

Customers and Communities Overview and Scrutiny Panel

6 February 2013

Report for Scrutiny on Review of Noise Services

Executive Summary

The Public Protection Service has reviewed and subsequently improved the Noise Services available to residents of Plymouth. The driver for this review and improvements has been the manifesto pledge, “Look for ways to improve the way the Council deals with noisy neighbours and antisocial behavior, especially in the evenings and weekends”.

The report acknowledges noise disturbance is known to be a problem that can cause residents real problems and can in some cases have health impacts.

The current Council response to noisy neighbours is provided by the Public Protection Service,(PPS). During normal week days PPS is able to respond to noisy neighbours problems by the provision of information, advice, support, informal mediation and through investigations leading to formal legal action. During “Out of Hours” PPS provides information, advice and signposting services. PPS also provide an “Out of Hours” response system to clients who have registered chronic / persistent problems. That service operates for those clients during Friday night / Saturday morning and Saturday night / Sunday morning. PPS does also arrange to visits clients at any time by prior agreement.

An examination of the current services provided by the Council and it’s partners has been undertaken. An analysis of available demand data has also been conducted. This was sourced from council records and from records held by partner agencies. These have confirmed that the Council is already targeting its “Out of Hours” response at the busiest periods of demand.

During the PPS analysis opportunities to improve the current service were identified. Many of these have now been implemented. These include: -

- Improved reporting procedures to be adopted by other agencies that receive residents calls.
- Improved information, advice and sign posting protocols for other agencies.
- Updated Council web site with improved information.
- Improved reporting system for residents through the Council Website

- Updated PPS answer phone message providing residents with improved information and signposting.
- Training for Police call handlers and PCSO's, Housing Associations, Private Landlords Association and ABS Unit staff.
- Sharing intelligence and difficult case management with other agencies.
- Regular meetings with ASB Unit staff on complex cases.

PPS is working to make further improvements by improving systems and protocols. The viability of several options to extend the scope of the "Out of Hours" service were also assessed. The assessment concluded that options to extend the scope of the service would create a budget pressure and that these pressure may not be justifiable bearing in mind: -

- The improvements already made to the service.
- The relatively low frequency, of use of the existing service, by our clients. (Only 71 calls made in the last 12 months)
- The increased number of formal actions achieved by PPS.
- The lack of useful demand data to justify an increased scope of service, based on the detail within the data available from the Police.

This report makes the following recommendations

- For PPS to continue to implement the improvements to communication and signposting and improved advice.
- To asses the success of the improvements already made after a minimum of 12 months operation. Any further demand analysis from available from Call 24 and Police to be fed into improvements and the review.
- To maintain the scope of the service within the constraints of the resources allocated to the service

I Introduction

- 1.1 The Public Protection Service (PPS) was asked to examine how the Council responds to noise nuisance and noise related Anti Social Behavior, (ASB), and to consider improvement that could be made to this service.
- 1.2 A series of key actions were developed to examine these services across the Council and other agencies including:-
 - A demand assessment for responses to noise and ASB complaints from residents of Plymouth.
 - Review the service currently provided by the Council to respond to noise.
 - Suggested measures to improve these services and present a report to Scrutiny of the review and options available.

2 Background

- 2.1 Unwanted noise disturbance is known to have a significant impact on those suffering from it. It can affect health and wellbeing, causing stress, anxiety, sleeplessness, cardiovascular problems, as well as the more obvious symptoms of sleep disturbance and increased annoyance. The characteristics of the noise, determined by factors such as, volume, tone, frequency, duration and time of occurrence and the level of background noise, contribute to the severity of the impact. The tolerance people have to noise is also a factor and this is dependent on their own personal circumstances and their sensitivity to noise or to a particular frequency of noise.
- 2.2 Noise is generated from a range of sources which can be loosely classified as, transport, aircraft, industrial, wind turbines, alarms, dogs, entertainment, domestic and street noise.
- 2.3 Nationally there is an increased prevalence of complaints about noise pollution /disturbance, as reported by the Health Protection Agency and the Chartered Institute of Environmental Health. Noise disturbance is very complex and the factors that may be contributing to this trend include planning rules, licensing decisions, building standards, greater affluence, mental health in the community and less sense of community or consideration for neighbors.
- 2.4 Noise complaints can be loosely classified as chronic / persistent or acute and can be considered as one off events, inadvertent, deliberate, or inevitable.

