	Overview and Scrutiny 20 August, 2019	Agenda Item No. 7
Title: Review of Night Noise Service		
For further information about this report please contact	Marianne Rolfe – Head of Health and Community Protection x 6700 marianne.rolfe@warwickdc.gov.uk ;	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	O&S consideration of the Task and Finish Group on HMOs.	
Background Papers	n/a	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive	17/07/19	Chris Elliott
Head of Service	17/07/19	Marianne Rolfe
CMT	17/07/19	Chris Elliott, Andrew Jones, Bill Hunt
Section 151 Officer	17/07/19	Mike Snow
Monitoring Officer	05/08/19	Andrew Jones
Finance	05/08/19	Mike Snow
Portfolio Holder(s)	05/08/19	Cllr Judy Falp
Consultation & Community Engagement		
As well as the duty we have under the Environmental Protection Act (1990) to take such steps as are reasonably practicable to investigate noise complaints, public consultation is considered “an essential element” of the service review. A full list of the questions posed are summarised within Appendix 3.		
Final Decision?	No	
Suggested next steps (if not final decision please set out below)		

1.0 Summary

This report provides an update of the review of the current night noise service which was an activity mentioned within the HMO Task and Finish group programme.

2.0 Recommendations

2.1 The committee note that the following review of the Night Noise service has been undertaken and the management team will be making the following changes.

- The service continues as currently delivered with a select number of changes to improve the overall delivery, efficiency and profile.
- Rebranding, especially via the Council's website, to clearly state the parameters for the service provided i.e. hours of operation; purpose of service and signposting to other relevant agencies, where necessary.
- Remove the term 'noise' from the description of the service as this limits its coverage and purpose and carefully manage the introduction of any suggested changes.

3.0 Reasons for the Recommendation

3.1 The overview and scrutiny task and finish group on HMO's identified that they wished to understand the outcome of the review that was being conducted of the night noise service. The review of the service has concluded and this report aims to update the committee on the outcome of that review.

3.2 Rationale for change 1

3.2.1 The service is designed in line with the council's responsibilities under the Environmental Protection Act (1990) to take such steps as are reasonably practicable to investigate noise complaints.

3.2.2 The days and hours are the most appropriate to serve as both a deterrent, helping to modify behaviour and providing evidence to a court standard from qualified and experienced EHO's (Environmental Health Officers) and enforcement officers who have witnessed and assessed the statutory nuisance.

3.2.3 The service offers good value for money in this regard as it has proved invaluable at saving court costs.

3.2.4 This is a proactive service designed to progress the investigation of on-going cases, including noise, but is also very responsive with officers being able to attend promptly to witness the existence of a noise nuisance (or not) by visiting the complainant's property in a relatively short period of time. Similarly, the service is quickly able to identify those complaints which do not constitute a statutory nuisance. There is a risk that a less responsive service would fail to provide such a quick triage service which could result in requests for service escalating to corporate complaints or even Ombudsman investigations.

3.2.5 The experienced officers who volunteer enable a wide range of

compliance and enforcement work to be undertaken including Licensing, Housing and Planning, in a joined up 'One Council' approach.

3.2.6 The quality of service provided is on par with the other four local authorities within the County and above the standard required within statute. It offers a 'Gold' standard service on limited finances providing residents with a reliable and effective service, delivered by volunteers who are qualified and experienced, so there is no compromise on quality. From every aspect, the service provides real value for money; value to the residents and Members at relatively minimal costs as detailed in Figure 1, within section '5.0 Budgetary Framework.'

3.3 Rationale for change 2.

3.3.1. The current profiling of the service requires improvement to promote the purpose and focus of the service and to highlight the other key contributions made to other partner agencies and colleagues. Attention will be given to the web content on the Councils website and conducting periodic reviews.

3.3.2 There is a clear operation procedure.

3.4 Rationale for change 3

3.4.1 The clear inference of the name gives a narrow view of the purpose of this out of hours provision. Removing the term 'noise' aligns with the fact that officers conduct visits to assess other relevant nuisances (odour and artificial light), and follow up on neighbourhood assessments within their role as statutory consultees in the Planning control process. They also ensure compliance with criteria set for events around the District for managing noise from entertainment where there is the provision of amplified music, in particular within the Districts Parks and Open spaces.

3.4.2 The phased and managed introduction of changes and improvements to the service and how it is profiled should allow time for changes to be implemented and monitored by the service managers.

4.0 Policy Framework

4.1 Fit for the Future (FFF)

4.1.1 The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. Noise nuisance impacts significantly on the quality of life of residents.

