

Title: Future Delivery of Noise Nuisance Investigations
Lead Officer: Lorna Hudson, Environmental Health, and Licensing
Manager
Portfolio Holder: Councillor Falp
Wards of the District directly affected: All

Summary

This report proposes an updated methodology for the delivery of noise nuisance investigations following the work of Noise Transformation Project (the project) including the introduction of a Noise Policy and the alteration to the delivery of the Out of Hours Noise services formally known as the Night Noise Service.

Recommendation(s)

- (1) The cabinet accept the new methodology for the investigation of noise nuisance including the adoption of the Noise Policy.**

 - (2) That if the cabinet approve the adoption of the Noise Policy, that the cabinet agree that the pre covid Out of Hours Noise Service (formally known as the Night Noise Service) is no longer delivered in favour of the new methodology of service delivery.**
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1 Background/Information

1.1 Noise Transformation Project

- 1.1.1 Following the review of the Night Noise Service conducted in 2019 that was reported to Overview and Scrutiny 20th August 2019 officers began implementing the recommendations. However, this work was overtaken by the pandemic.

- 1.1.2 The pandemic introduced procedural challenges for witnessing noise nuisance, which officers had to address to ensure a good value for money service under the restrictions for Covid-19. This included the introduction of the Noise App (TNA) which enables officers to make a quick judgement of a noise that helps determine what action is necessary to progress an investigation.

- 1.1.3 The table below (Table 1) outlines the number of noise complaints (RFS) received by the service over the last six years. During 20/21, the service handled 175% of the previous years' service requests and 65% more RFS than

2018/19. The number of noise complaints received in 2021/22 continue to be above the pre pandemic average.

Table 1

	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Noise RFS	862	765	831	729	1274	1106
Total RFS	1760	1591	1652	1531	2070	1911

1.1.3 Noise nuisance is only one area of work deliver by the Environmental Protection (EP) team. Table 1 also shows the total number of RFS delivered by the team of which noise nuisance increased from an average of 47% of workload to 57-61% of the team workload. During this time the staff establishment has remained the same, meanwhile resources have decreased due to factors such as maternity, ill health and recruitment problems.

1.1.4 The Noise Transformation project started on 11 March 2021. The scope of the project at its conception was to review the existing service, the legislation, relevant case law, other local authorities' processes, use of TNA, and examining customer feedback to develop an improved service delivery methodology which was fit for customers' needs and demands.

1.1.5 The Community Protection Project Advisory Board have been involved in regular progress meetings with officers throughout the development of the project and provided with overviews of activities and actions including user testing of proposed process, new web pages and forms and an overview of the key findings. A summary of the combined findings and recommendations are detailed at (Appendix A).

1.2 **Introduction of a Noise Policy**

1.2.1 Environmental Health, Licensing and Housing Services regularly receive enquiries relating to noise and over the past few years there have been several formal complaints attributed to the cross functionality and lack of an obvious collaboration of these services, at least in the eyes of our customers.

1.2.2 One of the findings of the project was the development of a Noise Policy to clearly explain the process, the actions that the council could take and the assessment process as well as outlining expectations for customers, service users, members, and officers. The Policy is included as appendix B.

1.2.3 The council's statutory function in relation to the investigation and detection of 'statutory nuisance' is defined in the Environmental Protection Act 1990. This function is primarily delivered by the Environmental Health's, Environmental Protection team. However, as a landlord, Housing Services also have a civil responsibility to take necessary steps where they become aware a tenant is causing a nuisance.

- 1.2.4 Housing Services have a commitment to enable council tenants to live peacefully in their homes and have an Anti-Social Behaviour Policy that sets out the approach towards our tenants causing a nuisance in breach of their tenancy conditions. This Noise Policy provides clarity as to whom is best placed to address the complaint made, what will be considered, what should be provided and what can be expected by the complainant.
- 1.2.5 The policy cannot cover every situation and has no legal status in law but will act as a guide to help create enhanced uniformity in terms of the overall responsibilities of the council and its service users and help promote consistency in service delivery across both departments.
- 1.2.6 The proposed Noise Policy is a comprehensive document, parts of which have been operated in pilot since 1 April 2022 (complaints about Housing tenants). Relevant stakeholders (including previous and current service users) have been engaged in ensuring the correct flow of the described processes.
- 1.2.7 It is recognised that the policy could be further enhanced by the integration of social registered landlords. Subject to the adoption of the Noise Policy, officers intend to explore the feasibility of introducing a memorandum of understanding with other stakeholders such as social landlords and student housing providers. Consideration is also being given to what other council services may benefit from the use of the Noise App (TNA).