3 Control on noise disturbance.

- 3.1 A range of agencies and organisations have a role to play in controlling noise disturbance. The most effective method of control is to remove the noise source from the receptor. The planning process and planning policies have some control on where noise sources can operate and how those sources can be controlled. Noise experts in PPS always comment on planning applications that have a potential for noise disturbance. On major developments, the Environment Agency, (EA) will be a statutory consultee to the planning process and their comments form part of the planning decision making process. The EA also have a regulatory role through the “permitting regime” for some larger developments.
- 3.2 Where noise sources cannot be removed, they are reduced by careful design, building standards and by operating limitations. Within the Council building control officers have a role to ensure that correct standards of build are achieved. Licensing decisions and licensing policies also have a role in potentially controlling noise disturbance. PPS are responsible for the administration and enforcement of the Councils Licensing responsibilities.
- 3.3 Finally there is a matrix of rules, laws and agreements that ensure that noise is controlled. These rules are enforced by a range of agencies and organisations. Broadly speaking :-
- EA will enforce noise controls on permitted industrial processes although PPS also has a parallel role in statutory nuisance.
 - The Police will deal with street noise,
 - Housing associations will deal with domestic noise from tenants,
 - Planning and building control will enforce planning rules and building standards.
 - Aviation Authorities control noise from aircraft in flight.
 - PPS deals with all other noise matters from sources such as domestic premises, dogs, construction and industrial sites, and entertainment.
- 3.4 PPS use powers derived from the Environmental Protection Act, associated regulations or through licensing legislation. PPS use a range of other tools to resolve noise problems including Antisocial Behavior Orders (ASBO) and Criminal Antisocial

Behaviour Orders (CRASBO). The Council's ASB Unit works along side PPS where appropriate.

- 3.5 The Council, through PPS, has a legal duty to investigate complaints of noise nuisance, and where a "Statutory Nuisance" is found to exist, to serve an Abatement Notice on the person responsible for noise. "Statutory Nuisances" are those matters which, dependent on time, duration and frequency affect the use and enjoyment of a person's property. The vast majority of noise nuisance is by its nature a chronic, rather than an acute problem. A one off incident, such as a noisy party, is not normally categorised as a "Statutory Nuisance" and although many may consider such events as anti social they would not normally be categorised as ASB.

4 Demand for noise and noise related ASB Services

- 4.1 Complaints of noise are made to the Council, the police, housing associations and private landlords. An analysis has been made of the available information to understand the demand for noise services during the week, including demand for services out of normal working hours. The agencies that hold associated complaint data do not always record information in the same way. Consequently the statistics available do not demonstrate the type of noise, whether the event was a one off or a regular occurrence.

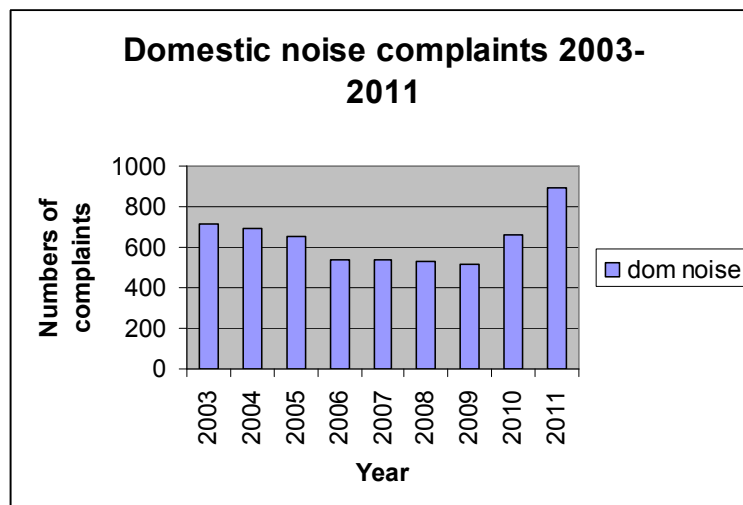
- 4.2 Data from the following sources has been used in the analysis of demand:-

- Public Protection Service
- Call 24 (Council out of hours switchboard)
- Out of hours services from housing associations
- Police.

