered Social Landlords (RSLs) and private landlords is needed to help resolve noise issues more quickly. All landlords have responsibility to ensure that tenants can have the quiet enjoyment of their properties, and this has implications for ensuring that the structure of the property is satisfactory and that appropriate control is exercised in relation to the behaviour of tenants

**ACTION POINT 4: To work in partnership with all RSLs and private landlords to reduce neighbour noise and its impact by :**  
- Sharing information on noise complaints and taking joint action including enforcement action on cases.  
- Sharing best practice and encouraging landlords to take action by a programme of training sessions for RSLs on dealing with noise.

- Providing information to those affected by neighbour noise nuisance.
- To publicise enforcement action taken in respects of noise nuisance.

The Safer Bromley Partnership was set up in line with the Crime & Disorder Act 1995 to ensure that public sector agencies, voluntary group and businesses work together with local communities to reduce crime and improve safety. One of the main aims of the partnership is to reduce levels of anti social behaviour including noise.

**ACTION POINT 5: The Council will share information with partners at the SBP Tasking Meetings and develop joined up approaches to address noise issues in the Borough and take enforcement action where appropriate.**

### **4.3 Enforcement**

Current enforcement options include formal notices, seizure of noise generating equipment, prosecutions and where appropriate, use of ASBOs on repeat convicted offenders. In respect of licensed premises, the power to request the review or revocation of licences. Additional powers are now available following the introduction of the Clean Neighbourhoods and Environment Act 2005 including Fixed Penalty Notices for night time noise offences for licensed premises. The current level set is £500. Fixed Penalty Notices of £100 can also be served in respects of night time noise from domestic premises.

**ACTION POINT 6 FOR MEMBER CONSIDERATION:**  
***Issue Fixed Penalty Notices for licensed premises and domestic premises for Night Time Noise (See Appendix 8 Page 30)***

### **4.4 Mediation**

With the increasing demand for our service it is proposed to evaluate and introduce alternative methods of reducing or resolving neighbour noise complaints. Mediation services can play an important role in resolving domestic noise disputes and greater emphasis on mediation is likely.

**ACTION POINT 7: The Council will encourage mediation in cases where there is a clear neighbour dispute or in cases where the Council is unable to take any further action.**

### **4.5 Customer Research**

**ACTION POINT 8: Review the needs of residents of Bromley in relation to noise control by way of further qualitative research in the form of an online noise attitude survey to identify service priorities and consequent service standards.**

**ACTION POINT 9: Carry out Mystery shopping exercises at half yearly intervals to assess the reception and information given by members of staff. Review results and make necessary improvements accordingly.**

**ACTION POINT 10: As part of the Department's Customer Service Excellence accreditation, quantitative and qualitative audits will be carried on all service requests to ensure that our customers are receiving the best service available.**

## 4.6 Reassurance

To ensure residents feel reassured that their noise issues are being tackled we will:

**ACTION POINT 11: Publicise all successful prosecutions relating to noise offences.**  
- Encourage RSLs and other housing providers to enforce tenancy agreements and deal with persistent offenders.  
- Publicise the number of formal notices, seizures of equipment and other enforcement action on our webpages.

## 5. Further information

If you are being disturbed by noise contact us on:

020 8313 4830 (Mon to Fri 8:30am - 5:00pm)  
020 8464 4848 (Out of Office Hours)

Email us at: [ehs.customer@bromley.gov.uk](mailto:ehs.customer@bromley.gov.uk)

Or write to us at: Public Health Nuisance & Anti Social Behaviour  
Public Protection  
Civic Centre  
Stockwell Close  
Bromley, BR1 3UH

Further information can be found by following this link to our noise nuisance online leaflet:  
<http://www.bromley.gov.uk/NR/rdonlyres/23D504DC-D47E-447C-9286-3DAC0C673BCD/0/noiseleaflet.pdf>

### Mediation

There is a voluntary mediation service within Bromley which can help resolve noise disputes:  
The Bromley Community Mediation Service  
The Stables, 1 North Street  
Bromley, Kent, BR1 1 SD

Tel: 020 8249 7954      Fax: 020 8249 7784  
Email: [bromleymediation@yahoo.co.uk](mailto:bromleymediation@yahoo.co.uk)      Website: <http://www.mediationfirst.org.uk/>

### How to take action yourself

There are cases where it may not be possible to witness the problem. In such cases individuals may be advised to take action themselves under Section 82 of the Environmental Protection Act 1990. Environmental Health Officers will be pleased to offer help and advice to anyone who wishes to pursue this course of action or download our guide to taking your own action :

<http://www.bromley.gov.uk/NR/rdonlyres/436EFD6C-369E-431B-8119-1B772B367F89/0/Takeyourownactionpack.pdf>



# Appendix 1

## Service Policy and Standards

The Council defines its operational policy in relation to noise complaints as follows:

- Complaints made by the public about noise will be received:
  - between 08.30-17:00 Monday-Friday (excluding bank and public holidays):
  - In person at the Civic Centre
  - Phone calls can also be received by Public Protection Support staff at the Civic Centre (020 8313 4830)
  - Outside office hours on 020 8464 4848
  - Enquiries can be made using the e-form request for service on [www.bromley.gov.uk](http://www.bromley.gov.uk), or by e-mail to [ehtscustomer@bromley.gov.uk](mailto:ehtscustomer@bromley.gov.uk)
- A complaint will be accepted in the form of letter, telephone call, e-mail, e-form request or visit in person. Anonymous complaints will **NOT** be accepted. Confidentiality will be maintained so far as is practicable during the investigation.
- The target maximum time for an initial response to a noise complaint is 3 working days.
- The initial response will be, in the case of a domestic noise complaint, the issuing of diary sheets and a covering letter. The case will be assigned an investigating officer. If at this stage the officer requires additional information, they will contact the complainant to discuss the matter, or where the complainant has no telephone, they will visit the complainant.
- The initial response in the case of all other noise complaints will be a telephone call from the officer assigned to the case, or a visit where no telephone number is available.
- The complainant will be provided with appropriate written information about how their complaint will be handled, clearly setting out what the Council is able to do and what is expected of the complainant.
- The person responsible for the alleged noise will be sent a standard noise letter and inviting comments of explanation and information on the Council's noise investigation procedure. A person will **NOT** be contacted unless there is sufficient evidence to suggest that a statutory nuisance may exist.
- Where a completed diary sheet is not returned within a 4-week period it will be assumed that the matter has been resolved and no further action by Council is required. ***No domestic noise complaint will be progressed without the completion of a noise diary sheet over a period of at least two weeks.***
- The emphasis in the investigation will be on informal action and every attempt will be made to find an amicable solution to all noise problems. This will inevitably involve officers in a mediation role between the person causing the noise and the person affected.
- It is also accepted that individuals have a right to pursue reasonable activities, which will on occasion cause noise that others may find unacceptable. The officer will therefore

always investigate an alleged problem as the perception of the 'average' and 'reasonable' person.

- Complainants who have been entered on the noise monitoring recording waiting list will be contacted every month to provide an update on progress of the complaint and estimated date of installation of the equipment.
- Where the complaint relates to noise that occurs unpredictably and erratically, or occurs outside of the Council's normal working hours, and the initial investigation indicates that the complaint may be justified, any or all of the following procedures will be adopted for further investigation, depending upon the circumstances of the case:
  - installation of noise monitoring equipment in the complainant's property;
  - during working hours: visits, subject to staff availability, in response to a telephone call that the noise is occurring;
  - Out of working hours: make arrangements for planned visits by appointment or add the address to the priority referral list.
  - No further action can or will be taken in respect of a complaint where:
  - Noise monitoring equipment has been placed in a complainant's property on three separate occasions and;
  - No satisfactory evidence of statutory nuisance has been obtained.
  - No similar complaints involving the same parties will be accepted or actioned.
- Where a statutory nuisance is established, the investigating officer will serve a notice under Section 80 of the Environmental Protection Act 1990 or take such other steps as appropriate for the purpose of persuading the appropriate person to abate the nuisance or prohibit or restrict its occurrence or recurrence. If satisfied at any time before the end of the relevant period that the steps taken will not be successful in persuading the appropriate person to abate the nuisance or prohibit or restrict its occurrence or recurrence, a Notice will be served.
- In the absence of co-operation and abatement of the nuisance within a reasonable time (which will depend upon the circumstances in each individual case) a noise abatement notice will be served.
- The Council will endeavour to reach a prompt decision at each stage of the investigation, to move rapidly towards resolution of the complaint.
- After following the above procedures one of the following outcomes will have been achieved:-
  - a)** No nuisance has been established and so no further action by the Council is possible and appropriate advice has been given, or
  - b)** A nuisance has been confirmed and informal action has been taken and has resolved the situation,
  - c)** A nuisance has been confirmed and formal action has been taken.
- After the investigation, if the officer has been unable to witness any noise, or the noise is not considered to be a nuisance, the complainant will be informed:-

- Of the action already taken to investigate the complaint.
  - That the Council is unable to take any further action.
  - Details of the Bromley Mediation Service.
  - How to take their own action in the Magistrates Court under Section 82 EPA (including supplying an information pack).
- Where a further complaint is received, following the service of the formal Notice alleging the nuisance is continuing, or that the nuisance recurs within 6 months of service, then the Council will re-investigate to establish the nuisance has recurred.
  - The Council will then initiate a programme of monitoring to ascertain whether the provisions of the Notice have been contravened. Appropriate witness statements and evidence will be obtained in order to establish a nuisance again exists in contravention of the Notice. The evidence will be examined and formal action, including possible seizure of equipment to stop the noise, will be considered and instigated as appropriate.
  - Where the relevant officer establishes no nuisance, the complainant will be notified either by telephone, or in writing, of the outcome of the investigation within three days of the conclusion.

## Appendix 2

### EU Noise Policy

The European Union's (EU) early legislative controls in relation to noise were focused on noise emission by products (cars, trucks, aircraft and industrial equipment). However, the European Commission's "Fifth Action Programme on the Environment – Towards Sustainability" (1993-2000) proposed a number of measures aimed at reducing people's exposure to night-time noise. In 1996, it published a Green Paper on Future Noise Policy. In this document, it suggested that around 20% of the EU's population (80 million people) suffer from environmental noise levels that scientists and health experts consider to be unacceptable. In addition, it suggested that a further 170 million people live in so called grey areas, where noise levels are such as to cause serious annoyance during the daytime. In the Green Paper, it put forward a proposal for noise mapping as a means of assessing and presenting noise data, and to serve as a basic planning tool. Information on the EC noise policy is available at:

<http://europa.eu.int/comm/environment/noise/home.htm>

On the 18<sup>th</sup> July 2002, Directive 2002/49/EC on the assessment and management of environmental noise came into force. The Directive seeks to establish a common EU framework for the assessment and management of exposure to environmental noise.

Firstly, it seeks to harmonise noise indicators and assessment methods for environmental noise.

Secondly, using the common indicators and assessment methods, it seeks to gather noise exposure information in the form of 'noise maps'. The current proposals will require Member States to undertake noise mapping for initially for agglomerations (urban areas) above 250,000 people and later for agglomerations above 100,000 people.

Thirdly, it aims to make this information available to the public.

Fourthly, within one year of noise maps being published, it was proposed that action plans would be produced laying out information and proposals in relation to environmental noise. The exposure information would form the basis for action plans at the local level. It was not proposed to set European-wide noise limits, but Member States would be required to indicate limits values currently in force or proposed.

The government is underway in developing a national noise mapping programme, with London being a priority area for mapping. A national contract has been let, and a London Noise Strategy has also been prescribed. (See *GLA Noise Strategy*)

## **Appendix 3**

### **Draft National Noise Strategy**

In December 2001, the Government published a Consultation Paper entitled 'Towards a National Ambient Noise Strategy', fulfilling a commitment in its 2000 Rural White Paper to develop such a strategy.