1.3 **Out of Hours service**

- 1.3.1 Pre covid, the council provided an out of hours noise service on a Friday and Saturday night only, which was formally known as the Night Noise Service. A review of this service specifically was conducted in 2019 and has been referred to in the background papers.
- 1.3.2 Pre covid, officers indicated their availability to work and a maximum number of nights they are willing to volunteer for. A rota covering a two-month period was then created. There were occasions when the service could not be offered due to a lack of available volunteers. Where customers expected a service to be available, not having one, when one was published caused frustration and gave rise to complaints.
- 1.3.3 Since covid, officers have had more independence and not been restricted to Fridays and Saturdays only and have not had to agree to a two-month rota in advance.
- 1.3.4 The introduction of TNA has also supplemented the ability of officers to understand a complainant's issues in real time. TNA is free to residents and allows them to make audio recordings of the noise (up to 30 seconds). They are also able to enter details about the nature of the disturbance. This can then be easily shared with officers to support their complaint. It should be noted that

audio clips are unlikely to be sufficient on their own to determine if a noise is a statutory nuisance. However, are very helpful in deciding the priority level and helping to progress complaints more quickly.

1.3.5 The out of hours service has not been operated since March 2020. However, during this time noise nuisance complaints arising from noise created at all times and days of the week have continued to be investigated.

1.3.6 Table 2 details the costs of delivering the out of hours service over the last 4 years of operation. The main costs are staff costs. The costs detailed below include all of the allocated spending against the budget code (including employer's pension contributions and re-charges) However, excluded from these figures are mileage costs as these are unable to be separated from the full service delivery mileage costs due to methodology of recording.

Table 2

Year	Staff	Mobile Phone
2015/16	£27,858.63	Data not available as phone costs combined.
2016/17	£26,377.72	£114.00
2017/18	£24,169.97	£ 34.14 (tariff changed)
2018/19	£22,641.97	£39.31
2019/20 (incomplete year - COVID)	£21,822.93	£0

1.3.7 Table 3 details the costs of out of hours investigations conducted for all environmental protection matters not included in the traditional out of hours service.

Table 3:

Year	Routine overtime
2015/16	£211
2016/17	£365
2017/18	£0
2018/19	£0

2019/20 (incomplete year- COVID)	£0
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1.3.8 Under the pre-covid arrangement there was also a need to conduct a general review of terms and conditions for all council employees associated with the out of hours noise service. This has not been completed given the service has not run since March 2020.

1.3.9 The pilot of the new arrangements has demonstrated that they work well in terms of being able to offer clients a wider window for arranging pre-arranged visits, officers also have fewer restrictions on them and more freedom to organise their cases and workloads without the requirement to commit to a 2-month rota in advance. Clients now have access to other technologies, e.g., the Noise App to support the investigation of a noise nuisance.

1.3.10 The new arrangements introduced are more cost effective. Table 4 outlines the cost of delivering the service via the new methodology during its development.

Table 4 – Costs of the new service approach

Year	Routine overtime (Current Budget)	Noise App	Additional Staff Costs Other
2020/21	£764	£1,620 (Paid from Government grant)	Nil
2021/22	£545	£1,101 (+vat)	Nil
2022/23 Estimate	£1,600	£1,101 (+vat)	£2,400 (increased Overtime budget)

1.3.11 The paying of officer overtime is in line with the corporate policy and negates the need for a terms and conditions review. Should Cabinet not accept the removal of the service then this terms and condition review would need to be undertaken and as outlined in the Night Noise Service paper December 2019. The risks outlined in that paper remain.

1.3.12 The proposal therefore is to end the "base" operated out of hours service and continue with and move to an officer led, out of hours option that can be viewed in combination with the day service which is provided.