5 Complaints recorded by PPS

- 5.1 The PPS records all complaints it receives about noise. The number and type of complaint is held but not the time of the noise disturbance nor the duration of the noise. Complaints about noise from domestic premises are the most common complaint type, for example from loud music or slamming doors. Other common sources of noise include commercial and leisure premises, industrial sources, dogs and other such as construction noise etc.
- 5.2 PPS most frequently use the statutory nuisance regime and the licensing laws to control noise problems.

- 5.3 PPS received 1738 complaints about noise in 2011/2012. The majority of these were chronic / persistent cases of noise. Because of the constraints of the Statutory Nuisance law and rules of evidence, one off events are often not able to be dealt with by these powers and formal investigations. PPS dealt with these matters through neighbour mediation, information, advice and dealing with more appropriate agencies such as housing associations.
- 5.4 Complaints are received by telephone (70%), e-mail (22%) and referral from other agencies (8%). During the day, contacts by telephone are directed to PPS staff or through the Call Centre. Out of hours contact can be made by PPS answer phones and through Call 24 or by e-mail.
- 5.5 PPS is scheduled to introduce a new online facility that allows recording of complaints from 24th January 2013. This new system will enable customers to register a complaint with PPS on line directly from our website.
- 5.6 Although constrained by the statistical information held our analysis confirms the sporadic nature of noise complaints and that Thursday and Fridays between 23:00hrs and 03:00hrs are the busiest days, although there is demand for access to noise officers on other day. It also confirms that noise complaints are rising in line with the national trend.



6 Complaints recorded by ASB Unit

- 6.1 Prior to 2012 and the introduction of Flare reporting software, the ABSB Unit had no single dedicated reporting software to record or log calls received by the Unit. Although the calls were logged on an access database the ability to interrogate that

database for demand analysis re noise services has proved difficult. Figures provided for this year indicate that the total for all ASB referrals was in the region of 650 referrals arising from Housing Associations or the police for assistance and an additional 114 referrals from other sources.

- 6.2 No information is held relating to the number of noise related cases however where cases involve noise, these are passed to officers of PPS and are recorded within the PPS system. No out of hours service is available through the ASB Unit and calls received at this time are recorded on an answer machine. Any noise related calls are then forwarded to PPS the next working day.

7 Call 24

- 7.1 Call 24 operates when the Council switchboard is closed, after the hours of 7pm, including weekend days and Bank Holidays. Any calls received by the Council switchboard before Call 24 takes over, are directed to the PPS answer machine.
- 7.2 Over 300 noise related calls were received by Call 24 over a 12 months period, accounting for approximately 12 % of all the calls to the Council out of hours. This data indicates that Friday and Saturday nights are the busiest nights. The rest of the week demand is at fairly constant levels throughout.
- 7.3 Calls are logged on a data base. No advice or guidance information is provided to callers on how to resolve noise related complaints. Callers are advised that no out of hours noise service is provided. It is not clear that any further contact number is provided for the public to make contact with PPS or other agencies. No messages are taken and no details are passed to PPS.
- 7.4 To improve the system PPS staff are working with Call 24 to ensure their response to clients is improved. See point 10.3

8 Out of Hours services from Housing Associations

- 8.1 The majority of the large housing associations within Plymouth, (PCH, Tor Homes, Devon and Cornwall Housing Association and Sovereign) use a service called 'Platinum', which operates to coordinate repairs, emergency calls from tenants about a variety of problems and records ASB and noise. Additional information where call handlers may have made some observations, for example, heard information over the telephone of noise levels etc, is recorded and details are passed through the next working day for action by Housing Association Officers.

- 8.2 As landlords, they have a responsibility to deal with such issues, and would be the first port of call for tenants to contact about concerns. None of the Housing Associations offer responses out of hours, although some are using noise monitoring equipment to record noise and ASB issues. Figures from these sources have not been included, as it is expected that they take responsibility for the investigation, and make contact with PPS for assistance when required.