Protecting our communities from harm with an emphasis on the prevention of incidents, whilst focusing on the most vulnerable to make them feel safer

4.1.2 Under the FFF Services Strand the work of the Night Noise Team impacts as follows:

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
The service impacts on quality of life.	The service tackles noise nuisance but often other forms of nuisance are addressed including evidence provided for other departments notably assisting Housing with tenancy enforcement and Licensing conditions compliance.	
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
Officers whose day job includes noise nuisance volunteer to work these shifts supported by other officers with investigation experience.	The service seeks to investigate noise complaints in order to identify if there is a statutory nuisance. We seek to mitigate the noise through advice, warning, or by the service of formal notices. By providing the service we are doing our best to resolve issues and meet our responsibility to	The current service is targeted at our busiest days and times. The service is effective and efficient not only for Health & Community protection but supports other services.

	meet the statutory requirement `to take such steps as are reasonably practicable to investigate the complaint.'	
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4.2 Supporting Strategies

4.2.1 None

5.0 Budgetary Framework

5.1 There are no costs associated with the recommendations of this report.

5.2 Figure 1 details the costs of delivering the night noise service over the last 4 years which is over the costs of delivering the environmental protection duties of the council. The main costs are staff costs. The costs detailed below include everything from the employer's pension contributions to re-charges and anything in between.

Figure 1 Costs associated with delivery of Out of Hours Service

Year	Staff	Mobile Phone	Mileage
2015/16	£27,858.63	Data not available as phone costs combined.	Not possible to separate these costs
2016/17	£26,377.72	£114.00	same
2017/18	£24,169.97	£ 34.14 (tariff changed)	same
2018/19	£22,641.97	£39.31	As above

6.0 Risks

6.1 As a general review of terms and conditions for all council employees is scheduled in quarter 4, the risks associated with the proposed recommendations identified in this report will be considered then. It is envisaged that following this broader exercise we will be in a better position to provide clarity about the functions of this service and its likely impact on both service continuity and service delivery.

6.2 The service must be viewed in combination with the day service which is provided by the environmental protection team as the two can not be separated. Therefore, there are no risks of failing to meet operational demand.

6.3 There is a risk of failing to meet public expectation. However, the findings of the report highlight that these have become misaligned with the service. As a result the rebranding of the service is key to the future success of the service.

7.0 Alternative Options considered

- 7.1 We could choose to provide no service outside of normal office hours with the exception of prearranged appointments but one must consider the situation prior to the service with a high volume of noise nuisance and no consequence or deterrent.
- 7.2 The service could be reduced in terms of number of days and or hours. A reduction in days would limit the efficiency and flexibility of the service as it would effectively mean operating one night a week. A reduction in hours may not be attractive to staff who volunteer due to the impact of late night and unsocial hours on officer's home life. Therefore it may not be possible to staff the service.
- 7.3 The service could be extended in terms of days and hours. The service used to be 3 nights and Thursday, as the quietest of the 3 nights, was dropped in 2014. Friday and Saturday are the busiest nights for domestic noise nuisance and a peak operational time for a large number of commercial premises.

An extension of days does not appear to be warranted by the service use and additional overtime data as the demand periods are covered. This would also have an impact on the delivery of the service during office hours. Extending the current service would incur additional costs.

- 7.4 Providing a bespoke service to cover 'peak' times and dates in the student social calendar or to cover key events within the year such as 'end of Term' celebrations, Halloween, and New Year parties and events would, undoubtedly incur costs in service delivery and may 'suffer' if officers chose not to volunteer for such sporadically occurring events.
- 7.5 The service could be provided by an alternative provider. However, this would reduce the service to noise nuisance only and potentially would not cover the other functions the service supports to the same extent. This would remove the cross-authority coordination for the complainant and could add frustration. In addition, the council would be reliant on a professional expert witness whose costs for time, phone calls and court appearance would need to be added to case costs which in the majority of cases would not be recovered in full. In addition, the contractor would need to provide a 'handover service' equivalent to that of the current weekly de-brief.

8.0 Background to Complaints of Noise Nuisance

8.1 Demand within Environmental Protection

The level of demand for the service is high and fairly constant over the past 4 years.

Figure: 2 Total number of service requests related to noise per calendar year

Year	Cases using the service
2015	742
2016	809
2017	787
2018	820

8.2 Our Approach and Policy

- 8.2.1 In response to this duty and the requirement to undertake reasonably practicable investigations our approach is set out in Appendix 1 and is available on the council website at https://www.warwickdc.gov.uk/info/20109/crime_and_law_enforcement/109/noise_or_neighbour_nuisance
- 8.2.2 Once a noise complaint is received and verified as outlined in the appendix 1. The complainant is offered the Night Noise number. This allows the complainant to access the proactive out of hours' noise witness service as well as the service which is provided by the Environmental Protection Team during office hours. If the noise is not occurring at times in line with either of these opportunities officers of the Environmental Protection Team will organise a prearranged out of hours' appointment with the complainant at a time/date identified as when the nuisance is likely to occur.
- 8.2.3 Officers volunteer to work on the Night Noise Service with two officers per shift for health & safety reasons. Shifts are 9pm to 1pm on Fridays and Saturdays. Officers are paid at time and half on Friday, and Saturday until midnight and then at double time until the shift ends on Sunday morning.
- 8.2.4 There are currently 12 volunteers in total. Of those 6 have noise nuisance as part of their job description, 3 of the remainder are qualified and experienced Environmental Health Officers and the others are all Enforcement Officers with experience in investigations.
- 8.2.5 Officers indicate their availability to work and a maximum number of nights they are willing to volunteer for. A rota covering a two-month period is then created. Officers work together to ensure the rota is delivered and cover for each other if any changes are required. There are times when the service cannot be offered as there is a lack of available volunteers through ill health, leave or general unavailability.
- 8.2.6 The Officers ensure that investigations are supported including attending cases themselves where they are lead investigator or briefing the duty officers on specific proactive visits required. It is particularly helpful for case progression when the investigating officer is the same officer witnessing the nuisance or offence.