The Consultation Paper stressed that the objective of the exercise was to develop a National Ambient Noise Strategy; it was not intended that it would cover all areas of noise. Apart from fulfilling the commitment in the Rural White Paper, the other main objective of the exercise appeared to be to set a context for the noise mapping that would have to be undertaken to fulfil the requirements of the Draft European Environmental Noise Directive that was likely to come into force in the next year.

The Consultation Paper proposed a three-stage process towards developing the Strategy:

Phase 1 was an information gathering stage, gathering data on the numbers of people affected by different levels of noise, sources of noise, and location of people affected. Methods for assessing noise would be considered, as would noise control techniques. Noise mapping, as required by the EU Directive would be one of the main tools used for this phase.

Phase 2 was the evaluation stage and the identification of options for prioritising the various alternatives in Phase 1, having regard to all relevant factors.

Phase 3 was the stage at which the Government decided on the policies to move towards the National Ambient Noise Strategy itself.

The Consultation paper provided some background to noise strategy issues, considered the adverse effects of noise and the action that had been taken against noise to date, as well as starting to explore noise mapping issues. Despite being a Consultation paper on a proposed Ambient Noise Strategy, it also included a chapter on Neighbour Noise that was outside the scope of the proposed strategy.

Despite the consultation paper, Environmental Protection UK's (formerly NSCA) continued lobbying of the Government for joined up thinking to protect people and environments from intrusive noise; to date there is still no overarching policy statement governing the management of noise in the UK.

## **Appendix 4**

### **GLA strategy**

The Greater London Authority Act 1999 required the London Mayor to produce a number of strategies for London, including a London Ambient Noise Strategy. This had to contain:

- ❖ information about ambient noise levels in Greater London;
- ❖ an assessment of the impact of the Mayor's other strategies on ambient noise levels; and
- ❖ a summary of action taken or proposed to be taken by the mayor to promote action to reduce ambient noise levels, and the impact of such noise levels on those living and working in Greater London.

In this context, "ambient noise" includes industrial noise, noise from road, rail air and water transport, and noise caused by vibration.

The Mayor's Ambient Noise Strategy was completed in March 2004.

The strategy can be accessed at:

[http://www.london.gov.uk/mayor/strategies/noise/docs/noise\\_strategy\\_all.pdf](http://www.london.gov.uk/mayor/strategies/noise/docs/noise_strategy_all.pdf)

## Appendix 5

### Noise definitions

#### Sound and noise

Sound is a pressure variation in air that is detectable by the human ear.

Sound is a form of energy and it propagates from a vibrating source which causes oscillations of molecules in an intermediate medium, usually air, which are detected by a receptor, usually our ears. The emission of the pressure variations from the source are often likened to the ripples on a still pond when a pebble is thrown in. Pressure is measured in Pascals (Pa). The human ear can respond to an enormous range of pressure variations from about 0.00002 Pa to 100 Pa. Given that atmospheric pressure is 100000 Pa, it can be seen that the pressure variations detectable by the ear are incredibly small.

Noise may be considered to be unwanted sound.

#### Decibels

Because the range of pressure variations detectable by the ear is so great, a system has been devised to represent this range with a numerical scale that is more manageable. This is called the decibel scale (dB). This is a logarithmic scale based on the range of human hearing running from 0 dB to 140dB. The diagram below demonstrates the relationship between Pa and dB, and shows the level of certain noise sources.

The difficulty with the decibel scale is that there is no linear relationship between the perception of loudness by people and the loudness level in dB. An increase of 3dB is usually accepted as being just perceptible by humans. A change of 10dB is perceived as being twice as loud. Also, for this reason, sound levels in decibels can not be arithmetically added. If a noisy machine was measured at 80dB and an identical machine was placed next to it, the measured noise would be 83dB, not 160dB.

#### Frequency

Frequency is another important factor in assessing noise. Frequency is the number of pressure variations or cycles produced per second and is expressed as Hz. The human ear cannot only detect an enormous range of pressure variations but also an enormous range of frequencies, from about 20Hz to 20000Hz. However, the human ear does not respond equally to sound at different frequencies. It is less sensitive at very high and very low frequencies. So, at very high and very low frequencies, sound pressure has to be higher for it to be perceived as being equally loud as a lower sound pressure in the middle frequency range. When measuring noise, weightings are applied to measurements to compensate for the different frequency response of the human ear. The weighting most commonly used is the 'A' weighting and measurements are written in terms of dB (A) or  $L_A$ .

#### Ground borne Noise and Vibration

Ground borne noise and vibration both fall into the general definition of noise. Firstly, with ground borne noise, the primary medium through which sound waves travel is the ground, as the name suggests, with the energy then re-radiated to the receptor. A typical situation is a house above a railway tunnel where a deep rumble is heard when a train passes through the tunnel. Secondly, with vibration, the sound

energy is detected not by the ears, but by the body in contact with the part of the ground through which the energy waves are moving. Again, with the example of the house above the railway tunnel, vibrations are felt as the train moves through the tunnel. Ground borne noise and vibration can occur together but each can occur without the other being detected.

Ground borne noise is measured in decibels. Vibration may be measured in terms of the velocity (mm/s), the peak particle velocity (PPV), acceleration (mm/s<sup>2</sup>) of the wave, or Vibration Dose Value (VDV), depending on the reason for the assessment.

### **Noise Parameters**

There are a variety of parameters that have been used to try to quantify noise impacts and relate these to human perceptions. E.g. Leq L10, L90, and Lmax.

Leq is one of the most commonly used parameters. When a sound level meter is used to carry out monitoring, it can be seen that the sound level is constantly changing, even when our perception is that the sound environment is fairly constant. To overcome this problem, a form of averaging is used to generate a single figure which represents the measured sound. Leq is the energy equivalent continuous sound level over a specified period. It is the constant sound level that would result in the reception of the same total energy as the actual varying level over the measurement period (T).

When this is an 'A' weighted reading, the result is written as LAeq (T). Variations of the LAeq (T) are used in a number of situations for specific purposes. LAeq is used in a wide variety of situations and is the most commonly used noise parameter.

L10 and L90 are statistical parameters that have been found to be useful in assessing environmental noise. L10 is the level exceeded for 10% of the time period under consideration and L90 is the level exceeded for 90 % of the time under consideration.

L10 measured over an 18 hour period (L10 (18hr)) is the usual measure used for assessing road traffic noise and L90 is used for assessing the background or underlying noise in an area.

Lmax is the highest measured level on a meter in a particular measurement period. It is useful for assessing noise situations where there are sudden high impact sounds.

LEP, d is the total exposure to noise throughout the working day and equates to an LAeq (8hr). It is used in occupational noise assessments.

### **Other factors**

There are other factors that are relevant to assessing noise impacts, including distance of the receptor from the source, duration of noise, time that the noise occurs, local topography, whether there are barriers or reflecting surfaces as well as meteorological conditions.

For most noise sources, a doubling of distance from the noise source results in a 6dB reduction in sound level. For roads, which can be considered a line of sources, rather than a single point source, the reduction is only 3dB with doubling of distance.



## **Appendix 6**

### **Health Effects of Environmental Noise**

Whilst there is very little dispute that noise can cause annoyance and nuisance, and affect the quality of peoples' lives, the link between noise and its impact on health is less clear cut. The potential impacts on health can be divided into auditory and non-auditory effects.

#### **2.2.1 Auditory effects**

It is thought that a noise level of 150 dB will cause instant and permanent deafness. Long-term exposure to lower levels of noise can also cause hearing damage. The amount of damage caused by noise is dependent on the frequency; narrowband noise is more damaging than broadband noise (containing a wide range of frequencies). This type of health effect is widely recognised and because of this, legal controls have been put in relation to noise in the workplace, requiring noise assessments and ear protection at certain noise trigger levels.

Tinnitus (a ringing in the ears) may be experienced after exposure to a noisy environment, such as a concert or night club, for a relatively short period of time and a temporary loss of hearing sensitivity called temporary threshold shift (TTS) may be experienced. After a long enough rest, from the noise most people recover. Recovery times from TTS depend on exposure times and noise levels. However if a person is exposed to intense levels of noise for long periods there is a danger that the temporary damage may become permanent and persistent threshold shift may soon be followed by permanent threshold shift. The same applies to permanent tinnitus.

To avoid hearing impairment, impulse noise exposures should never exceed 140 dB peak sound pressure in adults, and 120 dB peak sound pressure in children. A lifetime's continuous exposure to an environmental average noise level of 70 dB will not generally cause hearing impairment.

#### **2.2.2 Non-Auditory effects**

The non-auditory effects of environmental noise are subject to a lot of research and debate. Across the world a large number of studies are being conducted. One of the problems with drawing conclusions from some of the existing research is that the studies took place in a laboratory environment and not in the field, often with no account being taken of existing conditions or confounding factors. Some of the studies have also extrapolated data from studies into the effects of workplace noise and applied them to environmental noise. The main effects are outlined below.

### **2.2.3 Speech interference**

Environmental noise can mask normal speech and make speech incapable of being understood. Environmental noise can also mask other sounds that are important to daily life such as doorbells, telephone signals, alarm clocks, fire alarms and other warning signals and music. Speech interference is particularly debilitating to vulnerable groups such as people with hearing impairments, the elderly, and children in the process of language and reading acquisition and individuals who are not familiar with the spoken language.

### **2.2.4 Annoyance**

Annoyance has been defined as “a feeling of displeasure evoked by noise” and “any feeling of resentment, displeasure, discomfort and irritation occurring when a noise intrudes into someone’s thoughts and moods or interferes with activity”. The degree of annoyance felt (if any at all) varies from individual to individual.

### **2.2.5 Sleep disturbance**

The main sleep disturbance effects of noise are difficulty in falling asleep (however once someone is asleep it will take an increasingly intrusive noise to wake them); awakenings; and alterations of sleep stages or depth (reduction in amount of REM sleep). There is a considerable amount of evidence that suggests that individuals can get used to noise (habituate), and there is some doubt as to the real long-term health consequences of noise induced sleep disturbance. It is also unclear how much sleep loss is required before being considered a health effect, but good nights sleep is known to be one of the key requirements for good physiological and psychological functioning in healthy individuals. Sleep disturbance can affect a person’s mood the next day as well as their performance.

### **2.2.6 Ischemic heart disease (Coronary Heart Disease)**

The European Union noise policy document suggests that “long term exposure to noise levels above 65dB may be responsible for a few percent of the heart attacks in the EU, including related mortality”.

### **2.2.7 Performance by school children**

Studies on the effects of aircraft noise on children in and around the Heathrow area have found that chronic exposure to aircraft noise does not always lead to generalised cognitive effects (connected with thinking or conscious mental processes), but rather more selective cognitive impairments in difficult tasks (Haines 2001). The World Health Organisation suggest that schools and day-care centres should not be located near major sources of noise, such as highways, airports and industrial sites.

### **2.2.8 Mental Health**

Environmental noise is not believed to be a direct cause of mental illness, but may accelerate and intensify the development of dormant mental disorders. Susceptible people may suffer from anxiety; emotional stress; nervous complaints; argumentativeness; sexual impotency; mood changes as well as general psychiatric disorders such as neurosis, psychosis and hysteria.

### **Conclusion**

That noise can have major adverse affects on quality of life is probably beyond dispute. Health effects in industrial situations are clearly recognised but effects of environmental noise are less certain. A DEFRA commissioned report by the National Physical Laboratory in 1998 found that although there are potential adverse effects on health, the evidence for actual health effects, other than annoyance or sleep disturbance is weak. WHO standards have adopted a precautionary approach in putting forward standards. It is generally recognised that more research is needed in this area.