9 Devon and Cornwall Police

- 9.1 The Police were able to provide a sample statistical return for July 2012 showing the number of calls they receive classified as ASB. The police logging system changed in July 2012, to reflect the nature of the activity on the victim and calls are now logged into categories which do not identify noise as a complaint type, but ASB, with the type of ASB being logged as either environmental, nuisance or personal. This has made exact analysis of noise difficult, and relied on the verbal information provided by call handlers.
- 9.2 The police have reported to us half of the calls they take on Friday and Saturday nights have noise as an aggravating factor. Accepting the limitations of available data, there are indications that demand for noise services on Friday night early Saturday morning and Saturday night early Sunday morning are highest. The next busiest night is Wednesday night. These busy periods are similar to those experienced by PPS and Call 24. Our analysis indicates that on a typical Friday night, on average, 15 calls to the Police may relate to some form of ASB, which may be noise related.
- 9.3 At the moment it is not possible to estimate whether the Council are already investigating some of the same noise complaints. However if this level of demand is consistent throughout the year, it could mean that approximately 780 ASB/ noise related calls are received on Friday nights alone over a twelve month period.
- 9.4 The police call centre is also under the impression that the Council does not provide any out of hour's service, and advises residents accordingly, with no follow on or adhoc, inconsistent advice to residents on strategies they could adopt to deal with the noise problem.
- 9.5 Discussion are underway with the police to obtain direct information from the call centre so a full analysis can be made of the calls to fully understand the call types, times and nature of the noise. This will be used to fully inform the decision making process and provision of noise services out of hours. PPS and ASBU are also involved in a multi agency workshop to improve data exchange planned for early 2013.

10 Provision of Information

- 10.1 PPS provide suitable advice at first point of contact with residents at the same time our investigation is commenced. This currently takes place within normal working hours and can be delivered by reception staff, investigating officers, by web site information and by published literature. This is an important and effective response in dealing with complaints about noise disturbance as it provides the resident with a strategy for dealing with the problem to ensure that they feel supported and that they are aware of what actions the Council can take.
- 10.2 The first point of contact for residents who are suffering noise disturbance out of hours will in most cases be with Call 24 and the Police. Discussions were held with these and others agencies to understand how advice is provided to callers about noise. It is evident that their information and referral to the PPS service has been less effective and inconsistent. In response to this finding PPS is working to implement the following measures to greatly improve the current system: -
- From January 2013, the Council website has been updated to enable on line reporting of noise and ASB incidents.
 - The provision a single telephone contact point for both noise and ASB and the Council will refer callers' details through to the most relevant team for action at the earliest opportunity.
 - Provide a consistent message for all services receive calls out of hours about simple advice, sign posting to the Council website noise pages, answer machine, or take details of caller and refer on to a dedicated e-mail address with relevant information. This information has already been provided to police call handlers, ASB team and Call 24.
 - Provide training opportunities to other agencies to advise what PPS/ASBU can offer and how best to share intelligence and resources for maximum benefit. Training has already been delivered to police Call handlers, PCSO's across the whole city, housing association, ASB unit, private landlords association, with action underway for Call 24.

11 Noise Investigations

- 11.1 Investigations into noise complaints can be technical and complex. Domestic noise complaints represent about 60% of all noise complaints and these are often the most challenging to resolve because the underlying problems often relate to unassociated

neighbour disputes. Investigations are carried out by PPS staff using a number of different techniques, including:-

- Information and advice.
- Informal mediation.
- Planned day time and evening visits.
- On request day time and evening visits, when noise occurs during normal office hours or when officers are available out of hours (OOH) (8pm to 1am, Friday and Saturday)
- Matron- recording equipment left for one week at a time.
- Use of evidence from another party such as the police, or other independent party, such as a housing officer.

11.2 Officers will initially seek to resolve the noise problems through informal mediation with all parties and by advice to noise makers. This is effective in many cases especially when dealing with industrial noise sources and noise from entertainment sources.

11.3 Many noise problems will be resolved simply and easily however for those cases where noise problems continue and evidence is gathered formal action is taken. In 2012/13 to date PPS served 67 abatement notices, seized noise making equipment on 5 occasions, achieved 24 convictions and obtained 3 CRASBO's for noise, with a further 26 breaches of abatement notices pending court decisions.