1.3.13 The existing budget for the out of hours service is £32,600 (£900 of which is centra establishment charges). The proposal is this could be given up as a saving, except for £7,500 which would be used to continue to pay for Noise App and retain an amount of money to increase a dedicated budget to pay officers overtime as required. Further detail is provided in 6.2.

1.3.14 This change in service delivery ensures better value for money and a wider more holistic service which is more suitable for the needs of the service users.

4 Alternative Options available to (name of Committee/Cabinet etc.)

4.1 The Cabinet could choose not to introduce the Noise Policy. This would, however, maintain the current position which does not provide clarity of the process and assessment process to those involved in noise complaints.

4.2 The Cabinet could choose not to remove the out of hours service in favour of the new methodology arrangements. However, this will not provide the wider holistic service that has been identified or the greater value for money.

4.3 As identified the Terms and Conditions Review of the staff volunteering for the out of hours service would require undertaking and there remains a risk that the service would no longer receive volunteer officers to participate following that review.

5 Consultation and Member's comments

5.1 The Community Protection Project Advisory Board (PAB), have been involved in the Noise Transformation Project, in testing the Noise App, in reviewing and inputting into the draft noise policy and in the delivery of the out of hours noise investigations.

5.2 The members of the PAB have been positive in the direction of travel delivered by the Noise Transformation Project, with the implementation of the Noise App and in the clarity provided by the Noise Policy.

5.3 PAB members also supported the wider service which the new methodology offered over the pre covid out of hours service. Therefore, were supportive of the withdrawal of this service in favour of the new piloted processes.

5.4 As part of the of the Noise Transformation project, a number of past service users were involved in the development of the improvements to be made and the actions taken as a result. 541 service users were invited to participate in the transformation project. Of those, 110 service users were involved in the discovery phase of the project. 2 stakeholders of the 10 third party organisations responded to this phase also.

5.5 In the alpha phase of the project 31 of the 110 continued to assist with the project by reviewing the initial solutions and feedback in order to enable effective development. A further 10 website users also tested the initial website solutions.

6 Implications of the proposal

6.1 Legal/Human Rights Implications: There are no legal or HR implications for the report

6.2 Financial: The following tables outline the budgetary implications of the proposal. Table 5 details the costs from all relevant budgets (excluding mileage which is unable to be separated from the routine service budget due to changing in budget coding over the years) and Table 6 the savings which could be made from the introduction of the new methodology for investigation. It is recognised that the estimates of spend are cautious and further savings may still be available from the proposed budgets in future years as the alternative methodology matures

Table 5

Year	Staffing (Out of Hours Service)	Staffing (Overtime Routine)	Mobile Phone	Other Costs (TNA)
2015/16	£27,858.63	£211	Data not available as phone costs combined within other budgets.	0
2016/17	£26,377.72	£365	£114.00	0
2017/18	£24,169.97	£0	£ 34.14 (tariff changed)	0
2018/19	£22,641.97	£0	£39.31	0
2019/20	£21,822.93	£0	£0	0
20/21	0	£764	£0	£1,620 (Paid from Government grant)
21/22	0	£545	£140 (new handset purchased)	£1,101 (+vat)
22/23 (Estimate)		£1,600	£240 (tariff changed)	£1,101 (+vat)

Table 6

Existing 22/23 Budget (excl central establishment chargers)	£31,700
Noise app annual Cost	£1,500
Increase to routine Overtime budget Estimate	£2,400
Increase to routine Other Costs Estimate	£2,000
Savings Estimate	£25,800

- 6.3 Council Business Plan:** The noise policy whilst in the main operational directly links to the removal of an existing service. Therefore, the report directly affects a number of the themes of the Council Business Plan. Namely, the Clean Green and Safe, Health Homes and Communities, Maintain or Improve Services and Firm Financial Footing.
- 6.4 Environmental/Climate Change Implications:** The new methodology reduces the impact of the service on carbon emissions by not requiring staff to travel to and from a base, the energy use for the operational use of a base office.
- 6.5 Analysis of the effects on Equality:** There are no identified effects on equality in the appended Equality Impact Assessment.
- 6.6 Data Protection:** There are no data protection issues identified which have not been identified and explained within the Noise Policy.
- 6.7 Health and Wellbeing:** It is recognised that noise can have a significant impact on individuals health and wellbeing. Ensuring that nuisance that the council can assist in resolving is resolved as soon as practicable will assist with the health and wellbeing of those individuals suffering with noise.