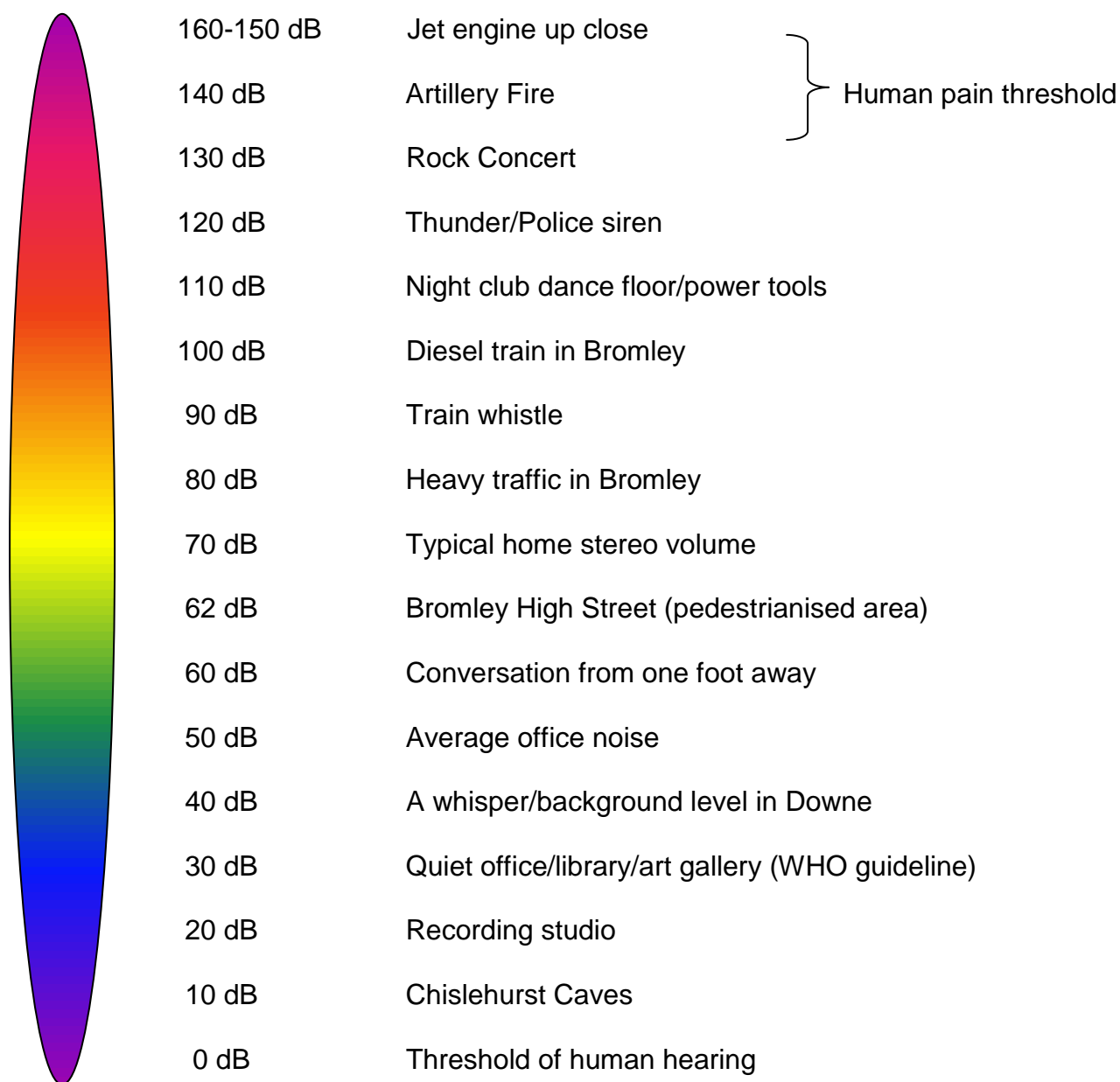
The most recent (July 2009) officially sponsored report dealing with the effects of environmental noise on health in the UK can be accessed at:

[http://www.hpa.org.uk/web/HPAwebFile/HPAweb\\_C/1246433634856](http://www.hpa.org.uk/web/HPAwebFile/HPAweb_C/1246433634856)

## Appendix 7

### Sound and the Borough of Bromley

Figure 1: Decibel (dB) Range Chart



**Decibels (dB) are a measure of the intensity of sound**

World Health Organisation guidelines say that to protect the majority of people from being seriously annoyed the sound pressure levels on balconies, terraces and outdoor

living areas should not exceed 55 dB LAeq for steady continuous noise in the day and 45 dB LAeq and 60 dB L<sub>Amax</sub> at night.

- ❖ The experience of sound differs from person to person and only becomes noise when it exists in the wrong place at the wrong time such that it causes or contributes to some harmful or otherwise unwanted effect.
- ❖ Noise can lead to sleep disturbance which can have detrimental effects on physical health. There is also a growing body of evidence linking environmental noise to cardiovascular diseases.
- ❖ The annoyance created by noise does not necessarily lead to more serious mental health issues; however, there is evidence to suggest it can lead to minor psychological problems such as tension, irritability and difficulty concentrating.
- ❖ Exposure to noisy environments at school can adversely impact on children's learning, affecting performance in reading, attentiveness, concentration, problem solving and memory.
- ❖ It is not necessarily the loudest sounds that cause most annoyance. Some sounds, because of their tonal quality, or because they are unpredictable can be disturbing. Noise is therefore as much about perception as measurement.

## **Appendix 8**

### **The Law on Noise**

#### **Domestic Noise**

The Council has a range of powers to deal with noise and noisemakers. They include issuing legal notices such as Abatement Notices, seizing noise making equipment and prosecuting offenders using powers under the Environmental Protection Act 1990 (See Appendix 8).

#### **Dealing with complaints**

Although there are legal remedies for domestic noise problems, the Council recognises that there are other means of resolving matters, such as mediation, and will consider all dispute resolution options in dealing with complaints (See Appendix 1 Service Policy & Standards)

#### **Noisy Parties**

There has been an increasing concern in recent years about the problems caused by noisy parties. The potential for significant financial gain coupled with the development of more sophisticated and powerful sound and lighting systems has been such as to greatly increase the severity of the problems caused by parties, particularly the organised pay parties in domestic premises. A particular problem in Bromley is the use of marquees in the gardens of various premises. It is virtually impossible to contain the noise, which can travel several kilometres in the right atmospheric conditions.

The 'party patrol' service presently consists of officers from Public Protection who volunteer to cover Saturday night from 10pm to 4am Sunday morning. This consists of two staff (and police support as necessary).

The service deals with unreasonable parties and it is not the intention to prevent parties and social events taking place. Accordingly an informal approach will always be made first in an attempt to agree an acceptable noise level, with both the complainant and the person responsible. If informal discussions are not successful and the officer is satisfied that a nuisance exists, then a Notice may be served under the Environmental Protection Act 1990. If the nuisance still continues, then consideration will be given to seizing equipment in order to stop the noise continuing. This decision will always be made in partnership with the police. In addition to this offenders may be prosecuted after the event.

Preventative advice will also be given to persons planning parties and this has proved effective in reducing the subsequent impact of events.

#### **Alarms**

*The Noise and Statutory Nuisance Act 1993* imposes a duty on the Council to investigate noise from different categories of alarms.

There are a considerable number of audible alarms both on premises and vehicles. It is the disturbance of the neighbourhood by continually sounding alarms that is the subject of this policy. 8% of the total number of noise related complaints reported to the Council in 2009-10

related to alarms from premises (domestic and commercial) or vehicles. 43% of those were audible alarms on domestic premises.

## **Intruder Alarms**

In accordance with the adopted legislation it is policy to enforce the following requirements with regard to audible intruder alarms on premises within the Borough.

- (i) Where the owner or occupier of a premises has an alarm fitted, they must ensure that the alarm is fitted with a device which prevents the alarm operating audibly for more than 20 minutes after it has been activated. This device may be contained within the bell housing to ensure operation if the internal control panel fails or is by-passed.
- (ii) Where an alarm has been fitted to a premises and has been operating for more than one hour after it was activated and causing a noise nuisance, officers will initially check the London key holder database ([www.london.keyholderdatabase.org.uk](http://www.london.keyholderdatabase.org.uk)) for registered keyholders in order to contact the owner of the premises or nominated key holder. The service provided by the London Key holder Database is a secure system based on a service provided by Surrey Police, which has received Home Office recognition.
- (iii) If unable to gain access to the property via the keyholders then officers will arrange to enter onto the premises, (by force if necessary) and de-activate the alarm, using nominated contractors. All costs incurred by the Local Authority will be recovered from the owner of the premises.
- (iv) Consideration will be given to the prosecution of persistent offenders who refuse to comply with these requirements.

## **Car Alarms**

Although the number of complaints of car alarm noise, whether accidentally set off or through the malfunctioning of the alarm remains small (<2%) compared to the total number of complaints received, it is becoming increasingly difficult to detect alarms on modern vehicles.

It is the policy that, where an audible vehicle intruder alarm is operating more than one hour after it was activated, officers will arrange to enter into the vehicle, by force if necessary and de-activate the alarm. On all occasions officers are required to make every effort to contact the registered keeper of the vehicle prior to taking formal action. Information on registered keepers of vehicles is kept on the DVLA database and this information can be accessed by officers via a secure password system.

## **Construction Noise**

Under the *Control of Pollution Act 1974*, the Council can control the noise from demolition and construction sites in two ways. (i) The developer can ask for "Prior Approval" under Section 61 in which case he must provide details of nature of the work, equipment to be used, work practices, screening, working hours etc. This approach is seldom used even in very large sites because of the amount of detailed prediction that the developer must undertake. (ii) The alternative approach is where a Notice is served by the Council under Section 60. This can specify any of the above measures, and also set noise levels at the boundary of the site. Noise from DIY and minor renovation work is normally dealt with as a domestic nuisance.

Guidance for the control of noise and vibration from construction and demolition sites is given in BS 5228:2009. Information regarding noise levels from all commonly used plant is given, as well as techniques for calculation of noise levels at the site boundary. Guidance is also given on the use of barriers in order to protect nearby residents.

Noise from construction plant can be predicted very accurately and measured to order to assess the impact on nearby occupiers. By contrast, vibration resulting from pile driving is harder to predict, and the response of individuals to vibration is more variable. As well as the nuisance, or annoyance, there is also the fear that vibration is damaging the building. In most cases, houses can withstand a large amount of vibration, but ornaments will be more likely to be damaged if they fall as a result of the vibration. Where pile driving is proposed, discussions must take place first in order to ensure that the disruption is kept to a minimum.

Some works, by their nature, must be carried out at night. These works can include railway bridges which require the trains to be stopped, road works which require closure of the road, or town centre works which can only be safely carried out when the public can be kept away. In these cases, it is important to consult with the relevant authorities, such as Network Rail, and to ensure that the public is kept well informed of what is going on, as well as the reasons for working at anti-social hours. In all cases, Environmental Health Officers are available out-of-hours for monitoring and to deal with serious complaints and to take action against the contractors.

Further to the provisions of the Council's noise strategy the controls exercised in the Borough of Bromley with respects to construction site noise are:-

(i) The hours of operation permitted for normal construction site or demolition site operations will be as follows:-

**Monday to Friday      0800-1800\***

**Saturday                0800-1300\***

**With no work on Sunday or Bank Holiday.\***

\* unless previously agreed with Public Protection Division

(ii) The type of plant or machinery to be used will be in accordance with BS5228.

(iii) The noise levels, which may be at specific reference points and/or may be for specific hours will be set by officers in the Scientific Services Team within Public Protection having regard to BS5228 and any other relevant, current Codes of Practice.

