

EXETER CITY COUNCIL

SCRUTINY COMMITTEE - COMMUNITY 10 NOVEMBER 2009

NOISE ENFORCEMENT UPDATE

1. PURPOSE OF THE REPORT

- 1.1 This report reviews the work of Environmental Health Services relating to the investigation of noise complaints and enforcement action undertaken over the last 12 months. It also reviews the pilot scheme that resulted in an extension of the hours worked by the Community Patrol on the noisiest days of the week and noisiest periods of the year in order to enhance the Council's response to late night noise complaints.

2 BACKGROUND

- 2.1 Members will recall that during 2007/08 the Council's response to noise complaints was reviewed and a number of improvements were identified and implemented.
- 2.2 The main outcomes from the review was to provide a better response to late night noise and to up-skill the Community Patrol to facilitate the gathering of evidence which in turn would enable an improvement in enforcement by the Environmental Protection team.
- 2.3 In November last year the operating hours of the Community Patrol were extended to provide a service after midnight; this service was to be piloted for 12 months. The budget was increased by £4,000 to allow for this. The hours worked are detailed in the following table:

Table 1: Finishing Times for Community Patrol at Night

Month	Mon	Tues	Wed	Thurs	Friday	Sat	Sun
Jan	24:00	24:00	24:00	01:00	01:00	01:00	24:00
Feb	24:00	24:00	24:00	01:00	01:00	01:00	24:00
March	24:00	24:00	24:00	01:00	01:00	01:00	24:00
April	24:00	24:00	24:00	01:00	01:00	01:00	24:00
May	24:00	24:00	24:00	01:00	01:00	02:00	24:00
June	24:00	24:00	24:00	01:00	02:00	02:00	24:00
July	24:00	24:00	24:00	01:00	01:00	02:00	24:00
August	24:00	24:00	24:00	01:00	01:00	02:00	24:00
Sept	24:00	24:00	24:00	01:00	01:00	02:00	24:00
Oct	24:00	24:00	24:00	01:00	02:00	02:00	24:00
Nov	24:00	24:00	24:00	01:00	01:00	01:00	24:00
Dec	24:00	24:00	24:00	01:00	01:00	01:00	24:00

The roster was crafted to target the busiest hours of the day, busiest days of the week, and busiest months for noise nuisance complaints.

- 2.4 In addition to the extension of the hours, the Community Patrol has been trained in the assessment of nuisance and been provided with a noise meter that can be used to record noise levels and make a recording of the noise being experienced in the complainant's property. This has greatly improved the evidence gathered by officers,

which in turn has provided the foundation for building the Council's enforcement activity.

3 IMPROVEMENTS TO SERVICE

3.1 The following main improvements have been implemented as part of a comprehensive review:

- all letters issued regarding noise have been revised and provide better information on how and when the service can be accessed;
- introduction of a system of courtesy progress calls made by the Business Support Team to noise complainants to ascertain the current situation of their noise problem, (this was introduced in September 2008 and since then the team have made 658 calls to noise complainants);
- the Business Support Team is now responsible for sending out first response letters to all parties, which has allowed the Environmental Protection officers to concentrate on investigating complaints and enforcement;
- the Business Support Team now have a radio link with the Community Patrol and the control room allowing better direction of resources during office hours to respond to noise complaints;
- the service's computer system (M3) has been re-ordered to give a comprehensive history log of each complaint on the system;
- regular joint service review meetings take place between Environmental Protection and Housing Services to discuss the significant number of cases that involve both services;
- a noise meter has been procured through the Community Safety Partnership for Community Patrol to obtain recordings of noise nuisance that can assist as evidence for the service of noise abatement notices and any subsequent prosecution;
- complex cases that require a multi agency solution are now regularly discussed at Anti Social Behaviour Action Team (ASBAT) meetings in a systematic way;
- officers from the service now meet regularly with representatives from the University of Exeter to deal with issues arising from university students;
- control room staff have been given additional training in the handling of noise complaints;
- improvements in the flow of case information have been gained by the introduction of a daily cases report between Community Patrol and the Business Support Team;
- better data on the profile of noise calls, responses made and outcomes is now collated for analysis and service improvement.

