
***Meeting of the Executive Member for
Neighbourhoods and Advisory Panel***

15 October 2008

Report of the Director of Neighbourhood Services

Noise Complaints Update

Summary

1. The purpose of this report is to update the Executive Member and Advisory Panel on the current position regarding noise nuisance and the operation of the council's weekend night time Noise Patrol service.

Background

2. The council (via the environmental protection unit) have a statutory duty to investigate and deal with noise complaints.
3. On 8 March 2006 the Executive Member approved a new approach to tackling noise nuisance, which included setting up a new weekend night time noise enforcement service (the "Noise Patrol"). The Noise Patrol operates on Friday and Saturday nights from 9pm to 3am.
4. The noise patrol service was funded up to 31 March 2008 through the LPSA programme. The annual cost of the service is currently £88k. A growth bid of £88k was submitted as part of the 2008/9 budget process. The 2008/09 budget allocated £50k in to the base budget to continue to provide the service. This left a £38k shortfall which is being covered in 2008/9 by a one-off grant by the Safer York Partnership.
5. Members are advised that a bid of £40k will be submitted as part of the 2009/10 budget process in order to maintain the Noise Patrol service.

Workload

6. The number of noise complaints received by the environmental protection unit (EPU) has increased dramatically following the introduction of the Noise Patrol (a 78% increase from the introduction of the service in April 2006 to the year ending 31 March 2008). Greater awareness of the Noise Patrol and the extended licensing hours have contributed to this increase. The number of noise complaints per annum is as follows:

2004/05	1196
2005/06	1287
2006/07	2246
2007/08	2295
2008/09 (to 28 September)	1264

The total number of noise complaints received in 2008/09 to 28 September shows a slight reduction over the same period in 2007/08 (1264 compared to 1330). This may in part be due to the poor summer weather with fewer outside activities. If this trend continues then the predicted number of complaints will be 2,180 in 2008/9.

8. There were 189 complaints about noise from licensed premises in 2007/08 (a 93% increase in complaints since 2005/06); 26 of these complaints related to noise specifically from smoking activities. However, there have only been three noise complaints that can directly be attributed to smoking since 1 April 2008 (although officers estimate a further 14 may be smoking related). It is possible that residents no longer distinguish between smoking-related specific noise and general noise from licensed premises.
9. Whilst the overall number of noise complaints for 2008/9 is showing signs of a moderate decrease, there has been a sharp rise in demand for the Noise Patrol. The number of phone calls to the Noise Patrol (on Friday and Saturday nights) show a 26% increase from 1 April to 28 September 2008, compared with the equivalent period in 2007/08. Numbers of complaints and telephone calls received by the Noise Patrol are as follows:

	Calls	Complaints
2006/07	842	687
2007/08	917	785
2008/09 (to 28 September)	672	504

(note these figures are included in the totals in paragraph 7)

10. The latest Talkabout results state that 30% of residents are concerned about noise in their local area (down from 36% in the previous 2 years). Although noise complaints continue to increase, they appear to be increasing at a slower rate than in previous years. Residents are now aware that there is a service to deal with their complaints out of hours.

Partnership working

11. Student police officers now spend a day in EPU as part of their training. Police officers have also accompanied EPU officers on the Noise Patrol on several occasions and discussions are ongoing about increasing their participation.

Police officers assist EPU during seizures of noise making equipment and when officers are threatened during the Noise Patrol. EPU officers are taking an active part in the Capable Guardian Initiative in Westfield ward, problem solving initiatives in Clifton and other police and council multi-agency initiatives to reduce crime and anti social behaviour in York.

12. The police have commented that there is a greater impact when EPU and the police work together. The Noise Patrol reduces the number of calls to the police thereby enabling them to respond to other incidents.
13. EPU work closely with housing officers from estate management and the tenancy enforcement team. Joint meetings and visits are held to deal with problems at council premises. Housing officers assist EPU officers on the Noise Patrol. Evidence collected and any enforcement action taken by EPU and the Noise Patrol is passed to the housing teams for action. EPU officers attend court to give evidence in possession hearings.
14. The tenancy enforcement team support joint working and information sharing is good. Enforcement action taken by EPU can be used by estate managers to warn problem tenants. A high proportion of tenancy-related nuisance cases do have noise as an element of ASB, so the EPU contribution is valuable.
15. Evidence of noise problems from licensed premises are referred to and discussed with trading standards and licensing officers from the council, the police and fire service and a joint approach to these premises is agreed. EPU are consulted on all licence applications and variations of licences. Officers from EPU attend all licence hearings where noise may be an issue and will attend licensed events if they suspect a nuisance might occur.
16. The evidence collected by the Noise Patrol, including statements from officers, enable the council's licensing unit to send warning letters to licence holders regarding breaches of licence conditions, which can lead to joint visits, prosecution or a review of the licence.