In 2004 a Code of Practice on the Control of Pollution & Noise from Demolition and Construction Sites was drawn up by neighbouring boroughs including Bromley. The Code of Practice is the policy of this authority and is attached to relevant planning approvals and building control applications and circulated to contractors working in the borough.

The purpose of the code is to ensure that disturbance due to noise and vibration (and other nuisance) are kept to an acceptable level. The code is also intended to provide guidance to contractors in circumstances where there is not a need to implement the formal procedure detailed in Sections 60 & 61 of the Control of Pollution Act 1974.

With the implementation of the Noise and Statutory Nuisance Act at the beginning of 1994, noise from construction or demolition works may also be controlled where the noise originates in the street as well as on premises. This now gives the power to take action for noisy construction works on the Highway.



Bromley Council now liaises with TFL, (Transport for London) on its forthcoming projects concerning night works, in order to be kept up-to-date on any future plans.

## **Commercial / Industrial Noise**

Commercial noise includes all noise produced as a result of a commercial activity whether or not the source is a commercial premises. Noise from deliveries/collections also fall within this category.

Complaints relating to commercial noise are the second highest number of service requests received and equate to 10% of the total amount of noise complaints received.

The most common source of commercial noise relates to the use of air-handling equipment, whether from commercial kitchen extraction or from air-conditioning plant.

All commercial kitchens, as well as schools and hospitals, must have effective means of ventilation which includes filtration to remove the cooking odours. Such equipment is usually located externally with the most common situations being fixed to a wall or placed on a flat roof. In both cases the noise is more likely to affect neighbours than the occupiers of the commercial premises therefore attention must be paid to effective noise control. Powerful extract fans are noisy, but some types of fan are inherently noisier than others. In addition to the type of fan, the mechanical parts wear with age and consequently produce more noise. If complaints are received about noisy extract fans then the first step is to ensure that the installation complies with any planning permission as there may be joint responsibility with Planning Enforcement to investigate.

Commercial air-conditioning plant has improved a great deal in the past decade or so, partly due to the number of installations in noise sensitive locations and in larger domestic premises. Larger air handling units in commercial or industrial premises, which are often fitted at roof level, are much noisier and it is common to fit acoustic screens around these to protect neighbouring premises as well as controlling hours of operation by Planning Condition. Air handling plant in factories and garages are usually subject to strict controls in planning terms but where these have existed for some time may become the subject of complaints. This may occur if either the plant deteriorates with age, or if new noise sensitive buildings are created close to an existing noisy operation.

### **Deliveries and collections**

The Council receives a significant amount of complaints each year about noise from vehicle collections and deliveries, especially early in the morning and late at night. The Council can impose restrictions on the hours of deliveries and collections to new developments to minimise the level of disturbance caused to local residents.

Where we receive complaints about existing developments, we seek by agreement to restrict deliveries that are made to between the hours of 07:00 – 22:00 hours. We can also require that all necessary steps should be taken to ensure that best practicable means are employed, to keep noise levels to a minimum.

Because of the effects of traffic congestion many companies prefer to make deliveries and collections late at night. This is further endorsed by the Freight Transport Association and Transport for London as it reduces emissions of air pollution from vehicles moving slowly in heavy traffic.

## **Transportation Noise**

One of the biggest causes of environmental noise is from transportation systems with nearly one in five people bothered by noise from roads, railways or aircraft. The level of formal control available in this area is, however, particularly limited.

### **Road Traffic Noise**

In terms of the number of people who are affected, road traffic noise is the most serious of all of the transportation problems. Noise from individual vehicles can only be dealt with by the Police. In practice, the most that the Police are likely to do following a complaint is to check that the vehicle has a current MOT Certificate and that it has not been illegally modified. The only types of vehicle that can be dealt with are ice cream vans, which must comply with the Code of Practice for Ice Cream Chimes. Visits are carried out in the summer, both at random and following complaints to measure the noise from ice cream chimes and to advise the operators of the restrictions.

### **Railway Noise**

There are currently no formal noise standards that refer to acceptable levels of noise from railways in the UK. There is evidence to suggest, however, that of all the transport noise sources, train noise is the easiest to become accustomed to and therefore gives rise to a relatively small number of complaints.

With deregulation of the railway network, the track and the stations are now managed by Network Rail and the trains provided nationwide by more than a dozen separate operators. In the past, British Rail enjoyed the status of being a “statutory undertaker” and this immunity from most noise nuisance law is now extended to all of the operators. No action can be taken to deal with noise problems which are related to their statutory undertaking to maintain the railway service, however, noise from station public address systems, repairs, and goods yards can be dealt with as a noise nuisance. Poor maintenance of the track and rolling stock can give rise to increased noise and an informal approach to Network Rail may bring about improvements.

The Croydon Tramlink that terminates at Beckenham Junction and Elmers End stations was completed at the end of 1999. The new tram tracks have been laid adjacent to existing railway lines except for a new link that passes through Norwood Country Park. The trams have been constructed to very strict noise criteria and are not likely to give rise to increased noise levels at nearby houses.

### **Aircraft Noise**

The Borough is affected by noise from aircraft at low level, flying into and out of Biggin Hill Airport, and at high level, associated with Heathrow and Gatwick Airports. A holding “stack” is centred over the southern part of the Borough and is used by National Air Traffic Control to hold aircraft in a circular holding pattern until it is safe for them to land at one of the two major airports. The start of the final approach into Heathrow Airport is located over the north part of the Borough and consequently results in large numbers of aircraft at low altitude over Chislehurst, Sundridge Park and Beckenham.

The area around Biggin Hill Airport, as well as the airspace at higher altitudes is designated “controlled airspace” and as such aircraft are under the control of either Biggin Hill Airport or

National Air Traffic Control. Much of the Borough is however uncontrolled below a certain altitude and therefore leisure, business and commercial aircraft may be seen flying apparently at random.

The noise caused by aircraft is exempt from any of the normal nuisance procedures by virtue of the provisions of the Civil Aviation Act 1982. The exemption applies not only to the flights themselves but also to any measures associated with the flight. Under this Act it is the Secretary of State who is responsible for noise abatement measures for these aircraft movements. Complaints of noise relating to aircraft using one of the major London airports are usually referred to the Civil Aviation Authority who will respond and will also refer to the number of complaints when considering changes in policy, such as night flying.

Biggin Hill Airport is owned by the Borough and operated by a private company. One of the main reasons for the Borough retaining ownership of the airport was to maintain the local environment, which it does through the Lease Agreement. This lease limits the number of aircraft movements to 125,000 per annum, limits the noise of individual aircraft through an Approved List, restricts operating hours, requires the airport to investigate complaints of noise, and ensures that local residents have a voice through the Airport Consultative Committee which meets four times each year. Predicted Noise Level Contours have been produced by the Borough's consultants who give noise levels up to the year 2015 and these are used in relation to planning applications. Proactive monitoring is also carried out which enables long term trends to be identified.

## **Planning and Noise**

Over 4000 planning applications are received by the Council each year and the Planning Department are obliged to consult with Environmental Health Officers on the environmental aspects. As a result, about a quarter of all planning applications are examined in detail and a formal response given which is then reported to Planning Committee. The current performance target to respond to the Planning Department is fourteen days. In some cases, detailed noise surveys are carried out in order to assess the impact, and in other cases, the applicant is encouraged to carry out an agreed survey of their own and submit it with their application. The criteria when assessing planning applications is the potential "loss of amenity" to existing residents or businesses, which is usually more onerous than when dealing with statutory nuisance.

In terms of noise, planning applications can be divided into two categories: those developments which will give rise to noise, and those where a noise sensitive building is proposed in a position where it may be exposed to high levels of existing noise. Current Government guidance is given in Planning Policy Guidance Note PPG 24, DOE Circular 10/73 "Planning and Noise", and British Standard BS 4142 "The Method of Rating of Industrial Noise Sources". The documents taken together provide a means of controlling or avoiding new noise problems, and protecting new residents from existing noise sources, particularly those associated with transportation.

In order to prevent new noise problems a number of measures may be imposed. The permitted hours may be restricted so that noise occurs only at times which are acceptable to nearby residents, and this is usually the time at which the background noise is at its highest. Quiet equipment or other noise attenuation measures may be specified in situations where external fitting is necessary, such as air-conditioning units, generators and extraction systems, and in other circumstances where high noise levels are produced within a building, then good quality sound proofing may be required. In large schemes physical barriers such as acoustic

screens or earth bunds may be incorporated or non-sensitive rooms located on the most affected facades

Houses and other noise sensitive buildings may be proposed near to an existing transportation noise source and often the developer will carry out an agreed noise survey. In locations where noise is significant then in extreme cases, planning permission may be refused, but in most cases, the impact of the noise on future residents can be reduced to an acceptable level by site layout, barriers or secondary glazing.

Ongoing liaison meetings also take place and officers within the Environmental Protection Service of Public Protection will provide the necessary support, investigation and reports for the defence of Planning Appeals and Enquiries.

## **Noise within Buildings**

The transmission of noise within a building or a group of buildings, for example in a terrace of houses converted into flats, is a major source of noise complaints.

Conversions are now subject to the requirements of the Building Regulations and so the level of sound insulation should be satisfactory for any premises converted or built after 1984. Nevertheless a large number of properties were converted before this date and often these conversions have minimal insulation.

In order to assess the structure appropriate sound insulation tests can be carried out to establish that poor sound insulation exists between dwellings.

## **Entertainment Noise**

In most cases, entertainment noise results from commercial premises (see previous section) but activities such as clay target shooting, motorcycle scrambling, model aircraft flying and radio controlled cars typically take place on open land such as farmland or public parks. Codes of Practice have been published for clay target shooting and for model aircraft but most other noise is subject to the general nuisance provisions. In all cases, the organiser is the person responsible for controlling the noise, if it is found to be excessive and although barriers may be effective in some cases the most common control is by the hours of operation.

Open air concerts which are held in Crystal Palace Park as well as some of the smaller parks are always subject to an Entertainments License and so this provides the principal means of noise control. Usually noise levels are set at the nearest noise sensitive buildings and these levels are monitored throughout the event with staff being in continuous radio contact with the organisers.

The number of complaints relating to motorcycle scrambling has increased over the last few years and in 2009-10 formed 4% of all noise complaints received. There are no designated sites in Bromley where off road motorbikes can be used and therefore areas of Greenbelt land, open spaces and private land are illegally used for this activity.

The indiscriminate nature of the activity, often on difficult to access or private land, makes it difficult to tackle. To respond to this problem, a multi agency initiative involving environmental health officers, police officers and park security has been set up to tackle anti social behaviour and noise associated with off road motorbikes, mini motos and similar mechanically propelled vehicles.

Funding provided by the Safer Bromley Partnership has enabled a number of dual use motorbikes to be purchased, which are deployed by the police both off road and on road in the areas of highest activity. A number of multi agency operations have been deployed at prime times, mainly Saturday and Sunday afternoons, in the identified areas in an effort to make maximum impact to help identify, apprehend, and seize illegal motorbikes in the Borough. Prior agreement and co-operation from landowners is required to enter onto their land.

## **Entertainments Licensing & Noise**

Entertainment such as music and dancing are potentially noisy and commercial premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. The Council uses the licensing procedure to assess applications and apply appropriate measures to minimise any noise disturbance. Officers work closely with the licensing team and the entertainment and commercial sector to minimise noise and associated impacts by providing information and advice on best practice.

Before granting a licence the Council undertakes consultation with various parties to seek views on the proposals, including the Public Health Nuisance team. If there are objections then an application will be referred to the Licensing Appeals Subcommittee for a hearing. The Council can refuse a licence.