4. COMPLAINT FIGURES AND ENFORCEMENT ACTIVITY

- 4.1 Since 28 November 2008 the operating hours of the Community Patrol have been extended to provide a service after midnight. During the period 28 November 2008 – 6 September 2009 the Patrollers have investigated 102 complaints received between midnight and 02:00. Of these complaints, 38 or 30% of the complaints were found to be justified, whilst the remainder were either indeterminate as the noise had stopped, or did not constitute a nuisance.
- 4.2 Data for the number and type of noise complaints for the period 1 April 2007 – 31 March 2009 is detailed in Appendix I.
- 4.3 The data indicates that:
- domestic noise is still the main source of noise complaint received by the Council and the number of complaints received has increased by 8%, (Graph 1);
 - there is a significant increase in the number of complaints per month during the period May – September. The summer months tend to be the time when the Council receives more complaints because on warmer nights the majority of people leave their windows open, which will allow noise from a neighbour's amplified music or party to enter the home more easily;
 - it is interesting to note that there was a drop off in the number of complaints in October, the time when the University students return, this may be due to officers working with University staff to increase student awareness regarding noise and the impact they can have on the community;
 - overall there has been a 15% increase in the total number of complaints received, (Graph 2 and 3), which may reflect better confidence in the service from the public;
 - the weekend still appears to be the busiest time for noise complaints, the increase in the number of complaints received on a Monday may reflect the fact that people contact the Council on Monday if they have been bothered by noise over the weekend, (Graph 3);
 - there has been a 77% increase in the number of calls received between 21:00 – 02:00. This clearly indicates that attempts to increase public awareness of the late night service via media releases and improved literature provided to complainants is having an impact, (Graph 4)

Enforcement Activity

- 4.4 Since the 1 April 2008, 45 noise abatement notices have been issued. Officers have exercised 3 warrants obtained from the Magistrates' Court to seize HiFis, record decks, radios and a television from two properties in the city. There have been three prosecutions for breaches of noise abatement notices with fines ranging from £100 to £400 plus costs. This represents a significant change in the level of activity from previous years.

5. CONCLUSIONS AND WAY FORWARD

- 5.1 There has been a 15% increase in the number of noise complaints received by the Council over the period April 2008 – March 2009. However, during this period a significant increase of 82% in the number of calls relating to noise received by the Control Centre between the hours 21:00-03:00 has occurred. This clearly indicates that efforts to raise the profile of the service have been effective and that the public's confidence in the effectiveness of the service is growing.
- 5.2 The Council's response to late night noise complaints has improved significantly through the extension of the hours, up-skilling and better equipping the Community Patrol, alongside other improvements. This has assisted in greater enforcement activity and successful court cases have raised awareness of the service that the Council provides and the sanctions should notices be breached. Due to the success of the pilot scheme, it is intended to continue with the extension of the hours of the Community Patrol in line with hours detailed in Table 1 above, subject to confirmation with staff and trade unions.
- 5.3 Whilst there has been an improvement, the increased activity has highlighted some pressures that need to be addressed in the future:
- with the increase in the volume of calls, which is continuing, better case management becomes increasingly important. The use of mobile technology to allow remote accessing of case data by Community Patrol would greatly assist in responding at night;
 - the Community Patrollers' evidence gathering skills have improved tremendously, but this evidence is currently channeled through the single EHO within the Environmental Protection team. This is a need to provide more capacity within the team as the volume of cases grows;
 - the resources deployed to deal with noise nuisance within Community Patrol has affected the capacity to deal with other issues. There is a need to review the range of work covered by Community Patrol, which is currently programmed for the early new year.

6. RECOMMENDED that Scrutiny Committee Community:

- 1) supports the work undertaken by officers and notes the improvements to the Council's noise service;
- 2) supports the proposal to continue with the extension of the hours of the Community Patrol to maintain an effective out of hours response to late night noise; and

HEAD OF ENVIRONMENTAL HEALTH SERVICES

S:LP/PA/Committee/1109SCC10
6.10.09

COMMUNITY & ENVIRONMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)
Background papers used in compiling this report:

National enforcement priorities for local authority regulatory services – Peter Rogers 2007