- 8.2.7 The service is delivered by the officers on duty based within the CCTV suite. This allows officers to be centrally available within the district rather than at their homes thus decreasing travel time. They log on to computers to check the details of any call received, including current position/facts of the case, any flags on the Staff Alert System related to the person or address.
- 8.2.8 During periods of quiet between proactive and reactive visits the case officers progress their day-to-day workload.
- 8.2.9 Every Monday morning, a full team meeting (including the Environmental Protection Team, Environmental Support Officers and night noise volunteers), is held to update and review individual case records. This meeting discusses all options for progressive enforcement action and case management.

8.3 **Origins of night noise service**

- 8.3.1. The service commenced in the late 1990's at the specific request of councillors, following complaints from residents suffering noise nuisance.
- 8.3.2 Initially two student technical officers were employed with the original team of officers providing holiday cover. This has developed over time to provide the volunteer service as it is presently.

8.4 **Comparison of the Councils approach to the other authorities in Warwickshire**

Figure 3: Regional local authorities and their chosen Night 'Noise' Service models

Authority	Approach
North Warwickshire	<p>Do not proactively deal with noise nuisance at night.</p> <p>There is no on-call service. Diary sheets are issued, recording equipment installed but they do not prosecute based on that evidence alone. An appointment to visit can be arranged.</p> <p>Only noise nuisance is dealt with and no other service enforcement is carried out.</p>
Stratford-on-Avon	<p>Do not proactively deal with noise nuisance at night. There is no provision of an on-call service.</p> <p>Diary sheets are issued. Monitoring equipment installed but prosecutions are not taken based on that evidence alone. An appointment to visit can be arranged.</p> <p>Only noise nuisance is dealt with and no other service enforcement is carried out.</p>

Nuneaton & Bedworth	<p>Do not proactively deal with noise nuisance at night except after the service of a statutory notice then this is delivered by a contractor.</p> <p>Diary sheets are issued, recording equipment and officers visit during office hours, to substantiate a nuisance in order to serve a notice. Only once a notice has been served the complainant is given access to NBBC out of hours' contact.</p> <p>When contact is made with the out of hours' team, officers check that the person is on the approved list before contacting Kilo2 at Coventry to notify them of the problem and pass on the customer's details.</p> <p>When they are aware of one off events that may create a problem they hold an event list so that if a member of the public complains the complaint is referred to the contractor as the witnessing service.</p> <p>The contractor service is £95 for a visit and £18.50 for a phone call.</p> <p>Only noise nuisance is dealt with and no other service enforcement is carried out.</p>
Rugby	<p>Rangers are used to witness noise up to 9pm in Winter and 10pm in Summer. There is no provided on-call service after those times.</p> <p>Diary sheets are issued. Monitoring equipment installed but prosecutions are not taken based on that evidence alone. An appointment to visit can be arranged.</p> <p>Only noise nuisance is dealt with and no other service enforcement is carried out.</p>
Warwick	<p>On call service provided on Friday and Saturday Nights 9pm-1am centrally based within the district.</p> <p>Diary sheets are issued. Monitoring equipment is installed as required but prosecutions are not taken based on that evidence alone. Appointments can be arranged to witness noise on other days/out of hours' times of the week.</p> <p>Proactive visits are undertaken to support licensing and housing investigations as appropriate.</p>

8.5 Service Benchmarking

The four¹ other local authorities in Warwickshire fulfil their statutory duty to take such steps as reasonably practicable to investigate complaints of noise nuisance in slightly different ways. The minimum provision across them all is the use of diary sheets and the option to install noise monitoring equipment to record incidents of noise nuisance for the purposes of investigation (not

¹ 1. North Warwickshire; 2. Nuneaton and Bedworth; 3. Rugby; 4. Stratford-on-Avon.
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evidence for prosecution). Three (1,3 and 4) out of these four allow appointments to be made for planned visits. The fourth (2) utilises a separate witnessing service to witness the noise once a notice has been served. Local authority 3 uses colleagues employed as Rangers to provide a witnessing service at specific times, i.e. up to 9pm in Winter and up to 10pm in the Summer.

The common approach with all four of these local authorities is that they only deal with noise nuisance and no other service enforcement is carried out.