Where a licence is granted the Council has powers to apply conditions, recommended by officers within the Public Health Nuisance Team. These conditions routinely contain requirements to control noise and disturbance. The conditions can control the hours of operation, the volume of sound produced, the type of entertainment allowed and may require physical sound controls such as acoustic double glazing or noise limiting devices attached to the amplifiers.

One of the most effective ways of controlling amplified music is by a “Noise Limiter”. This is an electronic device, which monitors the level of sound produced by an amplifier. The level is set and then sealed with a tamper proof seal by an officer within the Public Health Nuisance team to ensure that no statutory nuisance is caused.

Not all types of music can be controlled by “Noise Limiters”. Acoustic music, which does not use electronic amplification, has to be controlled by other methods such as good sound insulation.

One of the more difficult problems to control is that of “dispersal noise”. The noise generated by people leaving premises late at night, often under the influence of drink with the associated shouting and antisocial behaviour. Where this is a problem the only means of control available is to reduce the hours of operation under the licence conditions. The Licensing Team in Public Protection work very closely with the Metropolitan Police in dealing with applications and any complaints of late night dispersal noise.

Premises and events are monitored for compliance with the licence conditions and all statutory consultees can request for a licence to be reviewed. Prosecutions can be taken if licence conditions are breached.

The Safe & Sound initiative funded by the Safer Bromley Partnership aims to reduce the crime and disorder associated with the night-time economy. Initially, it seeks to reassure residents and businesses and to ensure that targeted and coordinated action is taken to reduce noise

and anti social behaviour. A number of operations have been funded since 2005 to cover additional staff costs.

The Clean Neighbourhoods & Environment Act 2005 amended the Noise Act 2006 in respects of issuing fixed penalty notices on licensed premises if they exceeded a permitted noise level. Ref. Member consideration point – page 7 Para 4.3.

For further information on the Council's Licensing policy visit:

<http://www.bromley.gov.uk/NR/rdonlyres/82B454BC-BF1D-4FF3-89F0-5ED688066EFF/0/LicensingPolicy.pdf>

## **Street Noise**

Noise in the street may in some circumstances be dealt with by the Council if it is due to the use of equipment, machinery or loud speakers. In most other cases it is a Police matter.

## **Other legislation and Government Guidance**

Resources are stretched in all areas of environmental health work and the prioritisation of workloads is now an everyday management function. Recent legislation and government guidance, however, was widened the statutory responsibilities of local authorities and along with increased expectations; this has necessitated the development of the service.

### **❑ The (DOE) Report of the Noise Review Working Party 1990 (The Batho Report)**

There were several recommendations in this report that have affected the operation of the Council's noise service. One of the main recommendations was that Environmental Health staff should be available out of office hours to deal with noise complaints at the time that they occur and therefore that consideration be given to full 24 hour Noise cover.

The Report recommended that consideration should be given to the introduction of a fixed penalty notice for car alarms that continue beyond a fixed statutory time limit. Although not fully implemented at present, the Noise and Statutory Nuisances Act has made provision for Environmental Health Departments to enforce this.

It was this report that recommended the mandatory function for Local Authorities to investigate all noise nuisance complaints.

Bromley has now addressed all of the recommendations in this report and offers a 24 hour noise service to residents of the Borough.

### **❑ Environmental Protection Act 1990 (EPA)**

The Act placed a strict DUTY on all Local Authorities to deal with complaints of noise nuisance. Where a complaint of a noise nuisance is made by the Council by a person living within its area, the Council MUST take such steps as are reasonably practicable

to investigate the complaint. The Council must also ensure its area is inspected to detect any statutory nuisances.

This Act, based on the principle of statutory nuisance, provides the legal framework to deal with the majority of noise problems. The concept of statutory nuisance has the merit of allowing officers to be flexible and take account of local factors such as background noise levels; adjacent activities; the character of the neighbourhood; times of day; and intensity, character and duration of the noise, whilst also giving the power to take formal action.

The test of whether a noise nuisance exists is a largely subjective matter and as such assessments can require a large input of staffing resource. In order to provide consistency in approach and action taken by officers a set of procedures have been developed for Officers use and are incorporated into the Division's documented procedures.

#### **❑ London Local Authorities Act 1991**

This legislation was adopted by Bromley in December 1993 and authorises its officers to enter into properties in the Borough where burglar alarms are sounding and to take action to disarm them. The power conferred by this Act allows for entry to the premises by force if necessary to disconnect the external and internal sounders or to turn off the main control panel. This may involve breaking in, drilling and changing door locks and reinstating the premises. To facilitate this, Warrants are often needed in the middle of the night and the Environmental Health Officers have forged partnerships with the local Magistrates Court.

#### **❑ Noise and Statutory Nuisances Act 1993**

This legislation was enacted by central government at the beginning of 1994 and extends the Environmental Protection Act to include noise in the street and not just associated with premises. The Council has a duty to investigate noise from such sources as car alarms, roadworks, and music from street entertainers. Whereas there were no previous powers to take action in these cases, the Council may now serve notice on noise equipment in the street (generators etc) to stop noisy roadworks and in certain circumstances could seize the equipment. In practice the officers endeavour to liaise closely with Utility services and LBB Highways activities.

#### **❑ NOISE ACT 1996 (as amended by the Clean Neighbourhoods & Environment Act 2005)**

#### ***NIGHT-TIME NOISE***

This Act is *discretionary* and as such was not imposed on all Local Authorities. This is pertinent for small rural authorities that receive few out of hour's noise complaints.

The Act puts a duty on an authority, to investigate complaints made by individuals present in dwellings during 'night hours' defined as from 11pm to the following 7am.

The noise officer can then issue a Warning Notice, which must be a minimum of 10 minutes but may be any time up to 7 hours as defined by the authority. This may allow discretion, for example permitting a birthday party to continue until midnight. The Notice may be served by delivering it to any person present at the premises that appear to be responsible; or by simply leaving it at the dwelling. The maximum fine is currently £1,000.

The Act also provides a power for an authorised officer to serve a Fixed Penalty Notice (£100). These FPNs may be 'given to' an offender wither by delivering it to them, or, by leaving it, addressed to them, at the offending dwelling. If this fixed penalty is paid then the person becomes immune from further prosecution. The Clean Neighbourhoods & Environment Act 2005 amended the Noise Act 1996 to apply to licensed premises and a Fixed Penalty Notice of £500.

### ***SEIZURE OF EQUIPMENT***

Section 10 (7) of the Noise Act 1996 provides the procedure for seizing noise making equipment to abate a noise nuisance under the Environmental Protection Act 1990. The cost of seizure is included in the Schedule of costs when prosecuting perpetrators of noise nuisance.

Persons convicted of a noise offence may forfeit their rights in any seized equipment on an Order by the Court; such goods may then be sold by the authority to cover their reasonable costs.

### **❑ The Licensing Act 2003**

The Licensing Act 2003 came into effect on 24th November 2005 when the responsibility for licensing transferred from Magistrates Courts to the local Councils, which, for the purposes of this Act, are now called Licensing Authorities. The primary purpose of this new Act of Parliament was to provide a new focus on the promotion of four statutory objectives.

These are: The prevention of crime and disorder ; Public safety ; The prevention of public nuisance; and The protection of children from harm

Before the Licensing Act 2003 came into force Public Houses, Nightclubs, Private Members Clubs etc., were all licensed by Magistrates Courts. With the new Act it is now necessary to separately licence both the premises and the person in day to day control of the business. These, somewhat obviously, are now called Premises Licences and Personal Licences.

### **❑ The Anti-social Behaviour Act 2003**

This Act strengthens the Housing Act 1996 to facilitate the regaining of possession from tenants of social landlords responsible for anti-social behaviour and amends the night noise offence of the Noise Act. It also introduces a power of local authorities, acting through their Chief Executive or Environmental Health Officer, summarily to close licensed premises which cause a public nuisance by reason of noise.



## Appendix 9

### 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:

<b>OUT of HOURS</b>	<b>London average</b>	<b>Bromley</b>
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 weekdays 10pm – 4am party patrol (Sat/Sun)
Response times	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

## 2. The Full Noise Service:

Full Service	London average	Bromley
Cost of service:	£ 637,500 2003-04 stats	£ 145,000 2008 -09 stats
Range of costs -full 24hr cover	£2,200,000 2003-2004 stats	£145,000 2008 -09 stats
Total no. of staff	**FTE	4.5 FTE
Hours of service	Various, but core 7pm-1am weekdays 8pm-3am Fri/Sat; ad hoc Sat/Sun	5pm -8am weekdays 10pm – 4am party patrol (Sat/Sun)
Complaints dealt with	Various, depending on Authority	All noise and all public health nuisance complaints

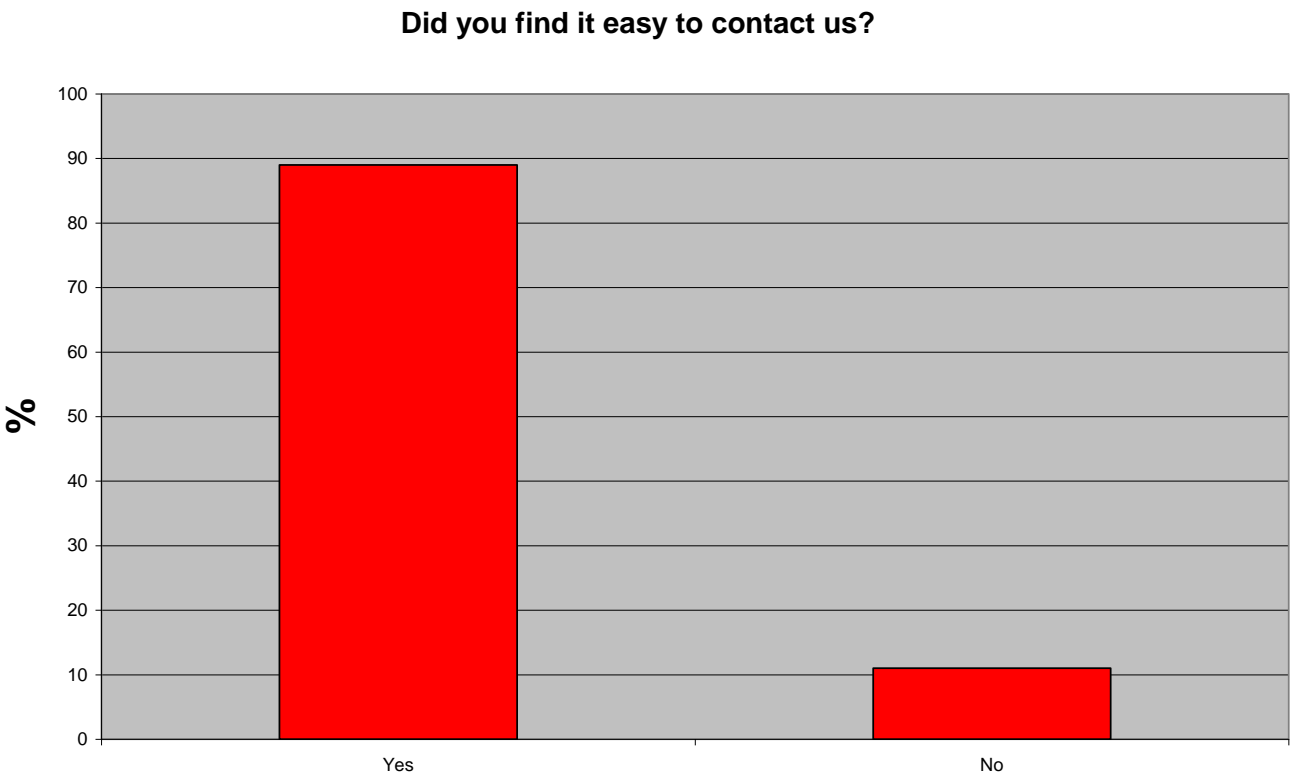
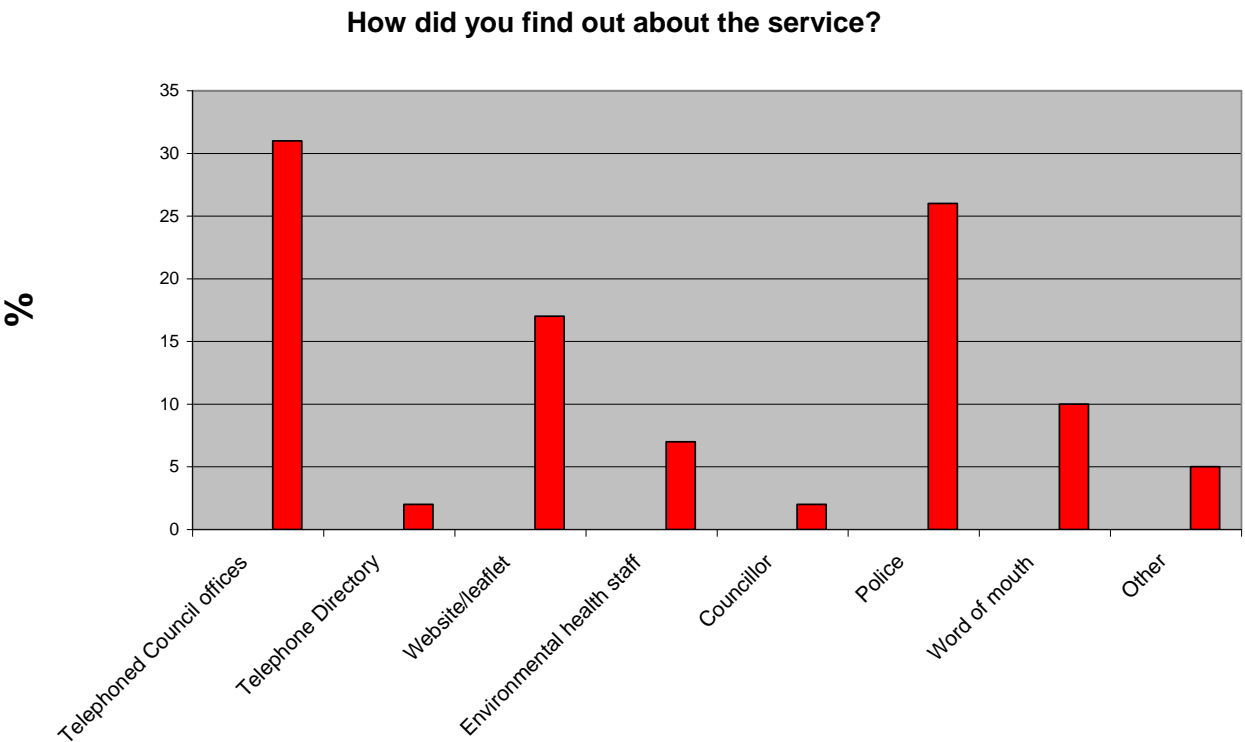
The customer consultation was carried out via:

