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## Meeting of the Executive Member for Neighbourhood Services and Advisory Panel

21 March 2007

Report of the Director of Neighbourhood Services

### Noise Complaints Update

#### Summary

1. Members are asked to note the actions taken by the environmental protection unit (EPU) to tackle noise nuisance and approve the proposals to deal with the service pressures generated by the implementation of the Licensing Act 2003 and the introduction of the nighttime Noise Patrol service.

#### Background

2. On 24 November 2005, the Licensing Act 2003 became law. EPU officers are often engaged in licensing work. In 2005/06 they commented on 477 licensing applications, investigated noise complaints from licensed premises and attending licensing hearings.
3. On 8 March 2006 the Executive Member approved a new approach to tackling noise nuisance, which included the setting up of a new weekend nighttime noise enforcement service (the "Noise Patrol"). The Noise Patrol operates on Friday and Saturday nights from 9pm to 3am.
4. At the same time, approval was given for an additional temporary senior environmental protection officer to be appointed until 31 March 2008. Their role is to co-ordinate the Noise Patrol, licensing work and other actions by EPU to tackle anti social behaviour.
5. On 27 June 2006 the executive approved the financial arrangements for this new Noise Patrol service to be funded via the second Local Performance Service Agreement (LPSA2), in order to enable the council to extend (or stretch) its performance in the area of tackling anti social behaviour.
6. The stretch targets and the means by which the council's performance will be measured are:
  - The percentage of residents reporting that 'noisy neighbours or loud parties represent a problem in the local area' to reduce by 4%, from 13% to 9%. This is to be measured by the annual ResOp Survey.

- The percentage of people feeling that York is a safe city in which to live to increase, by 21%, from 47% to 68%. This is to be measured by a TalkAbout Survey.
7. Both targets are to be achieved by 31 March 2008. They are measured by annual surveys, the results of which are not available at the time of writing. It is envisaged that a combination of education, greater awareness and increased enforcement will enable the targets to be met, although the second target reflects wider crime and anti social behaviour issues.

## **Workload**

8. From 2004 onwards the number of noise complaints has increased each year. The total number of noise complaints for 2004/05 was 1196 and for 2005/06 was 1287. As of mid February 2007, EPU have received 1176 anti social noise complaints during normal office hours in 2006/07. An additional 165 noise complaints have been received via a telephone answering machine (out of office hours) and over 700 complaints have been made to the Noise Patrol (on Friday and Saturday nights). The total number of noise complaints received by EPU by mid February 2007 has increased to 2047 (a 59% increase at the time of writing).
9. The dramatic increase in noise complaints appears to be mainly as a result of the introduction of the weekend night time Noise Patrol. The investigation of most of these noise complaints begins on the night they are received. The investigation of calls received via the answering machine, when the Noise Patrol is not operational, begins on the next working day.
10. Whilst most types of noise complaints have remained fairly static or have shown only a small increase, complaints of noise from residential premises have more than doubled in the past two years, from 710 in 2004/05, to 802 in 2005/06, to 1592 so far in 2006/07 (a 124% increase in the past two years).
11. The other main area of increase was noise complaints from licensed premises, up from 64 in 2004/05, to 93 in 2005/06 and to 199 so far in 2006/07 (a 114% increase in the last year, at the time of writing). In 2004/05 time spent by EPU on licensing work had been minimal. During the introduction of the new licensing laws in 2005/06, 0.6 full time equivalent officers in EPU were engaged in licensing work, commenting on licensing applications and attending hearings. It is likely that this will be repeated for 2006/07, especially due to the increase in noise complaints from licensed premises.
12. During July and August 2006 there was a significant increase in the number of calls received by the Noise Patrol (40 calls were received on the busiest weekend, compared to 17 on a more typical weekend). At one point the number of calls became too many for the Noise Patrol officers to deal with during their hours of operation.