8.6 **Internal Stakeholder Engagement**

Officers delivering the Private Sector Housing (PSH) service for the Council are often approached by members of the public and other external organisations on noise matters that fall within the remit of Environmental Protection. These issues are referred on. However, this relationship places PSH in a unique position to provide feedback on 'customer expectations' based on those who contact them directly.

Key findings, comments and suggestions:

- Improve website to direct and signpost users to other relevant departments within the Council
- Clear statements of responsibility to manage customer expectations especially in regards to Houses in Multiple Occupation (HMO's)
- Extend clear messages to Members to ensure consistency of message with constituents
- Provide reactive service to respond to noise in progress at large parties to include the option to stop parties
- Advertise the outcome of action taken by University's to address unacceptable behaviour by students who have held parties and caused noise disturbance to their neighbours (potential breaches of tenancy conditions). As a minimum provide a link to the university website that explains their approach, interventions and action taken to date – both proactively and reactively.
- Provision of a patrol for key events on the University calendar. As a minimum improve liaison with student unions where events are planned e.g. end of year/term celebrations, Halloween, New Year celebrations, Tuesday, Wednesday and Thursday evenings (during Term time only)
- Conduct statistic analysis by tenure (to see how many complaints actually relate to 'student accommodation/HMO's') so as to address concerns directly with the management agent and/or landlord.
- Provide access to landlord contact details to the Environmental Protection team to ensure prompt follow up to complaints.
- Access and utilise observations and feedback from Wardens/Street Marshalls who patrol and respond to a range of complaints including those related to HMO's and other student accommodation.
- Review EP approach to gathering reliable, enforceable evidence.

8.7 Future service review

- 8.7.1 Agree for a regular review of the service at least every 5 years or in response to significant legislative, local and national changes. This may include consultation with internal and external stakeholders.

9.0 Conclusion

The phased review of the night noise service has determined a number of key findings which have come from the analysis of the data contained in the appendices.

- 9.0.1 The service is fit for purpose
- 9.0.2 Further systems should be put in place to capture the number of calls received out of office hours that would ordinarily be recorded as RFS's (Requests for Service) during normal office hours. The introduction of specific 'night' or 'out of hours' action codes will allow clear analysis on Civica of activities separate to those during normal office hours. All results and reports would feed in the necessary data to facilitate periodic service reviews.
- 9.0.3 Introduce updates to the service name, profile and information provided on line. The name should reflect its broad service delivery, e.g. Out of Hours Environmental Services. The aim being to advise complainants and all service users of the nature of the service provided outside of normal office hours.
- 9.0.4 Consider the benefits of forming a focus group or process by which further information can be collated to gather feedback from internal and external parties.
- 9.0.5 Prepare a timetable for the periodic review of the noise service delivery and the content of supporting documentation.
- 9.0.6 Commence a short term project to review the website to ensure information is accurate, clear, and up to date on how the Night Service operates. E.g. clearly state: 'What we do' and 'What we don't do'. Suggested that this remains the responsibility of one/two people across two Teams.

Appendix 1 - WDC Guidance Note on Noise Nuisance (located at: https://www.warwickdc.gov.uk/info/20109/crime_and_law_enforcement/109/noise_or_neighbour_nuisance)

The council investigates noise from commercial premises (e.g. pubs, clubs), industrial premises and from domestic premises. However, noise from aircraft, road traffic and antisocial behaviour in the street is specifically excluded from the legislation we can enforce.

Please note that officers do not hold powers to stop noise in progress. Officers may witness noise and gather suitable evidence for the purpose of serving an abatement notice or supporting a prosecution.

Report noise nuisance

Background

What is noise?

Generally, noise can be defined as any unwanted sound. Noise could occur unexpectedly, or be too loud or repetitive. At certain decibels, it can be hazardous to health, with low frequency noise as damaging as loud noise. Noise accounts for most of the complaints that local councils and the Environment Agency receive about environmental pollution, and is a major source of stress.

When does noise become a nuisance?

English private law defines a nuisance as "an unlawful interference with a person's use or enjoyment of land or of some right over, or in connection, with it." The process of determining what level of noise constitutes a nuisance can be quite subjective. For instance, the level of noise, its length and timing may be taken into consideration in ascertaining whether a nuisance has actually occurred.

What is a statutory nuisance?

Local authorities have a duty to deal with statutory nuisances under the Environmental Protection Act 1990. For noise to amount to a statutory nuisance, it must be "prejudicial to health or a nuisance" - see section 79(1) (g) and (ga) of the 1990 Act.

Other noise specific legislative tools have either not been adopted or are not exclusively relevant to the delivery of the noise service.²

² Noise and Statutory Nuisance Act 1993
Noise Act 1996; Anti-Social Behaviour Act 2003; Clean Neighbourhood and Environment Act 2005; Anti-social Behaviour, Crime and Policing Act 2014

The Council's duty

What the law says in terms of investigation requirements of local authorities under the EPA 1990:

"...it shall be the duty of every local authority to cause its area to be inspected from time to time to detect any statutory nuisances which ought to be dealt with under section 80 below and, where a complaint of a statutory nuisance is made to it by a person living within its area, to take such steps as are reasonably practicable to investigate the complaint."