1) A postal survey, asking a set of 12 questions, also with an opportunity for users to put forward their comments and suggestions. 150 previous users of the Noise Service were targeted; spread over a 6 month period (May to October 2009) to get as representative a response as possible.

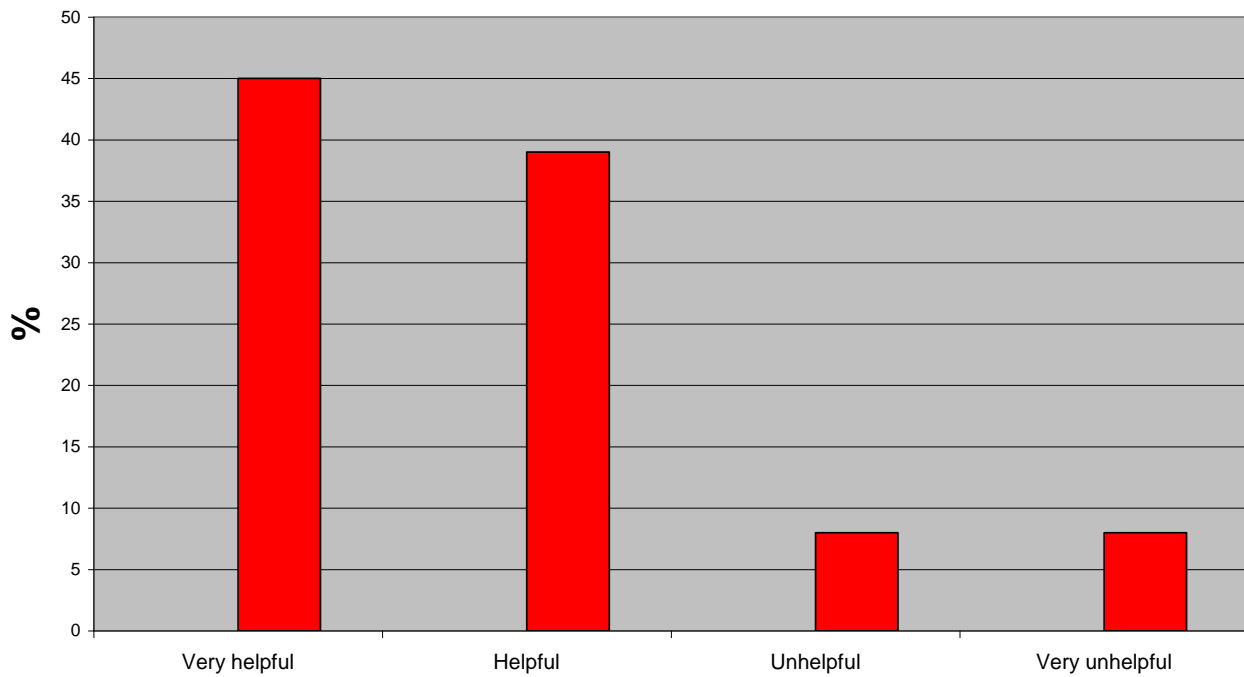
2) A focus group for previous users of the Noise Service.

**Results of the customer satisfaction postal survey: 28% response rate (42 out of 150) \* Not all respondents answered all questions**

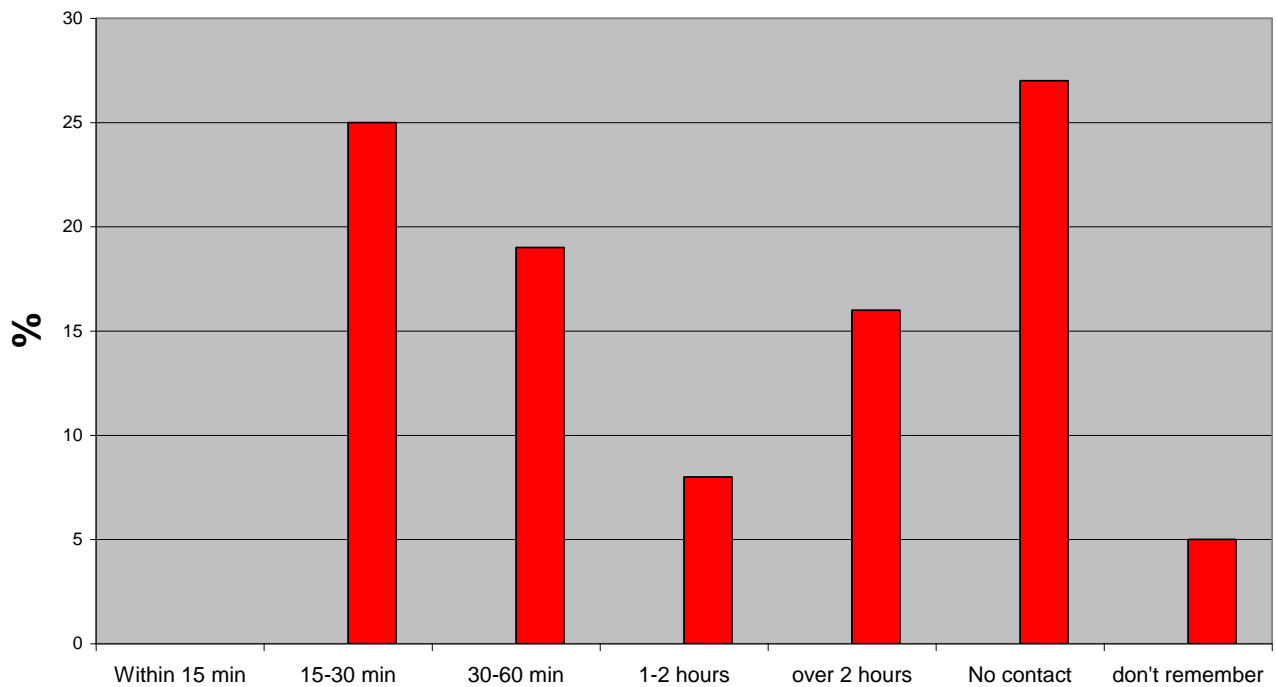
1. Results of the postal questionnaire.



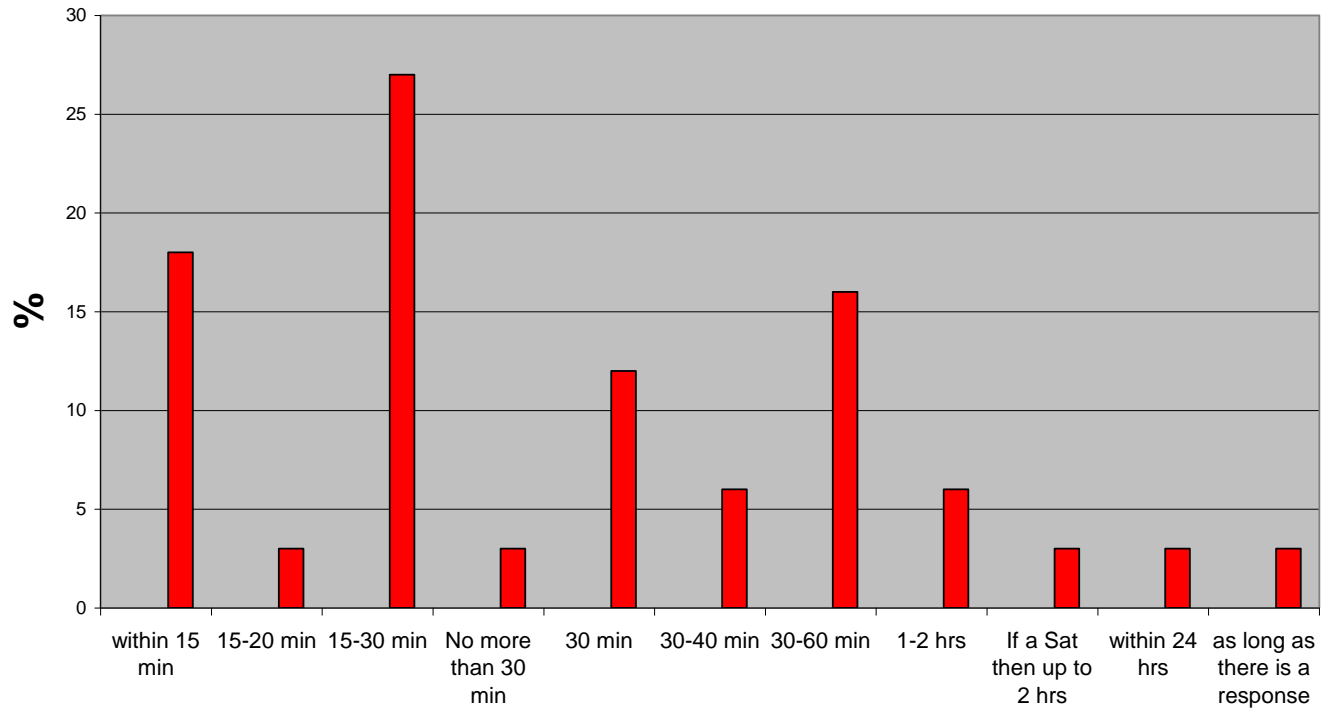
**How did you find the telephone operator's response?**



