

Appendix 1

Agenda Item No 6 Overview & Scrutiny Committee

<p>Title: Noise Nuisance Investigations (Noise Policy & Six-month review and service area performance in respect of all forms of nuisance) 19th April 2023</p>	
<p>Request from Committee to include a section on fireworks and a basic investigation process flow</p>	<p>Added to the policy prior to release in October, members advised of the update via Committee Services</p>
<p>Clarification requested from a Cllr on the new process requesting a 14-day diary at the submission of a first complaint.</p>	<p>Advice provided to the Cllr, in terms of how the new process compared to the old process.</p> <p>(Removal of the need for a paper based (postal) signed declaration which had to be posted out and returned before any consideration made. In most cases, under the old process, customers were then written to and requested to complete a diary for initial assessment).</p> <p>Declaration can now be made online and completed diaries, submitted along with the initial complaint.</p>
<p>Request from Private Sector Housing Manager - to further develop cross departmental operational processes.</p>	<p>Meeting to discuss took place on 15th February.</p>
<p>Comment from member of the public - Noise Policy is too complicated and wordy, a request for a more streamlined, easy to read version.</p>	<p>Officers have suggested a streamlined all-encompassing statutory nuisance advice leaflet would be useful.</p>
<p>South Leamington Area Residents Group (SoLAR) - Noise Policy not detailed enough, fails to address specific issues, e.g., student parties/large scale gatherings.</p>	<p>References to students/HMOs in the Noise Policy currently are under, paragraph 8.5 & 23.4</p> <p>Meeting held with SOLAR on 19th January. Discussions regarding complaint handling between teams, actions going forward are linked with the Request from the Private Sector Housing Manager and development of the MOU Further work with SoLAR</p>

Appendix 1

Agenda Item No 6 Overview & Scrutiny Committee

	with reference to how feedback should be best provided.
Compliment received from a member of the public - in relation to the speedy response provided under the new procedure, this was in relation to a noise complaint about a licensed premises.	Reminder of new process - Initial response to complaints about a licensed premise are now picked up immediately by the licensing team, who make initial contact with person complaining and person responsible for the premises, this is often completed ahead of target response times, and on the same day. New target set for response to first complaint about a licensed premises is two working days. NB For this type of complaint, this early intervention does not require a 14day upfront nuisance diary (Diaries would however be required if the noise was to continue after the first warning).
Comment from Licensing Authority -Noise App evidence, submitted by a member of the public, provided sufficient evidence for licensing to take further action to secure compliance with a premise condition, resident was fully engaged, understood the procedure, willing to provide robust evidence and witness statement.	Consideration to be given as part of the ongoing review process.
Comment from Officer - Has streamlined the process (cut out some waste processes) more time can be allocated to people that need help.	Consideration to be given as part of the ongoing review process.
Comment from Officer - Need to consider more, the accessibility (or information) for those not able to complete online forms.	Consideration to be given as part of the ongoing review process. Worthy of note for any residents not able to access the online provision, the team are still able to revert to the postal and telephone method.

Appendix 1

Agenda Item No 6 Overview & Scrutiny Committee

<p>Comment from Safer Communities, Leisure & Environment Head of service - No formal Stage 1 or Stage 2 complaints received about noise complaint investigations since August 2022.</p>	<p>Consideration to be given as part of the ongoing review process.</p>
<p>Comment from Anti-Social Behaviour (ASB) Team regarding the process for identifying vulnerable persons at initial receipt of complaint stage.</p>	<p>Additional process put in place to enable the completion of individual Risk Assessments that can then be shared with the ASB team.</p> <p>Further consideration to be given as part of the ongoing review process.</p>
<p>Comment from Officer – Request for further clarification regarding noise in the street criteria.</p>	<p>Consideration to be given as part of the ongoing review process.</p>
<p>Comment from Officer – Request for a description for what is an “ordinary person” in nuisance law terms.</p>	<p>Consideration to be given as part of the ongoing review process.</p>
<p>Comments from Officer – Further clarification required about what a Best Practical Means (BPM) defence looks like for a business premises.</p>	<p>Consideration to be given as part of the ongoing review process.</p>
<p>Comments from Officer – Further clarification that noise only affecting non-habitable spaces such as bathrooms, kitchens, etc. are unlikely to be considered a nuisance.</p>	<p>Consideration to be given as part of the ongoing review process.</p>
<p>Comments from Officer – Request for clarify that statutory nuisance does not apply to impact on pets (only impact on humans).</p>	<p>Consideration to be given as part of the ongoing review process.</p>

Appendix 1

Agenda Item No 6 Overview & Scrutiny Committee

<p>Comment from Officer – Can the noise app be rolled out to other teams to use.</p>	<p>Consideration to be given as part of the ongoing review process.</p>
<p>Comment from Landlord Operations Manager</p>	<p>The policy has allowed for a more streamlined and consistent approach to addressing reports of noise nuisance.</p> <p>Some further work may be required to further streamline how Housing officers work with EHO's operationally when matters need to be referred over as there are some concerns there may be a Statutory Nuisance and consideration may need to be given to whether Housing can access the Noise App, although some of our most vulnerable tenants may not have the necessary data, internet or indeed smart phone capability to access this.</p> <p>It is pleasing however to see the use of mediation used more across the board which has always been in our anti-social behaviour toolkit within Housing.</p> <p>Further clarity may need to be sought regarding whether anti-social behaviour nuisance logs will still be needed if the noise app is being used, but I would add that the logs do help to ascertain how any witness or victim is being affected by said noise.</p>