The provision of this service is an extension to that which is offered during normal office hours. Given the inclusion of "artificial light" (referred to as a potential statutory nuisance within section 79 (1) (fb) of the Environmental Protection Act 1990 and introduced by the Clean Neighbourhoods and Environment Act 2005) a service provided at night allows for the investigation of such complaints more readily by qualified officers.

Neighbour noise

Whether from dogs barking, loud stereos or shouting and banging, complaints are investigated.

Noise from neighbours is a common source of disturbance. Everyone can expect some noise from the people who live around them. This could include any of the following reasons

- The neighbours are behaving unreasonably
- The neighbours are behaving normally, but sound insulation in your home is not good enough to cut out the sounds of normal everyday living
- The sensitivity of people to different types of noise varies – sounds that some enjoy may annoy others

First, approach your neighbour and explain politely that you are being troubled by noise. You may find this difficult but often people are unaware that they are causing a problem. However, approach the matter carefully if you think your neighbour may react angrily to a complaint.

If an informal approach is unsuccessful, the normal practice would be for this authority to send an initial letter to the complainant confirming the details of their complaint and enclosing a confirmation form that the complainant must sign and return within 10 days. This is a necessary step which ensures accuracy as this starts off an official investigatory process that could potentially end up in a court of law.

Only upon receipt of the completed confirmation form, will this authority then send a letter to the alleged offender, giving details of the complaint. Whilst we would not release your details at this stage, you need to be aware that if the matter ultimately has to go to court, you may be required to attend and give evidence.

If the problem continues, start recording dates, times and cause of the noise and the effect it has on you in a [nuisance record sheet \(63kb, PDF\)](#).

When you believe you have sufficient evidence on the record sheet, please send it either by email to ehpollution@warwickdc.gov.uk or by post to Warwick District Council, Environmental Services, Riverside House, Milverton Hill, Royal Leamington Spa CV32 5HZ. We will then contact you to discuss what action can be taken.

We will consider the type of noise, how often and at what time it occurs.

In most cases, we will need to witness the noise to determine if it is a statutory nuisance as defined by the Environmental Protection Act (1990). This requires that officers need access to the Complainant's property to assess the nuisance. If we are satisfied that a nuisance exists we would serve a noise abatement notice on the perpetrator. If the person, without reasonable excuse, fails to comply with the notice, he or she is liable for prosecution in the Magistrates' Court. We also have the power to confiscate any equipment that is causing a noise nuisance.

If for whatever reason, The Council is unsuccessful in resolving your complaint, you are also entitled to take your own action if you wish by complaining direct to the Magistrates' Court. However, you are strongly advised to obtain legal advice before pursuing such action.

You may also wish to consider whether the problem could more easily be resolved by [mediation](#).

Council tenants

[Information about noise nuisance in council-owned properties.](#)

Intruder alarms

If, upon investigation, the noise is judged to be a statutory nuisance, legal action may be taken by the council against those responsible for the noise. It may also be necessary to obtain a warrant to enter your premises and take whatever action is necessary to silence the alarm. The costs of this would be recharged to the person responsible.

Please follow the simple guidance below to ensure you do not cause a nuisance to your neighbours.

- Ensure your alarm is properly installed and maintained to avoid false alarms.
- Ensure your alarm cuts out after 15 to 20 minutes, perhaps reverting to a visual indicator.
- Maintain at least 2 key-holders who can visit the site to disable the alarm within 20 minutes of notification. [Send the details of your key-holders to our Environmental Services team \(197 kb, PDF\).](#)

Car alarms

There are powers which the council can exercise to silence alarms, usually involving breaking into vehicles. However, legal procedures have to be followed and this form of action is only taken when other ways of dealing with the problem have been explored.

Commercial noise

Complaints are dealt with about noisy pubs or clubs etc. This may involve investigation of the licensing conditions related to the premises. Noise nuisance from factories, pubs, clubs etc. can all be dealt with under the Environmental Protection Act (1990) and each case needs to be assessed on its merits. The fact that a noise causes annoyance does not necessarily mean that the local authority can take formal action to stop it, but we will advise and investigate and, where necessary, use our statutory powers to prevent nuisance being caused. Telephone 01926 456725.

Construction sites

Noise from temporary works can be significant, and controls to limit hours of work and equipment used can be exercised. Building and repair works have the potential to cause severe disruption through noise. In the main, people do tolerate such noise because it is for short periods. However, where major works are being carried out or when there is night time work, there may be cause for complaint. Telephone 01926 456725, and the Environmental Services Unit will investigate noise from construction sites and building works and where necessary take formal action to abate noise nuisance.