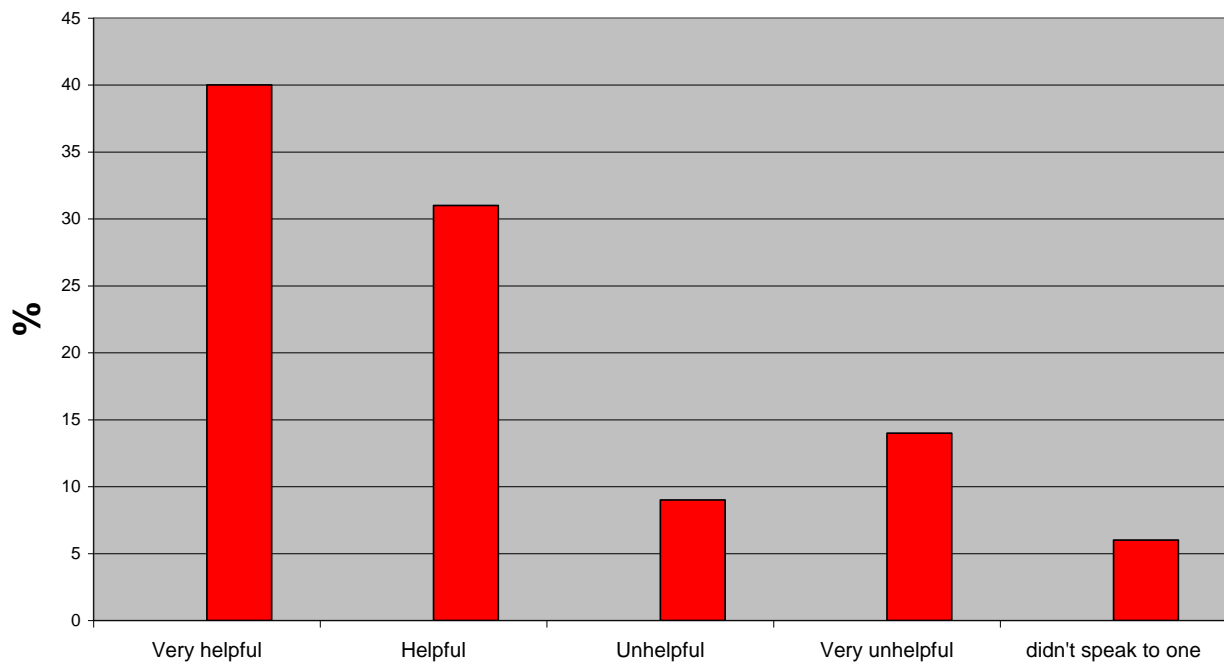
**How long after your initial call did the investigating officer contact you?**



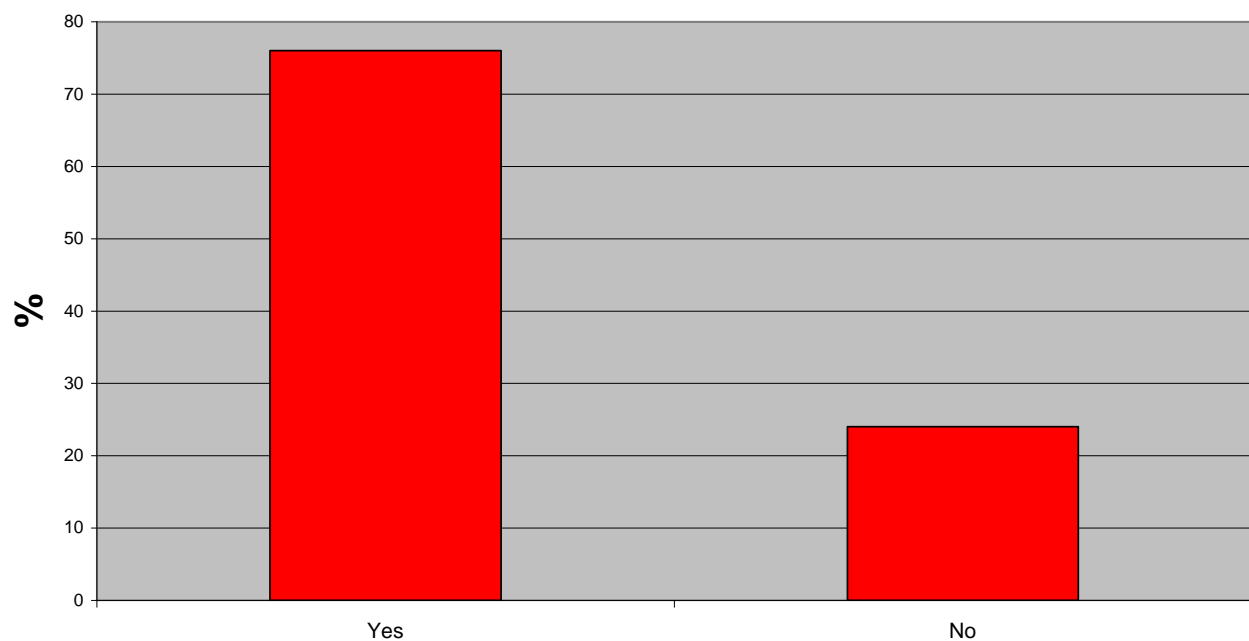
### What do you think a reasonable response time for an officer is?



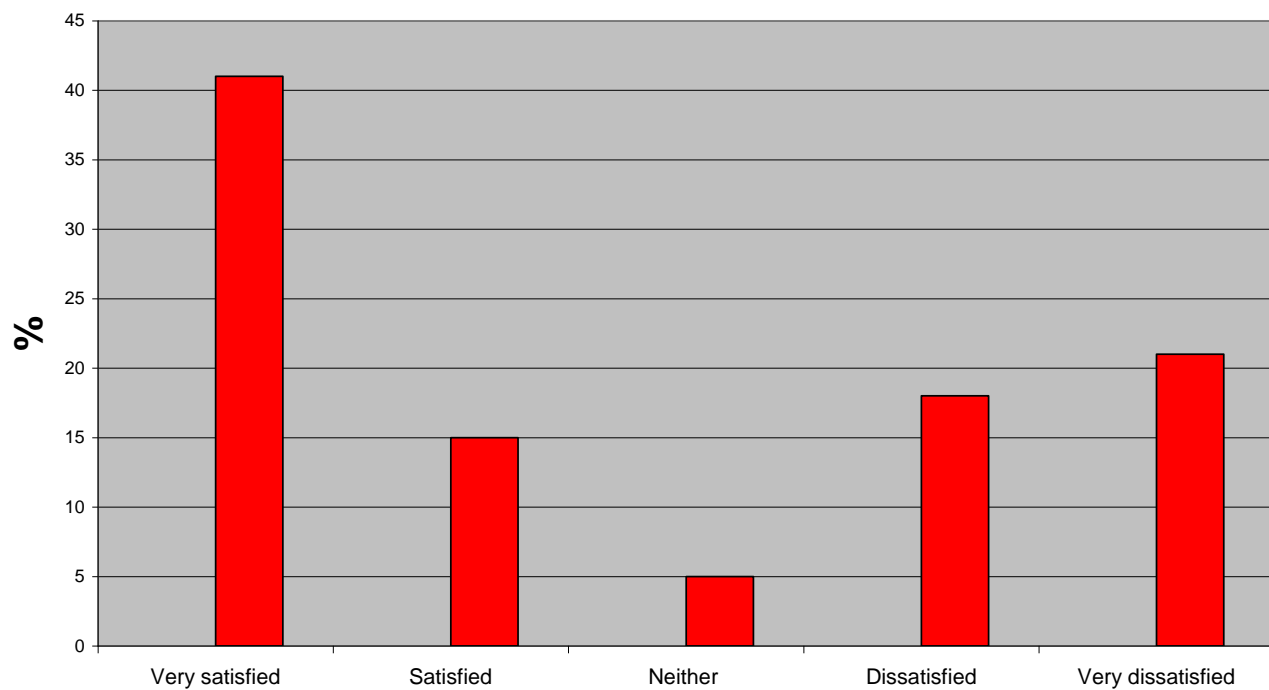
### How did you find the investigating officer's response?



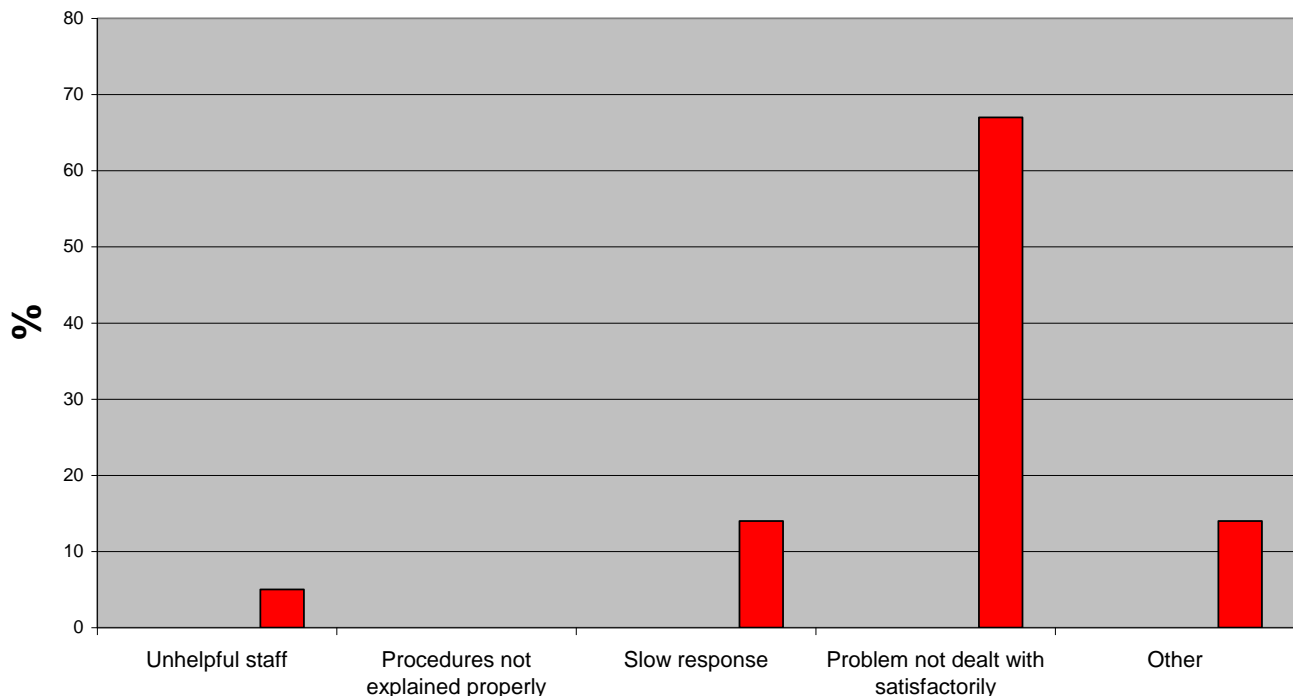
**Were you told clearly by the investigating officer what would happen next/what action would be taken?**



**Overall, how satisfied were you with the service you received?**



**If you were not satisfied with the service, what was the main reason?**



\* Other = no contact made

## **2. Results of the focus groups held in October 2009**

### **Positive aspects:**

- ❖ Bromley's Noise service allows for rapid response times: 5 -12 officers and on-call officers can respond to witness a nuisance while it is ongoing which often means it can be resolved very quickly. It also means that nuisances which occur specifically in the evening/night can be witnessed, such as odour complaints and light complaints where it is only practical to witness the complaint once it is dark.
- ❖ The service allows complainants to be visited in the evening saving them having to take time off to enable officers to install recording equipment, noise meters etc.
- ❖ The 5 -12 service allows officers to catch up on ongoing cases/work without the phone constantly ringing.
- ❖ 5 -12 staff are not paid for the service. They receive TOIL at 1:1 so it really is a cost effective service for the council. Other councils pay their Out of Hour's officers at night rates and therefore spend more on their service.
- ❖ The Out of Hours call service costs the council £1 per call, which equates to £2,500 a year. This is extremely good value for money.

