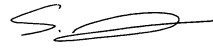


**Report for:** Cabinet Member Signing, 8<sup>th</sup> November 2017

**Item number:**

**Title:** **Review of the out of hours noise service**

**Report**



**authorised by:** Stephen McDonnell – Interim Director Commercial and Operations

**Lead Officer:** Eubert Malcolm – Head of Community Safety and Enforcement

**Ward(s) affected:** All

**Report for Key/**

**Non Key Decision:** Key

**1. Describe the issue under consideration**

1.1 This report details the options for re-configuring the operational hours of Enforcement Response (Noise and Nuisance investigations) to target resources at times where demand for the responsive service is highest.

1.2 The re-configuring of the operational hours, will allow the service to re-focus resources / priorities towards wider ASB complaints such as; fly tipping; littering; fly posting; dog fouling; littering; street drinking.

**2. Cabinet Member Introduction**

2.1 By changing the operational hours of Enforcement Response (Noise and Nuisance investigations), we will be able to target resources at times where demand for the responsive service is highest. It will also allow us to better focus our resources towards wider anti-social behaviour complaints.

2.2 Working with residents, traders and other partners, a fresh approach to enforcement will help to achieve council priorities. These include providing a clean, well-maintained and safe borough where people are proud to live and work; and creating homes and communities where people choose to live.

**3. Recommendations**

3.1 That the Cabinet Member;

- Agrees a new noise and nuisance responsive service as set out in Section 7, subject to staff consultation.
- Delegates to the Director of Commercial and Operations the implementation of the reconfigured service, including any changes arising from the consultation.

**4. Reasons for decision**

4.1 The proposed changes will deliver a noise and nuisance service that reflects the operational times where demand for the responsive service is highest, allowing the service to re-focus resources /priorities towards wider ASB issues.

**5. Alternative options considered**

5.1 Local Authorities have a statutory duty to investigate noise and nuisance, therefore considering ceasing the service is not an option. The report considers the future out of hours operation, as detailed in section 8.3 of this report.

## 6. Background information

6.1 The Council currently operates a service delivering responsive noise & other nuisance (which includes artificial light, fumes, odour and smoke) and licensing enforcement investigations.

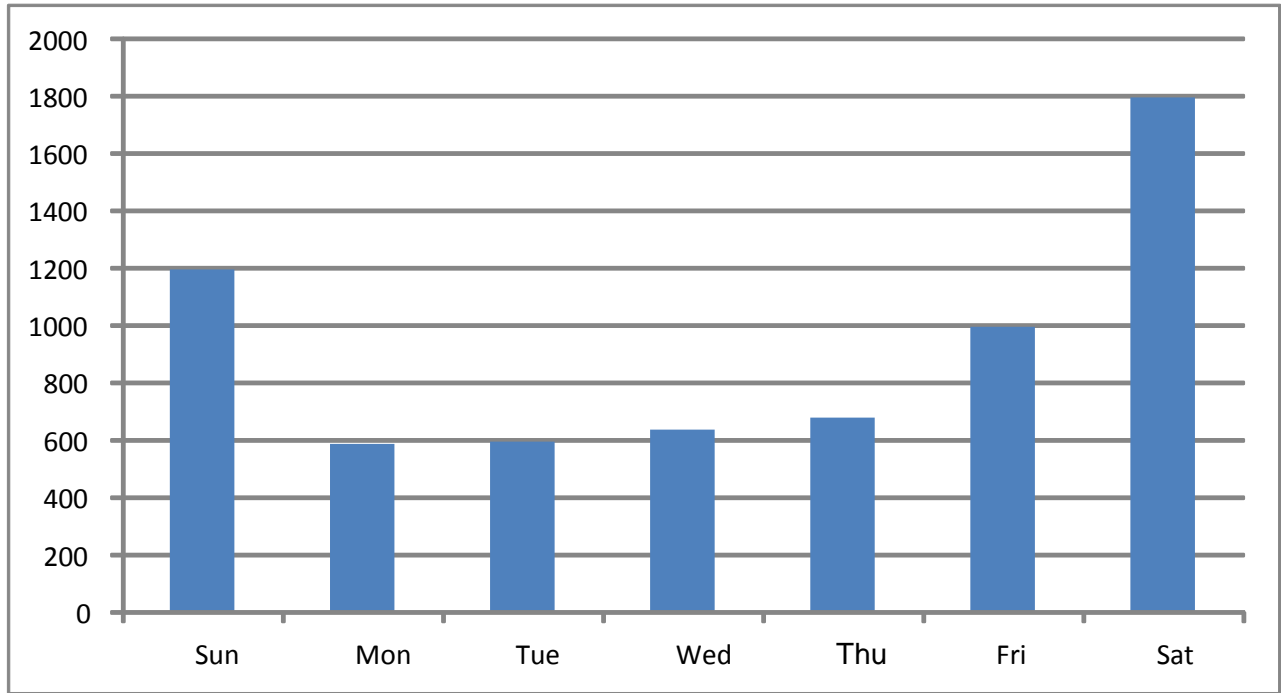
6.2 The service currently consists of an enforcement manager, a noise specialist officer, with four full time enforcement officers that cover the responsive service on a shift pattern and a part time [½ FTE] officer working day shifts providing support. Support is also given by a security officer throughout most of the week and by the police on a Saturday night.

