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## Meeting of the Executive Member for Neighbourhood Services

17 October 2007

Report of the Director of Neighbourhood Services

### Noise Complaints Update

#### Summary

1. This report responds to a request by members for an update on the out of hours noise enforcement service.

#### Background

2. 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.
3. At the same time, approval was given for an additional temporary senior environmental protection officer to be appointed until 31 March 2008 utilising LPSA2 funding. Their role is to co-ordinate the Noise Patrol, licensing work and other actions by EPU to tackle anti-social behaviour.
4. 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.
5. On 12 March 2007 the Executive Member approved the appointment of an additional (temporary) environmental protection officer until 31 March 2008, due to a significant increase in workload, additional enforcement and licensing work. Approval was also given for a support officer for the Noise Patrol to deal with telephone calls, to do checks on council databases and for health and safety reasons, during the busy summer period. These posts were also funded from the LPSA2 grant.

#### Workload

6. The number of noise complaints per annum is as follows:

2004/05	1196
2005/06	1287

2006/07	2246
2007/08 to 10 <sup>th</sup> September	1207

Since the introduction of the Noise Patrol in April 2006, the total number of noise complaints received by EPU has increased by 75%. Greater awareness of the Noise Patrol, publicity and extended licensing hours have all contributed to this increase. The number of complaints received by the Noise Patrol continues to grow with a further 22% increase from 1 April to 10 September 2007, compared with the equivalent period in 2006/07.

7. Complaints about noise from licensed premises increased by 135%, from 98 in 2005/06 to 230 in 2006/07. The introduction of smoke-free legislation on 1 July 2007 has contributed to a further increase in noise complaints from customers congregating outside the premises to smoke (approximately 20 additional complaints were received in the first two months of the ban).
8. The appointment of an additional (temporary) environmental protection officer until 31 March 2008, enabled EPU to manage the significant increase in workload and the additional enforcement and licensing work. Resources have been concentrated in those areas where noise complaints are highest. The support officer enabled the Noise Patrol to respond efficiently to complaints during the busy summer period.

### **Partnership working**

9. The Noise Patrol has enabled EPU to work more effectively in partnership and to share information more openly and effectively with other agencies, including the police, licensing, housing and tenancy enforcement. As well as noise complaints, the Noise Patrol is able to deal with complaints of other nuisances and to check compliance with licensing and planning conditions. 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. This is then followed up with meetings to discuss enforcement against problem premises and persons.
10. 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. New guidance from the government now allows EPU to make representations on licence applications if they consider that a noise nuisance may occur, even where there is no history of complaints. Officers from EPU attend all licence hearings where noise may be an issue.
11. EPU works closely with the police and tenancy enforcement regarding noise from loud music and mini motos, anti social behaviour, bonfires, harassment and criminal activities at a council property. Examples of the effectiveness of partnership working are:-

- during a joint visit EPU served a noise abatement notice and the police served a harassment warning. Problems continued and EPU served an abatement notice for a statutory nuisance caused by a bonfire. The Noise Patrol subsequently witnessed a breach of the noise abatement notice and seized a stereo and other equipment. One tenant has been cautioned by EPU and another tenant is being prosecuted. Police have found drugs on the premises. The Anti Social Behaviour Panel is considering an anti social behaviour order (ASBO) following the outcome of the above enforcement actions.
- EPU worked with the housing department to deal with an alcoholic tenant who, together with his guests, caused noise nuisance. Housing issued the tenant with an antisocial behaviour injunction, which prohibited him from causing a noise nuisance, but the noise nuisance continued. EPU served a noise abatement notice due to evidence collected on the Noise Patrol. Visits by the Noise Patrol obtained evidence of breaches of the abatement notice. EPU officers arranged a seizure, but the equipment being used to cause a nuisance had been removed. Housing issued the tenant with an acceptable behaviour contract (ABC), but this was also breached. The Anti Social Behaviour Panel has since applied for an ASBO.