Enforcement Activity

17. Enforcement activity based upon evidence collected on the Noise Patrol can be summarised as follows

	Notices served	Notices breached	Seizures	Cautions	Prosecutions
2006/07	39	6	6	3	5
2007/08	66	19	8	4	12
2008/09 to 26 September	22	12	6	1	4

18. In 2006/07 EPU served their first criminal anti social behaviour order (CRASBO). There are currently five cases being considered for prosecution and / or CRASBOs.
19. Some examples of joint action enforcement activity include:

When noise nuisance continued after a noise abatement was served, EPU officers arranged to seize noise making equipment and were assisted by the police. Once inside the property a “cannabis farm” was found. EPU prosecuted the council tenant. The housing department are in the process of securing an eviction.

A council tenant caused a noise nuisance and threatened his neighbour when he complained. EPU served a noise abatement notice, which was breached when the man came out of prison. EPU seized noise making equipment and he was arrested for a breach of his anti social behaviour injunction. He was evicted from his flat and is awaiting prosecution by EPU.

Consultation

20. Housing and Estate managers have been consulted on the report.
21. A housing manager commenting on the Noise Patrol said it is “...one of the most useful tools in our ASB toolbox & one we don't want to lose” and “...most ASB cases involve an element of noise, either through loud music or arguments, often drink/drug related. The service provides a response when the problems are most likely to occur & no other service is available. It also provides customers with a perception of being cared about rather than left to fend for themselves because council services aren't available. When speaking to customers, there is often a sheer feeling of relief expressed just knowing that there is a service that they can call on if needed. It is hugely important to us.”
22. An estate manager commented that they “...do not have the opportunity to witness these complaints directly as they often occur out of normal working hours. The Noise Patrol service provides an immensely useful tool for the EM team in tackling ASB and nuisance. Customers can be given the reassurance of knowing that someone can be contacted about a noise problem, as and when it is happening, with a response to the problem within a short space of time. With the knowledge that if evidenced action can be taken and if the problems persist further enforcement action is possible. The EPU service is of immense value and importance to the EM team in tackling ASB and we would not wish to lose it.”

Options

23. Members are asked to note the report.

Analysis

24. Not applicable

Corporate Priorities

25. The Noise Patrol service and the work of EPU contribute directly to the council's corporate priority to "Reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York".

Implications

- **Financial:** This service is currently funded for this financial year. There will be a £40k shortfall in 2009/10 and a growth bid will be submitted as part of the 2009/10 budget process.
- **Human Resources (HR):** There are no human resource implications.
- **Equalities:** There are no equalities implications.
- **Legal:** There are no legal implications other than that the council has a statutory duty to investigate noise complaints.
- **Crime and Disorder:** The work of the environmental protection unit and the noise patrol contribute directly to the council's corporate priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York. They work directly in partnership with the police, housing team, Safer York Partnership and others to achieve this.
- **Information Technology (IT):** There are no IT implications.
- **Property:** There are no property implications.
- **Other:** There are no other implications.

Risk Management

26. There are no implications for risk management.

Recommendations

27. That the advisory panel advise the executive member that the report be noted.

Reason: That members are aware of the activity of the noise patrol service and the necessity to submit a growth bid of £40k in 2009/10, in order to maintain the service.

Contact Details

Author:

Chief Officer Responsible for the report:

Mike Southcombe
Environmental Protection Manager
Tel (01904) 551514

Andy Hudson
Assistant Director (Neighbourhoods & Community Safety)

Report Approved

Date 1st October 2008

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Noise Complaints Update, Neighbourhood Services EMAP Report, 17th October 2007