6.3 Currently the service has day and night shift patterns covering 7 days a week. In 2016/17, the service received 7,100 responsive complaints. The current 130 hours of operation is broken down as follows:

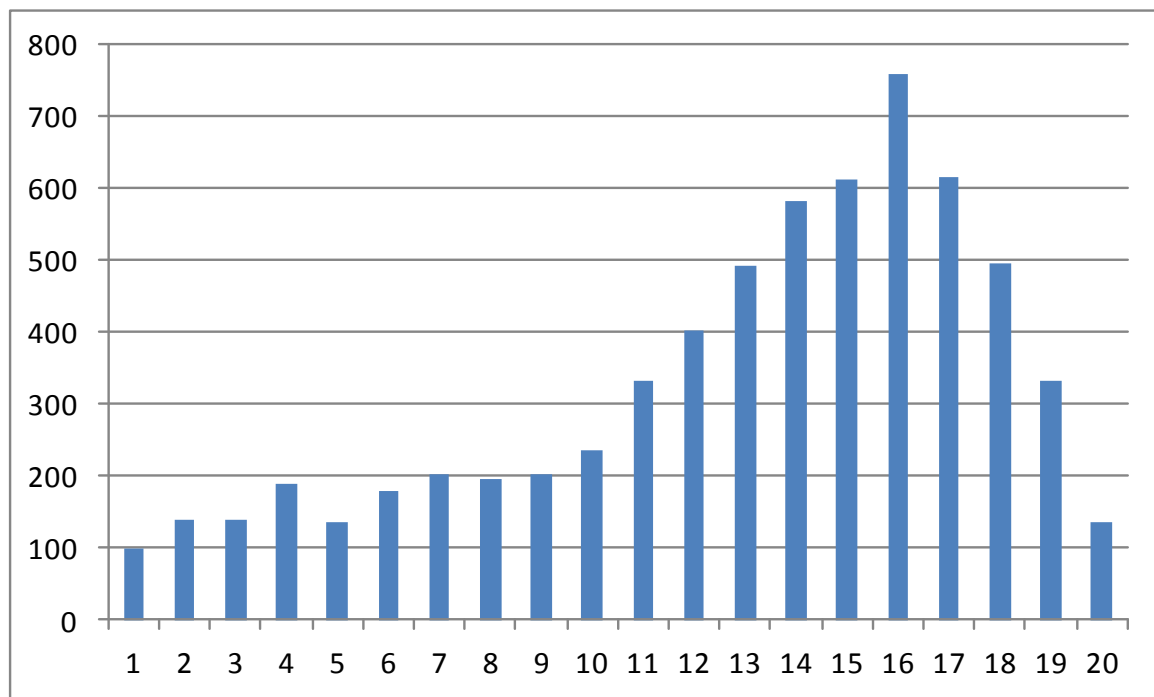
- **Weekdays: 9am – 3am:** Proactive and reactive service, responding to complaints and providing local residents a visit at home to carry out noise monitoring visits, install noise monitoring equipment or to investigate complaints.
- **Weekend: 8am – 4am:** As above, including one extra patrol working alongside the police on a Saturday night.