It should be borne in mind that there may be limits to our controls. Such work inevitably takes place and therefore we look to ensure that the "best practicable means" are used to prevent noise nuisance. We may, for example, seek to limit working hours or require that certain methods of working are not used.

DIY building work may also result in annoyance to neighbours. There needs to be a common sense approach to carrying out such work to ensure that neighbours are not unreasonably disturbed. For example, the avoidance of noisy work at unsociable hours and keeping neighbours informed if noisy work is to take place.

Noise in the street

Noise from vehicles, equipment and machinery in the street can constitute a nuisance under the Environmental Protection Act 1990. This does not mean that one-off incidents for short periods can be dealt with. There would need to be an element of repetition or of the noise occurring for a prolonged period. There are restrictions on the use of loud speakers in the street. These are laid down in the Control of Pollution Act 1974.

Helicopter noise

The noise nuisance provisions of the Environmental Protection Act 1990 do not control aircraft / helicopter noise. Unless safety is being compromised or planning law is contravened, we can only refer you to the site operator. For further advice on planning issues, please contact the Council's Enforcement Officers on 01926 456557. For further advice on safety issues, please contact the Civil Aviation Authority's Safety Regulation Group at Aviation House, Gatwick Airport South, West Sussex, RH6 0YR or through their website at www.caa.co.uk

Contact us

- **[Report noise nuisance](#)**
- Call 01926 456725
- Email ehpollution@warwickdc.gov.uk

Appendix 2 – Report Methodology

In line with the Defra and CIEH document³ where it explains how a noise service should be evaluated, a detailed review of existing reports on the night noise service was undertaken and particular note was made of the results of the public consultation survey completed in October 2018 (See Appendix 3). Together with the points of view expressed by staff, observations made by key stakeholders and comparisons with other local authorities offering similar services, these have led to a set of recommendations detailed at section 2 of this Report.

³ Neighborhood Noise Policies and Practice for Local Authorities – a Management Guide, September 2006.

Appendix 3 – Analysis of Public Consultation

Responder	Issues/Comments	Proposed Actions/Comments
SoLAR (feedback by email)	<ul style="list-style-type: none"> • Seasonality (September to June, predominantly term time) • Students hosting parties in 'unsuitable' premises • Limitations of Street Marshals to tackle student parties (noise, crowds etc.) • Limitations of Police • Inadequacy of WDC to tackle student parties • Usually associated with HMO's • Positive action by Warwick University to reprimand students having parties • Under reporting by residents due to sheer volume of incidents • Seeking for WDC to co-ordinate a strategy to tackle problem students and landlords • Acknowledged proactive action by WDC on advice of planned parties • Suggested broader advertising of the Private Sector Housing (PSH) for early intervention. • Suggested a well-advertised system for reporting noise nuisance between 22.00 and 03.00 for several days per week, term time (coordinated with the Police) • Suggested WDC seek funding from Warwick University to fund the term time service they suggested 	<ul style="list-style-type: none"> • Noted • Noted • Street marshals are a separate contracted service with specific remit. • Noted • Noted, however not a specific role of this service • Noted • Noted • Noted. Service users are encouraged to report situations they witness • A separate piece of work has been undertaken • Noted • PSH do NOT routinely offer such a service. They have used intelligence to successfully intervene • Noted and considered against the need for resources. • Noted. PSH discussions with Universitys are taking place.

To Public consultation	<p>Q.1: Awareness of Out Of Hours Noise Service (OOHNS)?</p> <ul style="list-style-type: none"> • Yes: 36% [59] • No : 64% [105] <p>Total: [164] 4 skipped</p>	
	<p>Q.2: Have you ever complained to the Council's OOHNS ?</p> <ul style="list-style-type: none"> • Yes: 25% [41] • No : 75% [123] <p>Total: [164]</p>	
	<p>Q.3: Were you given the OOHNS number and information about the service?</p> <ul style="list-style-type: none"> • Yes: 33% [14] • No: 66.7% [28] <p>Total: [42] 126 skipped</p>	
	<p>Q.4: Have you ever needed to call the OOHNS following your initial complaint?</p> <ul style="list-style-type: none"> • Yes: 47.5% [19] • No: 52,5% [11] 128 ?skipped 	
	<p>Q.5: How would you rate aspects of the OOHNS? (1=not at all efficient to 10=extremely efficient)</p> <p>6/16 scored 1 to all 4 questions However 152 skipped</p>	
	<p>Q.6: From your experience would you say the service could be improved?</p> <ul style="list-style-type: none"> • Yes: 90% [18] • No: 10% [2] 148 skipped 	
	<p>Q.7: List improvements that could be made:</p> <ul style="list-style-type: none"> • Advertised better • Ensure adequate staffing levels • Reduce time to resolve cases • Change service delivery – make it easier to access the OOHNS contact number • Closes too early • Provide service on “cheap drink nights” 	<ul style="list-style-type: none"> • Noted • Noted. Double crewed. • Noted. See statistic analysis, Appendix 4. • Noted, however this is not the current model for service delivery. • Noted. See comments below. • Noted. Build into the intelligence led enforcement guides coverage, hours and