### **Areas for improvement:**

- ❖ Better access to the service: there is a need to advertise the Noise Service more effectively. This was reflected in the feedback received from previous users of the service; as most of them accessed the noise service via the council offices, as well as the police, rather than through the Bromley website or leaflets that had been distributed regarding the service.
- ❖ Car alarms. Increasingly, there is little officers can do about dealing with car alarms as the technology used in newer cars make it almost impossible to turn alarms off. Securing a warrant which is needed in some cases can also prove difficult.

### **Conclusion**

The review has enabled the Division to consider improvements to its Noise Service; concerning both the In Hours and Out of Hours aspects of the service. Bromley Council is constantly looking for ways to provide an effective service for residents and therefore any of your comments and suggestions are welcomed. (*Points of contact are provided in section 6 - Further information*)



# Appendix 10

## Other Noise Service figures

Figure 1: Out of Hours Noise Service Demand 2008-2009

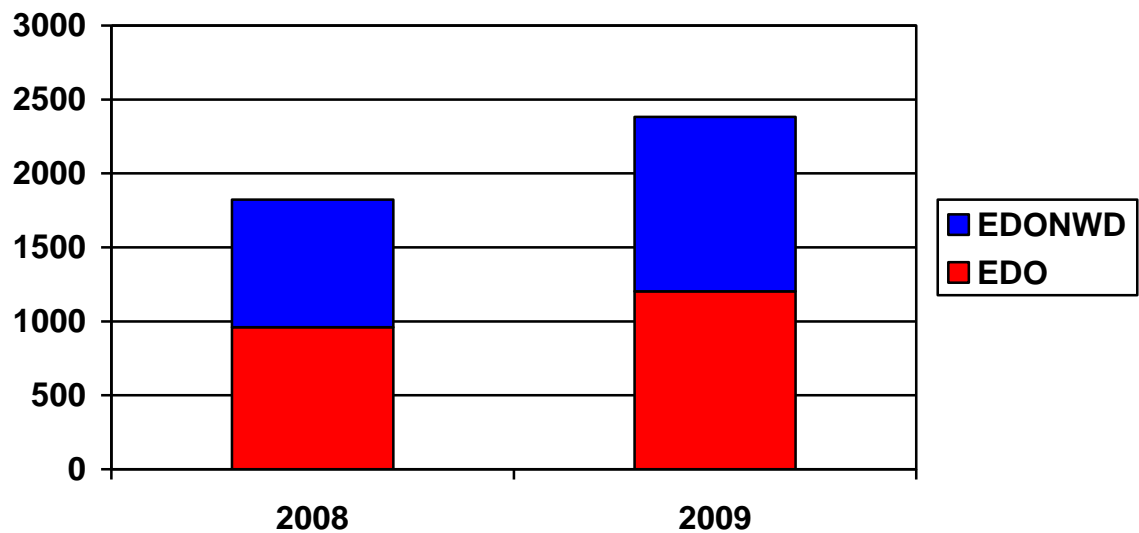


Figure 2: Number of noise complaints received 2008-2009

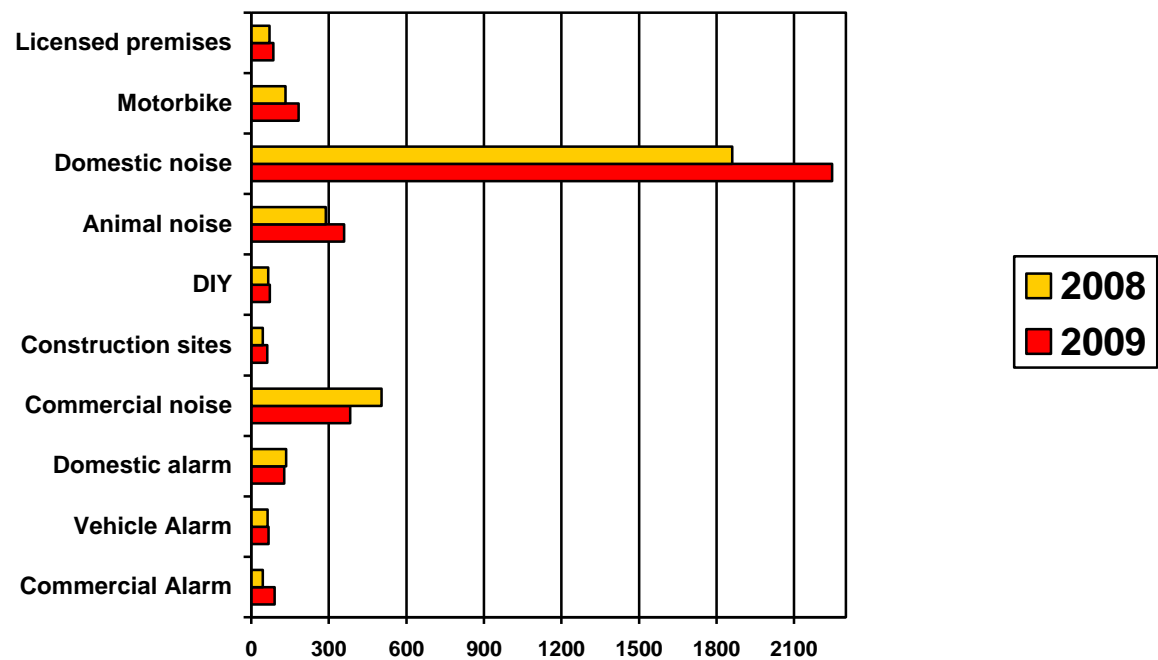


Figure 3: Number of complaints received

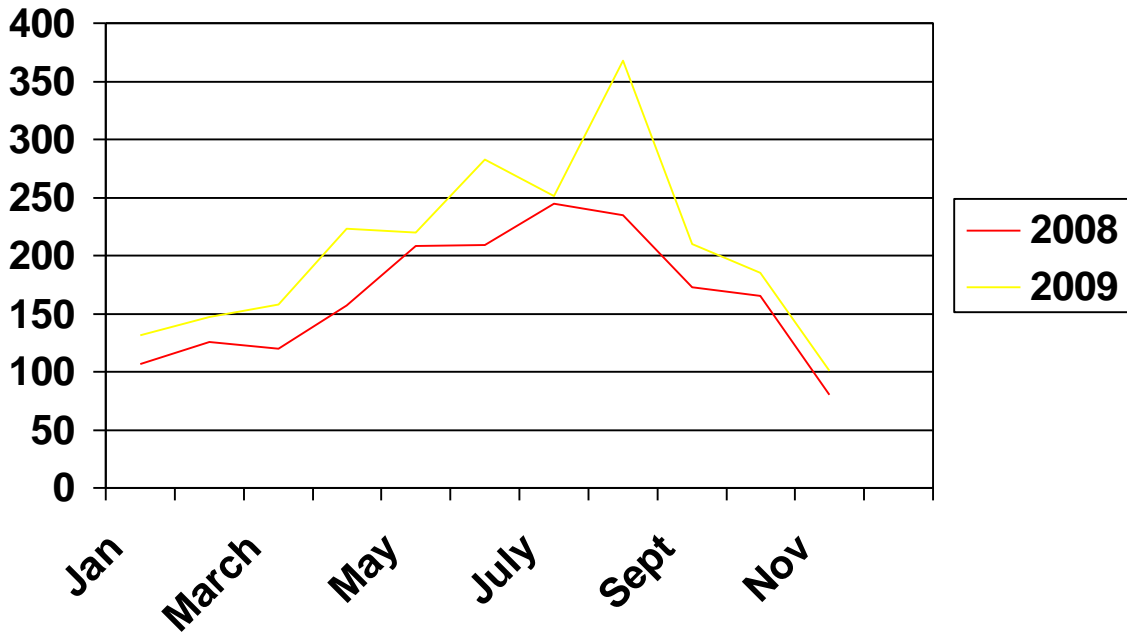


Figure 4: Out of Hours Peak Service Demand Period

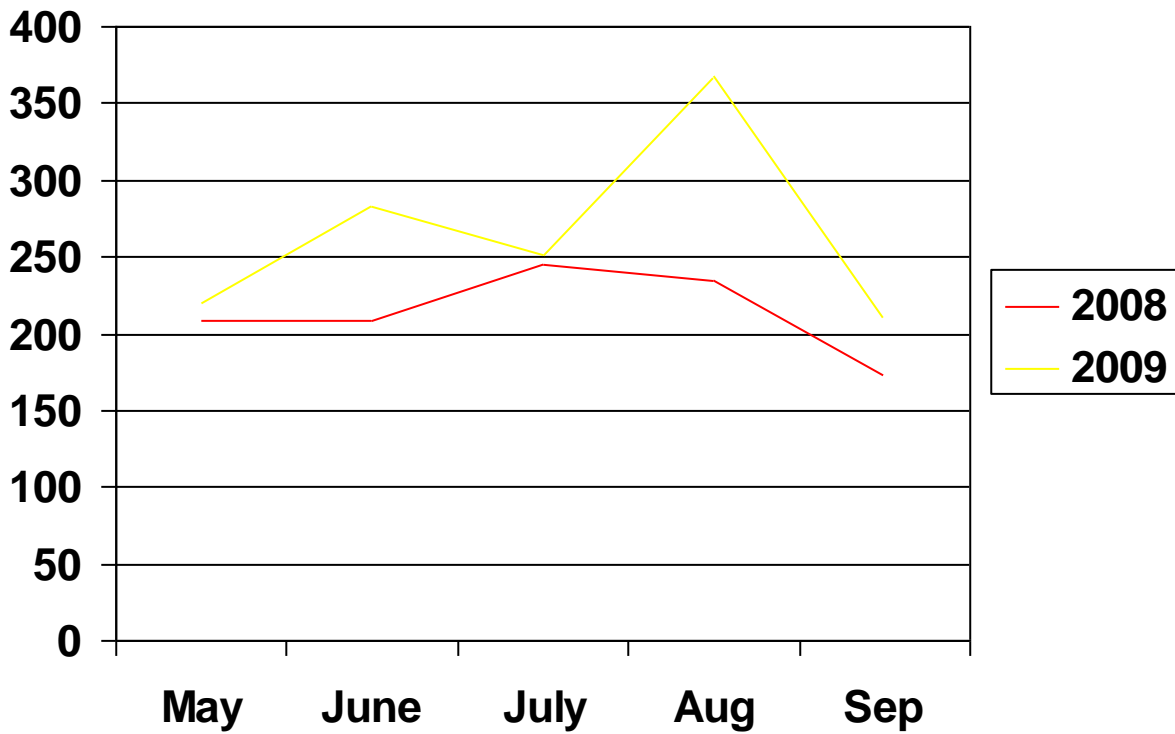


Figure 5: Noise service demand