6.4 Table 1 overleaf demonstrates the number of noise complaints by days of week. The table also demonstrates the number of noise complaints by time indicating that Monday-Wednesday are fairly consistently the quietest days for noise complaints. Thursday, Friday, Saturday and Sunday (Saturday night being the highest) are the busiest days. The busiest times of calls are from 7pm until 2am with a peak time at 11-12pm.

**Table 1** (Noise complaints: 1<sup>st</sup> February 2015 - 31<sup>st</sup> January 2016) Number of noise complaints by day of week



**Table 2** Number of noise complaints by time



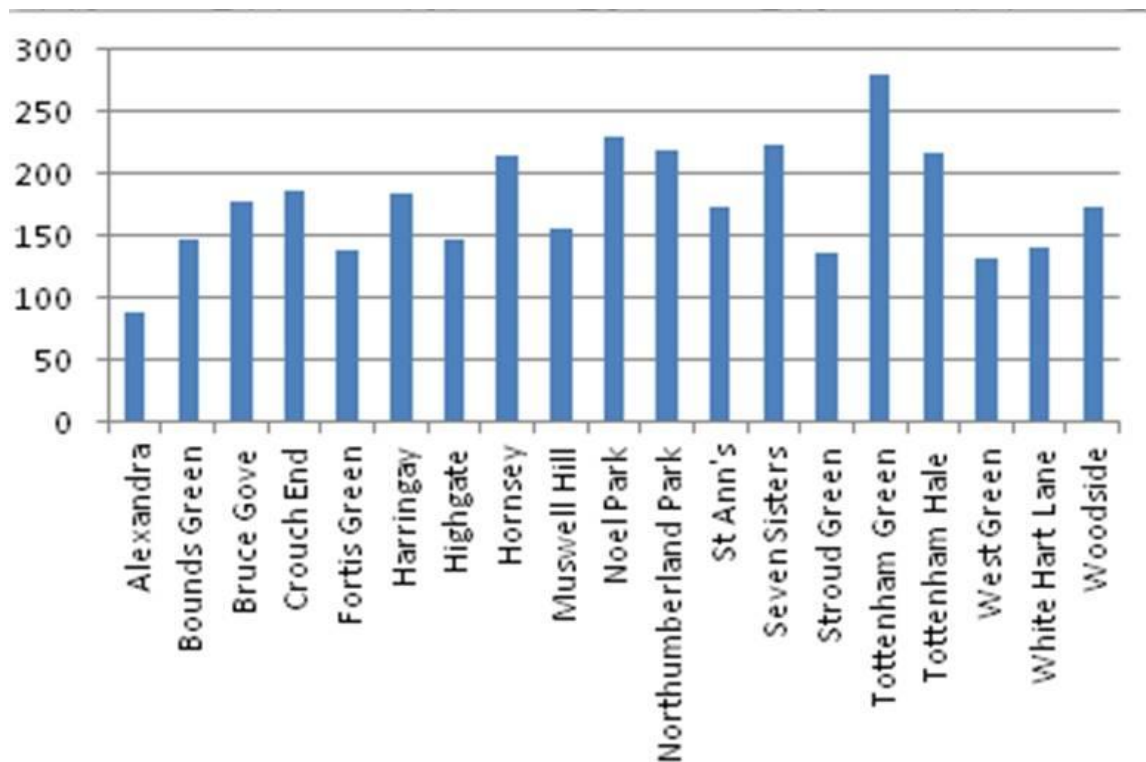
**Rows**

- 1 = 8am to 9am
- 2 = 9am to 10am
- 3 = 10am to 11am
- 4 = 1am to 12 noon
- 5 = 12 noon to 1pm
- 6 = 1pm to 2pm
- 7 = 2pm to 3pm
- 8 = 3pm to 4pm
- 9 = 4pm to 5pm
- 10 = 5pm to 6pm
- 11 = 6pm to 7pm
- 12 = 7pm to 8pm
- 13 = 8pm to 9pm
- 14 = 9pm to 10pm
- 15 = 10pm to 11pm
- 16 = 11pm to midnight