## **Partnership working**

13. The setting up of the Noise Patrol, the new licensing laws and new anti social behaviour legislation has provided the opportunity for EPU to work more closely in partnership with and to share information more openly and effectively with other agencies.
14. Although the Noise Patrol service was primarily set up to deal with noise nuisances, it is also able to deal with complaints of light pollution and other nuisances, check adherence to licensing conditions and confirm that permitted hours of opening are being observed in terms of planning and licensing.
15. Any problems with licensed premises are discussed at regular meetings with trading standards and licensing officers from the council, the police and fire service and a joint approach to these premises is agreed. Officers from EPU also comment on all licence applications and review hearings and will attend all hearings where noise may be an issue.
16. All evidence collected by the Noise Patrol that relates to other agencies is forwarded to them on the next working day for action and / or information. All complaints about council properties are copied to the housing department to update them and enable them, if appropriate, to take action under the tenancy agreement. Details of all enforcement actions are sent to the police and forwarded to the ranger service to enable them to collect evidence in support of enforcement by EPU.
17. Officers from EPU work closely with the police and Safer York Partnership. Officers attend the anti social behaviour task group to discuss policy and the anti social behaviour referral panel to agree what measures can be taken to deal with anti social behaviour. Officers also attend the monthly police partnership tasking and co-ordination briefings (intelligence briefings) to discuss problem offenders, offences and locations.
18. Police trainees are now undertaking work experience with EPU to enable them to see how partnership working can benefit both organisations, to increase the understanding of each other's roles and to build up good working relationships. EPU are now also briefing community rangers on their work, so they can collect evidence to enable EPU to enforce noise abatement notices. Discussions have also been held about trainee police officers accompanying the Noise Patrol in the future.
19. The police accompany EPU on all seizures of noise equipment, when warrants are obtained to enter properties and when there is a perceived risk to officers. Police support has been essential in some incidents. In one case, the Noise Patrol wanted to serve a notice on a noisy party. Once there the police noticed evidence of drug taking and all guests were then searched. At another noisy party, several people were arrested after violence broke out. Police have also provided evidence of a breach of a noise abatement notice, which was used for a seizure and prosecution.

20. EPU continue to work closely with housing estate managers and the tenancy enforcement team to deal with anti social tenants in the most effective way. This includes joint visits and meetings to discuss problem tenants. Evidence collected by EPU can be used towards proving a breach of the tenancy agreement and has led to demoted tenancies and evictions. The number of council tenants evicted for anti social behaviour and noise has risen from nine in 2004/05 to 19 by mid February 2007.

### **Enforcement Actions**

21. The amount of enforcement undertaken by the EPU has risen dramatically as a result of the introduction of the Noise Patrol. Over 500 visits have been made to assess noise nuisance by the Noise Patrol. Although Noise Patrol officers attempt to deal with noise complaints informally at first, these visits have resulted in the serving of 35 noise abatement notices. A further 37 noise abatement notices have been served as a result of evidence collected mainly during normal office hours. The 72 noise abatement notices served by mid February 2007 compares with a total of 16 noise abatement notices served in 2005/06 (a 350% increase).
22. Of the 72 noise abatement notices served 10 perpetrators continued to cause a noise nuisance. In each of these 10 cases EPU abated the continuing noise nuisance by seizing noise-generating equipment, with police assistance. Items seized so far include DJ decks, stereos, CDs and a television.
23. The 10 seizures have led to two formal cautions of the offenders, four prosecutions and four prosecutions are pending. Magistrates can fine individuals up to £5000 if they are found guilty of breaching a noise abatement notice. One of those prosecuted received a 12 months conditional discharge and £958 costs were awarded to the council. Another received a £250 fine, forfeiture of his equipment (DJ decks) and £509 costs were awarded to the council. The third prosecution led to £250 costs and a £250 fine, plus forfeiture of some of his equipment.
24. The fourth prosecution led to the recipient of the noise abatement notice being given a two-year conditional discharge and EPU's first criminal anti social behaviour order (CRASBO). (Evidence collected by the Noise Patrol also led to this person receiving a harassment order, which when breached led to his imprisonment. The offender has since breached the noise abatement notice and the conditions of the CRASBO and has been re-arrested).

### **Service Pressures**

25. Because of the higher than anticipated demand for the service it was necessary to supplement the Noise Patrol service with an additional temporary support officer during July and August 2006. The support officer employed during these months was an experienced environmental protection officer, who was able to assist the Noise Patrol officers by taking the calls and giving advice to the customers. In some cases this was sufficient to deal with the caller's concerns. The support officer was able to check the computer

database for the history of any complaints, carry out a safety checks and prioritise the complaints before passing the call to the Noise Patrol officers. This enabled the Noise Patrol to cope with a higher volume of calls and provide a quicker response as officers were able to remain in the field.