11.4 PPS prioritises chronic / persistent problems. The constraints of the legal controls can prevent effective and instant resolution of one off incidents which will not necessarily fall into the definition of "Statutory Nuisance".

12 Out of Hours Service.

12.1 The current Out of Hours Service operates on Friday and Saturday nights. This period reflects the busiest period identified by PPS and is supported by the data available from Call 24 and the Police. Clients cases are assessed prior to going onto the system. In addition, PPS will arrange planned visits to clients at any time should this be the most effective method of resolving a persistent problem.

- At any one time over 300 clients have access to the noise service, although this is demand led.
- The system deals effectively with those clients that are suffering "Statutory Nuisance" and enables case resolution times to be significantly reduced.
- All new noise cases are currently vetted due to considerations for health and safety of staff.
- The service is designed to gather high quality evidence that will support formal legal action. In some circumstances officers are able to resolve noise problems at the time of their visit, although this may depend on the availability of police support.

- The service provides the most cost effective response enabling officers to be available at times to coincide with peak demands and enabling planned visits to be made where suitable.
- It is under-used by those that have access to it with only 71 calls being received in 2012 from domestic callers.

12.2 Although the Out of Hours service has been effective in dealing with noise problems and has speeded up resolution times, analysis of the demand for the service shows that the service is under-utilised by those clients on the system although it is not clear why, with only 71 calls being received in 2012 from domestic callers.

13 Options for improvements to the Out of Hours service provision

13.1 The review of the Out of Hours Noise service has already brought about improvements. These include: -

- Improved reporting procedures to be adopted by other agencies that receive residents calls.
- Improved information and advice and sign posting protocols for other agencies.
- Updated Council web site with improved information
- Improved reporting system for residents through the Council Website
- Updated PPS answer phone message providing residents with improved information and signposting.
- Training for Police call handlers and PCSO's, Housing Associations, Private Landlords Association and ABS Unit staff.
- Sharing intelligence and difficult case management with other agencies.
- Regular meetings with ASB Unit staff on complex cases.

13.2 PPS are also progressing Call 24 improvements and are working meeting with the Police to further improve how Police answer calls from residents to ensure that the Police provide the most effective intervention.

13.3 PPS have also worked through our current service and our response protocols and we are currently evaluating the effectiveness options to improve those protocols with the aim of becoming effective and responsive on the nights the service is available.

13.4 The current cost of the out of hours service is approximately £25000. PPS has carried out initial analysis of options for increasing the scope of the service we currently

provide. It is believed that some of these could be very expensive to implement. For example initial estimates show that a 24 hour service could cost an additional £200,000 a year.

The options considered were:-

- The service remains in its current format,
- The current service is amended to make it more flexible and responsive.
- To include an on call response by officers in addition to normal duties
- Provide a full 24 hour response to noise, with a specialist team working to investigate and take enforcement action out of hours.

13.3 The analysis concluded that options to extend the scope of the service would create a budget pressure. This pressure may not be justifiable bearing in mind: -

- The improvements already made.
- The relatively low frequency, of use of the existing service, by our clients.
- The increased number of formal actions achieved by PPS
- The lack of useful demand data we have been able to obtain from the Police.

14 Conclusions

14.1 A review of the services offered by the Council and other agencies who may receive calls about noise has been undertaken. This has looked at information available, services available and the demands for the service to provide an increased response to noise.

14.2 The demand for noise and ASB services has been estimated on the number of calls received by the Council, police and switchboard services operating on behalf of the council. The level of demand taken from the police is not fully understood due to the Police recording systems constraints. Further steps are underway to access the detailed information from callers to undertake a full analysis of the information.

14.3 PPS provides an out of hour's services that operates during the periods of maximum demand, Friday and Saturday nights, which is under utilised by those having access to it. PPS will also organise visits to clients at any other times by prior agreement.

14.4 A number of key improvements have been made to the way the PPS and partner agencies respond to residents concerns about noise disturbance. These improvements include access, signposting, information and advice. PPS is continuing to introduce further improvements to the current system.

- 14.5 An increase in the scope of the service beyond that currently provided will introduce growth pressures. The cost of the current system is justified by the licensing enforcement work undertaken by the same officers during the Out of Hours period.
- 14.6 Increasing the scope of the service to investigate the potential demand represented by the Police calls will create a significant increase in service demand.