- 17 = midnight to 1am
- 18 = 1am to 2am
- 19 = 2am to 3am
- 20 = 3am to 4am

6.5 Using the data from tables above, indicates that if the Council provides a responsive noise service the shifts should be centred around:

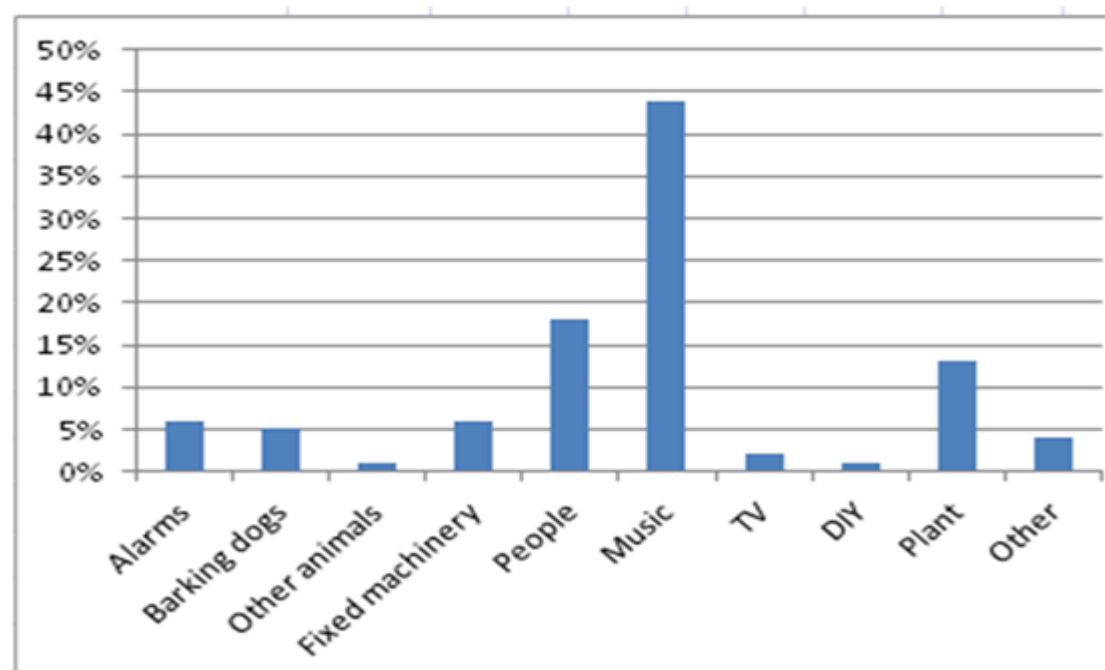
- 6pm to 3am - Thursday
- 6pm to 3am. – Friday/Saturday; and
- 6pm. to 2am. - Sundays.

**Table 3** Number of complaints in 2016 by ward



6.6 The above table indicates that Tottenham Green, Tottenham Hale, Seven Sisters, Northumberland Park and Noel Park wards receive the highest number of complaints, corresponding with density of housing, with Alexandra receiving the lowest number of complaints in 2016.

**Table 4** demonstrates the different types of noise complaints received



6.7 The above table demonstrates that over 44% of noise complaints received are in relation to music, with 18% of noise complaints received are in relation to people noise i.e. loud talking etc.