7 Risk Assessment

- 7.1** There is a risk that the policy may not deliver the service improvements identified. The policy and process has been in operation since 1st April 2022 and during covid as outlined. It has already demonstrated that it can meet the requirement of the legislation, provide a better quality service which suits the service user. It is proposed that the policy is kept under continuous review to ensure that it is working as designed.
- 7.2** There is a risk that there is possible impact on staff working hours as staff could be responding to noise concerns across a 24hour/7 day a week period. This will be monitored to ensure the safety, health and wellbeing of staff, in accordance with working time policies.

8 Conclusion/Reasons for the Recommendation

- 8.1** The introduction of the Noise Policy and the associated process will provide a more holistic noise investigation service which negates the need for the specific out of hours service which was operated before covid.

Background papers:

Please provide a list of any papers which you have referred to in compiling this report and are not published documents. This is a legal requirement.

You must also supply these when submitting the report.

Night Noise Review– Overview and Scrutiny Committee, December 2019

Supporting documents:

This is not a legal requirement but may assist others in identifying documents you have referred to in producing the report.

Report Information Sheet

Please complete and submit to Democratic Services with draft report

Committee/Date	10 August 2022	
Title of report	Future Delivery of Noise Nuisance Investigations	
Consultations undertaken		
Consultee *required	Date	Details of consultation /comments received
Ward Member(s)		
Portfolio Holder WDC & SDC *		Judy Falp
Financial Services *		Andrew Rollins
Legal Services *		
Other Services		Tracy Dolphin Lisa Barker
Chief Executive(s)		Chris Elliot
Head of Service(s)		Marianne Rolfe
Section 151 Officer		Andrew Rollins
Monitoring Officer		Andrew Jones
CMT (WDC)		Chris Elliot Andrew Jones Dave Barber
Leadership Co-ordination Group (WDC)		
Other organisations		
Final decision by this Committee or rec to another Ctte/Council?		Recommendation to :Cabinet / CouncilCommittee
Contrary to Policy/Budget framework		No/Yes
Does this report contain exempt info/Confidential? If so, which paragraph(s)?		No/Yes, Paragraphs :
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?		No/Yes, Forward Plan item – scheduled for (date)
Accessibility Checked?		File/Info/Inspect Document/Check Accessibility

Combined findings



Content

- The new page content is easy to use and explains the reporting process.
- The advice and templates are helpful, perhaps more for different situations. Would be nice to be able to download a template
- Was not clear on the pages who to report issues to if not the council. Alternative reporting information (police) is found in the form, however, we tell them not to fill the form in.
- The page does not describe how a complaint is investigated

Noise diary

- People will struggle to complete the noise diary:
 - Some people couldn't edit the Word document
 - It opens in a variety of different software, depending on the device, operating system and installed applications
 - Some work-arounds needed, such as copy and paste

The design and delivery of customer-centred and sustainable services

into Apple software

- Issues mostly on mobile but also on desktop
- 14 day requirement feels too long complaints relating to commercial premises / Houses in Multiple Occupation
- What's happened to The Noise App

Online form

- People liked the way the online form gave details or advice depending on answers
- People have to input their name and details twice, once in the diary and again in the reporting form
- Some people found it easy and straight forward, while others said it was too long

General

- The choice of device can produce a very different user experience. What works well for one user, can be quite a challenge for someone else

Combined recommendations



Content

- Include downloadable letter templates and look into providing more templates for different situations
- Include alternative reporting methods and support sites/numbers within the web pages
- Add a summary of the reporting process from start to finish

Diary

- Investigate an alternative to using a Word doc for the noise diary (online system, PDF?)
- Update formatting to remove italics in form fields

Online form

- An ideal solution would include the diary and reporting form within one system
- Review pages and headings to see if it can be made shorter
- Investigate flexing the requirement to provide a 14-day nuisance diary before a complaint receives any action – dependent on the source of the noise

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