15 Recommendations

- For PPS to continue to implement the improvements to communication and signposting and improved advice.
- To assess the success of the improvements already made after a minimum of 12 months operation. Any further demand analysis from available from Call 24 and Police to feed into improvements and the review.
- To maintain the scope of the service within the constraints of the resources allocated to the service.

Background Information

Details of actions contained within the Pledge on noise and anti social behavior.

5. Improve approach to noisy neighbours and anti- social behaviour

Cabinet Lead: Portfolio Holder, Councillor Chris Penberthy

Lead: Jayne Donovan, John Drury

Officer(s): Robin Carton, Nicola Horne

Description:

- Gain an understanding of and raise awareness of the service currently provided to residents regarding the response to complaints/ issues of noise and anti social behaviour.
- Identify the demand for responses to noise and anti social behaviour and identify any gaps in the current service provision.
- Identify ways of improving the approach to noisy neighbours and anti social behaviour including partnership working, awareness raising and targeted enforcement.

Outcome

Provide a briefing paper by **JAN 2013** on the options to improve the current arrangements for dealing with noise and anti social behaviour, identifying in particular:-

- Potential gaps in service provision
- Improvements already implemented
- Cost benefits analysis of further options to improve service provision.

'Quick Win' description:

- Media message out to highlight ASBOs continual use until new powers come into force-completed July 2012
- Devise an ASB training package for Councillors to improve communication between councillors and officers-due for completion 29th October
- Targeted and timely enforcement.media awareness ref prosecutions, seizure of noisy equipment etc ... already implemented since May 2012.
- Further opportunities for quick win improvements will be implemented as work progresses.

How pledge will be delivered:

- Partnership working between Environmental Services, Registered Housing Providers, ASBU, Police and the Community

	Key actions:	Outcome	Timeline
1	Analyse calls to Police and Council requesting help with anti-social behaviour to understand volume and time of day/day of week requirements.	Understand the demands on the service and focus resources on demand	Completed.
2	Update website information and share common information between agencies to ensure consistent message and advice	Provide relevant and useful information to advise members of public how to report and record noise and anti social behaviour	Completed
3	Set up regular meetings with senior managers in Environmental Services and ASBU to scope out improved working practices and innovative use of available powers.	Integrated collaborative working between Environmental services and ASB	Completed
4	Cross council teams to share on-going complex cases to increase problem solving opportunities. Multi agency meetings to continue to assist and maximise communications between 'enforcement' teams	Effective and quicker responses to problems that involve different agencies, departments.	Completed
5	Environmental Services and ASBU to jointly consider the impact of the proposed changes in ASB tools and powers and ensure new powers are used to maximum effect	Council teams should be fully aware of the range of tools available and be effective in their use, when available	Completed
6	Set up a multi agency forum to look at how noise nuisance is tackled, especially out of hours noise, and other related ASB across the city, how agencies are currently responding, what powers are available by whom, how best to maximise the effectiveness of approaches, identify any gaps in provision and draw up proposals to improve further.	Capacity to build resilience in communities to resolve issues themselves. Produce a Briefing Paper on options available to improve the service dealing with noise and anti-social behaviour	06.02.13
7	Develop a range of sessions for councillors on related subjects to increase	Increase awareness of how noise and anti-social behaviour is responded to	Completed

	awareness of available approaches and increase effectiveness of responses.	currently.	
8	Timely and targeted enforcement action, maximising the intelligence or evidence available from other agencies such as police, housing associations.	Sharing information between parties to resolve noise and anti social behaviour at the earliest opportunity.	Completed
9	Consideration of implementation of further measures identified in the briefing paper, following cost benefit analysis.	Make improvements to the service available for out of hours response to noise and anti social behaviour.	Ongoing review

Timeline:

As detailed in above programme.

Briefing paper on current service, all improvements implemented under this pledge and cost/benefit analysis of further improvements for consideration by **JAN 2013**

Costs:

- Officer costs can be accounted for within existing budget for the implementation of key action number 1 to 7.
- For implementation of any measures agreed with key action number 9, additional resources may be required, dependent on what actions are agreed.
- Other costs to be identified as process evolve.