### **Enforcement Activity**

12. The introduction of the Noise Patrol has led to a large increase in enforcement action by EPU. Since April 2006 officers on the Noise Patrol have made over 800 visits to premises out of office and in many instances have been able to witness the noise nuisance while it is happening. This has led to the service of 69 noise abatement notices. A further 45 noise abatement notices have been served as a result of evidence collected during normal office hours. The 114 noise abatement notices served in 2006/07 compares with a total of 16 noise abatement notices served in 2005/06 (a 600% increase).
13. Of the 114 noise abatement notices served, 17 perpetrators continued to cause a noise nuisance by breaching the noise abatement notice. In 12 of these cases EPU abated the continuing noise nuisance by seizing noise-generating equipment, with police assistance, sometimes on more than one occasion. Items seized include DJ decks, stereos, CDs and televisions.
14. The 17 breaches of the noise abatement notices have so far led to five cautions and seven successful prosecutions. The prosecutions have led to costs, fines and forfeiture of equipment. One 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). The recipient has since been re-convicted of a further noise offence after pleading guilty. In addition, two other perpetrators have been offered cautions, five prosecutions are pending and further cases are being considered for prosecution.

### **Consultation**

15. The police continue to refer callers to EPU and the Noise Patrol. 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. The police have suggested that their officers accompany the Noise Patrol when available.

16. The Tenancy Enforcement Team (TET) work with EPU on a daily basis and welcome the high level of commitment and support shown by EPU. EPU have assisted TET with evidence and have attended court for civil proceedings, which is often a critical factor in obtaining possession or injunction orders. TET welcome the joint enforcement and close partnership working with EPU and the police. They see the Noise Patrol as a “value added service” and welcome the weekly update on cases. TET and housing also welcome regular briefings by EPU on their work. TET say their customers have also often given positive feedback about their use of the Noise Patrol.
17. Housing estate managers welcome the partnership working, joint visits and evidence collected by EPU and the Noise Patrol. On occasion the evidence provided by EPU is the only evidence against nuisance tenants. They report that residents are pleased that there is someone who can help them at the time the nuisance is occurring. They would like to see the Noise Patrol service extended to week day nights.

### **LPSA2 Targets**

18. The stretched targets agreed under LPSA2, to be met by 31<sup>st</sup> March 2008, 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.
19. The sharp increase in noise complaints as a result of the service does mean that that indicator may not be met, as the 2006/7 performance indicator was 14%.

### **Options**

Not applicable

### **Analysis**

Not applicable

## **Corporate Priorities**

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**

20. The cost of the service will be met from the existing budget and the LPSA2 grant allocation until 31 March 2008. An increase in budget will be necessary to continue to operate the Noise Patrol service after 31<sup>st</sup> March 2008 and a growth bid of £88k is to be submitted as part of the 2008/9 budget process.

- **Human Resources (HR)**

21. If the funding for the Noise Patrol does not continue after 31 March 2008, the service will cease on 1<sup>st</sup> April 2008 and the two temporary members of EPU will not have their contracts renewed.

- **Equalities**

22. There are no equal opportunities issues associated with this report.

- **Legal**

23. There are no additional legal issues over and above those identified within the report.

- **Crime and Disorder**

24. The service contributes directly to reducing crime and disorder.

- **Information Technology (IT)**

25. There are no IT issues associated with this report.

- **Property**

26. There are no property issues associated with this report.

- **Other**

27. There are no other issues associated with this report.

## **Risk Management**

28. In compliance with the council's risk management strategy. There are no risks associated with the recommendations of this report.

## Recommendations

29. The Executive Member is asked to note the report, and that the service will only continue after 31<sup>st</sup> March 2008, should funding be made available.

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

## Contact Details

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Report Approved

Date

20<sup>th</sup> Sept 2007

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

All

For further information please contact the author of the report

### Background Papers:

None.