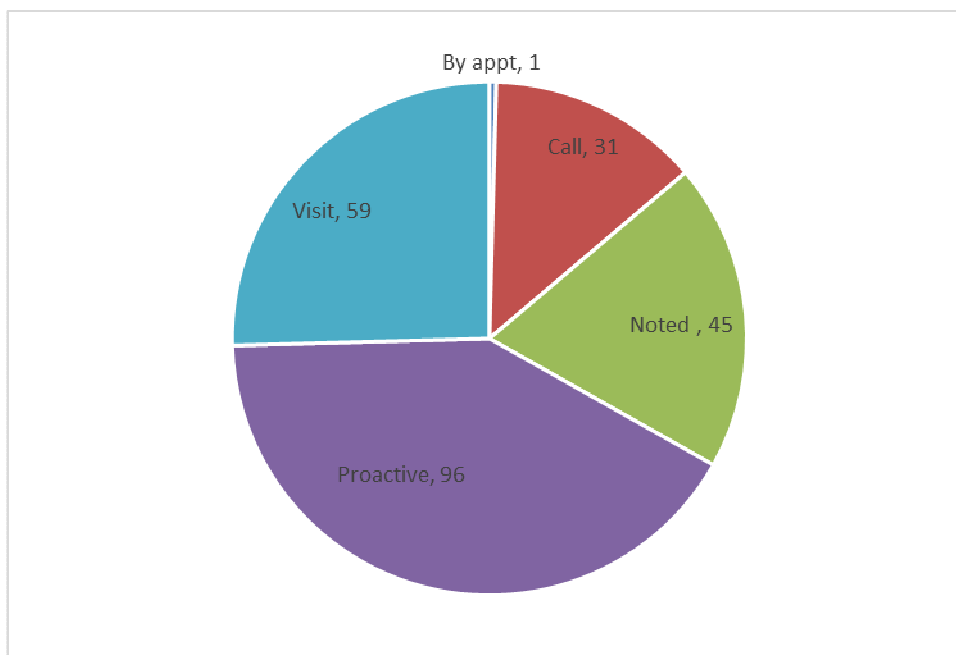
	<ul style="list-style-type: none"> • Focus on licensed premises 	<p>locations.</p> <ul style="list-style-type: none"> • Noted. As above together with Licensing Enforcement Team priorities.
	<p>Q.8: Comments?</p> <ul style="list-style-type: none"> • Residents want access to the OOHNS number as and when they are experiencing a noise disturbance • Tel. number is not advertised or on the WDC website • Issues which merge into ASB (anti-social behaviour) should be addressed e.g. loud voices along riverside. • Tackle speeding vehicles on Warwick Rd • Noise from night time economy (NTE) should be addressed – noisy gangs, public disorder, event management to reduce noise impacts. • Address noise from poor sound insulation • Felt reassured at the existence of the service • Consider quiet zones under a PSPO (Public Space Protection Order) • Better liaison with colleges especially during Freshers week 	<ul style="list-style-type: none"> • Noted • Noted. The number is issued to progress existing cases only. • This is not covered within the service as noise can be either a nuisance or a report of ASB. • Responsibility of the Police not, local authority. • Covered by the service (ASB) and mainly Licensing enforcement activities. • Not strictly a night time issue requiring out of hours' investigation, but could be offered to allow a detailed investigation to progress. • Noted • Noted. PSPO will be under review in the future and this will be included in comments for this area of work. • Current process is dependent on customer complaints. Some complaints made directly to PSH.

Appendix 4 – Interventions

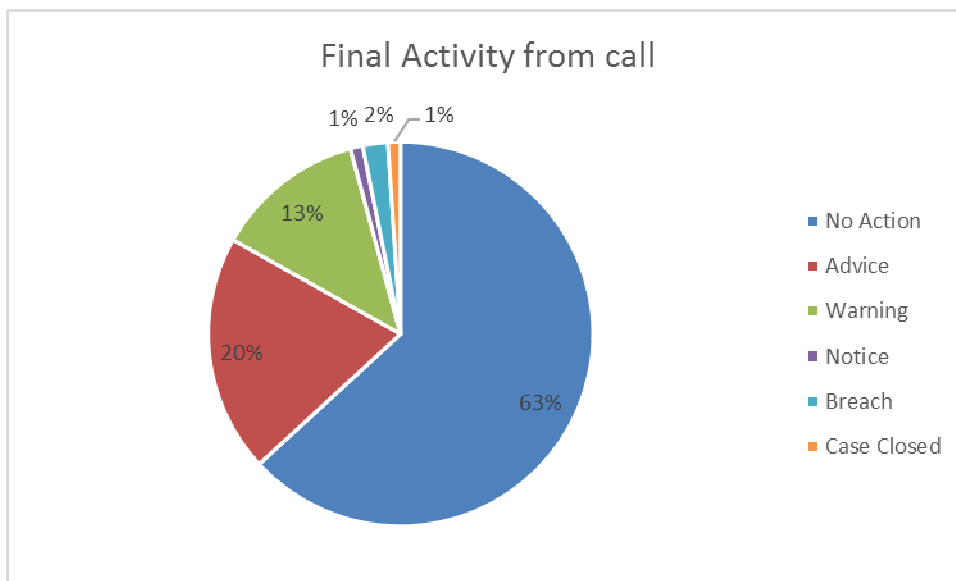
A. Summary of activity from 6 months of night shifts between April and October 2018. The outcomes, peaks in demand and the variety of cases that are dealt with proactively are detailed below.