26. As the number of noise complaints continues to increase, it is expected that a temporary support officer will be required to cope with the additional demand during the summer of 2007.
27. Participation in the Noise Patrol, in addition to EPU officers' normal working hours, requires them to take the following Monday as time off in lieu. This can mean that EPU may be without 2 FTE (from a 'pool' of 5 FTE) to deal with other work on the following Monday.
28. The increased number of noise complaints, both at the weekend and also during the week. Additional monitoring equipment has been acquired to cope with this demand.
29. EPU conducts an annual customer satisfaction survey. In the 2006 survey, 95% of EPU customers were satisfied with the service and 100% of customers said they were satisfied with the Noise Patrol (46% were very satisfied and 54% were fairly satisfied). 38% of those surveyed wanted the hours and days of the Noise Patrol service extended. 15% wanted a 24/7 service.

## **Consultation**

30. The police are pleased that they and EPU are working together to deal with anti social behaviour. They described the Noise Patrol as a very useful service and the staff as very helpful. They have passed the telephone number to local residents suffering from noise nuisance.
31. The tenancy enforcement team (TET) welcome the corroborative evidence collected and provided in court in support of their actions. They asked for a periodic report of action taken by the Noise Patrol. This is now provided on a weekly basis.
32. Estate managers and council tenants described the service as excellent and very popular. They would like the service extended to weekdays. They also want it publicised more.

## **Service Improvements**

33. If EPU are to continue to deal effectively with the doubling of noise complaints, an increase in out of hours provision, the resulting follow up work, the increased enforcement and the additional licensing work, the appointment of an additional (temporary) environmental protection officer will be necessary in 2007/08. The additional officer will enable EPU to deal effectively with the above work and to extend the Noise Patrol service, should it become necessary.

34. Depending upon workload, a support officer will be required for the Noise Patrol, during busy weekends. If a call is received before 3am on a Saturday or Sunday it must be dealt with to completion. It is not unusual for officers to work until 4am in order to deal with noise complaints and this is likely to continue as licensing hours continue to be extended. The additional officer and the support officer will enable EPU and the Noise Patrol to deal with the increasing number of noise complaints and to cope with the busy summer period.
35. EPU will use the full range of legal powers available to effectively tackle noise nuisance and anti social behaviour. These include the traditional powers such as noise abatement notices and prosecutions and, in line with the Respect programme, anti social behaviour powers such as acceptable behaviour contracts (ABCs), ASBOs, CRASBOs and injunctions.
36. EPU also intends to publicise the service through new leaflets, organised events and talks to schools and colleges.

### **Options**

37. (a) To approve the service improvements proposed above.
- (b) Not to approve the service improvements proposed above.

### **Analysis**

38. Option (a) will enable EPU and the Noise Patrol to continue to deal effectively with the growing number of noise complaints.

Option (b) will mean the service will not be able to deal effectively with the growing number of noise complaints

### **Corporate Priorities**

39. 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". A specific action for 2007/08 detailed in the delivery and innovation plan for the objective is to "Introduce more enforcement measures to deal with noise nuisance".

### **Implications**

- **Financial**

40. The cost of the proposed service improvements outlined in paragraphs 33-36 was anticipated and can be met from the existing LPSA2 grant allocation. There are therefore no financial implications associated with this report.

- **Human Resources (HR)**

41. There are no human resource implications associated with this report.
  - **Equalities**
42. There are no equal opportunities issues associated with this report.
  - **Legal**
43. There are no additional legal issues over and above those identified within the report.
  - **Crime and Disorder**
44. The service contributes directly to reducing crime and disorder.
  - **Information Technology (IT)**
45. There are no IT issues associated with this report.
  - **Property**
46. There are no property issues associated with this report.
  - **Other**
47. There are no other issues associated with this report.

## **Risk Management**

48. Failure to meet the LPSA2 targets by 31 March 2008 will put at risk the council's reward grant.
49. The funding of the Noise Patrol, a temporary senior environmental protection officer and the proposed temporary environmental protection officer will cease on 31 March 2008.

## **Recommendations**

50. That the Advisory Panel advise the Executive Member to note the service pressures generated by the additional demands to tackle noise nuisance and the proposed service improvements:
  - appointing an additional temporary environmental protection officer until 31 March 2008.
  - providing additional out of hours cover as workload demands
  - adopting additional anti social behaviour powers
  - increasing education about noise nuisance

Reason: So that the Executive Member is advised of the steps being taken to deal with noise nuisance.

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**Report Approved**

**Date** 28<sup>th</sup> February 2007

**Wards Affected:** *List wards or tick box to indicate all*

**All**

**For further information please contact the author of the report**

### Background Papers:

Tackling Noise Nuisance, report to the Environment & Sustainability EMAP, 8 March 2006

York's Local Public Service Agreements, report to the executive, 27 June 2006  
Noise Patrol Update, report to the Environment & Sustainability EMAP, 7 December 2006