(a) Table and Pie chart showing the various sources contributing to workload:

SOURCE/ACTIONS	QUANTITY
By Appointment	1
Call made by Duty Officer	31
Noted on file	45
Proactive referral	96
Visit	59
TOTAL	232



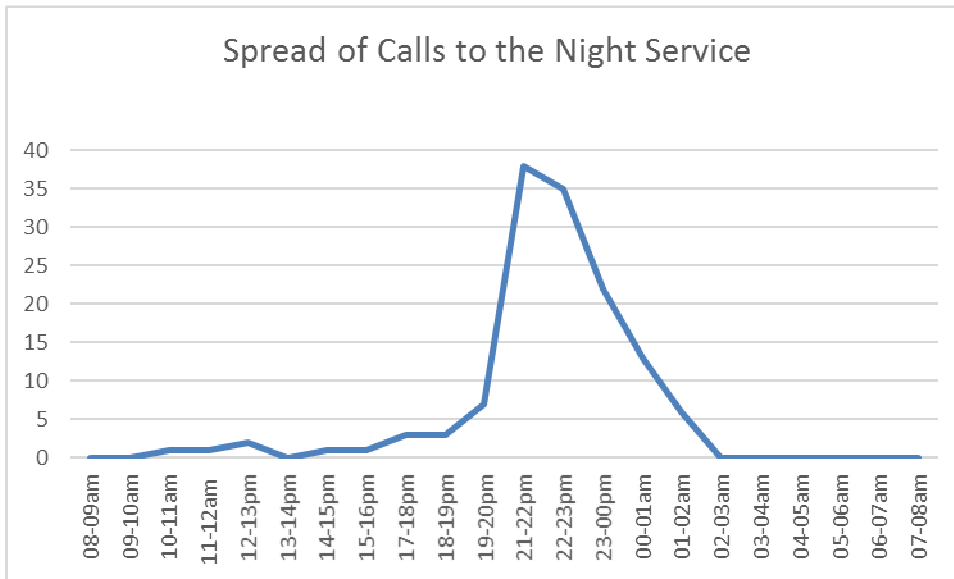
(b) Follow up actions from various sources/referrals [% based on 80 actions]



(c) The range and type of complaints received

Complaint type	Quantity
Alarm	1
Commercial Noise and Odour	1
Commercial Noise	97
Cars Noise	1
Domestic Noise	73
Dog Complaint	5
Food Safety issue	2
Hazard identified	3
Licensing Complaints	12
Licensing issue	5
light complaint	8
Odour complaint	13
Planning issue	2
Unidentified Problem	1
Unidentified Noise	5
Waste complaint	3
TOTAL	232

(d) Spread of calls across 24 hours



B. Summary of out of hours visits over 12 months (April 2018 to March 2019) (Sunday evenings to Friday mornings inclusive)

Within the stated 12 month period, five of the twelve volunteer officers have worked additional hours to conduct noise assessments or investigations in the early hours of the morning, to ensure case progression. These visits have occurred outside of the hours stated within the flexi time system of 07:00 to 19:30 and outside of the hours operated by the night noise service. The purpose for the visits included the assessment of noise nuisance from bird scarers and the operation of industrial machinery where it has been a particularly complex and long standing complaint.

Officer	Time/Duration	Date(s)	Comments
1	2 hours	January 2019	Early morning visits
2	3 hours	February and March 2019	Early morning visits
3	45 minutes	March 2019	Early morning noise investigation
4	12 hours	August 2018 – March 2019	Early morning visits (planned)
5	6.5 hours	August 2018 – January 2019	Early morning visits (planned)
TOTAL	24.25 hours		

Appendix 5 – Enforcement Action taken on Friday 27th April 2018

On this day nuisance was witnessed and enforcement took place on four cases.

- **xxx Close**
Witnessed noise nuisance – loud television intrusive into neighbours.
Outcome: Abatement Notice served.
- **xxx Court**
Witnessed noise nuisance – loud music.
Outcome: New tenants so warning letter sent to owner.
- **xxx Road**
Witnessed noise nuisance – continuous barking/howling dog.
Outcome: Abatement Notice served.
- **xxx Road**
Witnessed noise nuisance -loud music intrusive into neighbours.
Breach of Abatement Notice previously served on occupier.
PACE interviewed at Office.
Outcome: Prosecution