## 7. Proposed Hours of Operation

7.1 As set out above peak demand for the service is;

- Thursday to Sunday – 5pm to 3am
- Bank Holidays 6pm to 2am

7.2 Providing a responsive service during those hours, would cover 40 hours per week. It is also considered prudent to allow for an additional hour at the end of a shift. This additional hour, will allow staff to catch up on paperwork after a busy shift, reducing the need for additional administration at peak times. To ensure a channel shift to the new operational hours and to reduce the overall number of calls, our website and customer service scripts will be updated accordingly. We will keep residents informed via the Haringey website, our Haringey People Extra e-newsletter and Haringey People magazine.

7.3 The following table compares present and proposed operational hours of Enforcement Response.

	Current hours	Proposed response hours
Day time provision	9am to 5pm Monday to Friday	No weekday or weekend (day) response. The service will offer advice by telephone or by letter.
	8am to 5pm Weekends and Bank holidays	No Bank Holidays (day) response. The service will offer advice by telephone or by letter.
Night time shift	5pm to 3am (4am at weekends and Bank Holidays)	Thursday 5pm – 4am Friday 5pm – 4am Saturday 5pm – 4am (Second supporting shift 9pm to 3am) Sunday 5pm – 4am Bank holidays covered as a Sunday 5pm -4am
Total hours covered	130 per week	Approximately 44 hours per week. Urgent calls will be responded to if required during the week.

7.4 It is further proposed that due to low demand that the following shifts are not covered, if they occur over a weekend, namely;

- Good Friday
- Christmas Day - night
- Boxing Day - night shift
- Bank Holiday Mondays would be covered as per a Sunday shift. (5pm -4am)

7.5 The changes to staff working hours will require consultation with the officers affected and their trade union representatives.

7.6 If agreed, after six months the service will review the changes in the proposed hours of operation to determine any impact and any further changes that may be required.

## **8 Local Authority Benchmarking**

8.1 Appendix 1 sets out the current operational hours and benchmarks this with six other North London Boroughs. It is evident from this analysis that Haringey currently offers a level of service well beyond that offered by the six boroughs (45% more hours than the nearest borough Islington). With the proposed changes in service area set out in Section 7 Haringey will still offer a comparable service. Key facts include:

- The new service will be in line with Camden, Enfield, and Islington who do not offer a weekday service and with Enfield, Waltham Forest, and Camden who do not offer a weekday night service.
- The average hours of operation for the six boroughs is 47 hours per week this compares to the proposed 44 hours per week for Haringey.

## **9. Risks to the new provision**

9.1 An increase in complaints may be received from residents following the introduction of reduced operational hours. However, experience from other Local Authorities has not resulted in further adverse complaints. Also to mitigate this risk the service will enhance the website with up to date information. We will keep residents informed via the Haringey website, our Haringey People Extra e-newsletter and Haringey People magazine.

9.2 The service may be requested to investigate a specific noise issue such as commercial noise at periods where a responsive service is not offered. The mitigation will be that, if there is specific pattern or need there will be the flexibility within the service to respond to certain cases. The view of the service is that this risk is highly unlikely.

## **10. Legal requirements for nuisance investigations**

10.1 Councils have a statutory duty to investigate complaints about nuisance under Part III of the Environmental Protection Act 1990 but there is no requirement for a dedicated out of hours service. Local authorities have a general duty to inspect their areas for statutory nuisances from time to time and a specific duty to take such steps as are reasonably practicable to investigate allegations of statutory nuisance. Where a local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, it has a duty to serve an abatement notice.

## **11 Conclusions**

11.1 The current response service hours of operations are higher than those in the six neighbouring boroughs surveyed. Whilst comprehensive, this means these officers' main focus is on noise and nuisance rather than on wider ASB areas where there is greater demand.

11.2 The current hours of operations include lower demand times particularly during the day time and week days Monday to Wednesday. This is not an effective use of limited resources.

11.3 Although changes to the current operational hours of enforcement response will not release any financial savings, it will allow enforcement response (noise and nuisance) resources to;

- Be realigned to tackle wider ASB issues such as littering, fly tipping, dog fouling, street drinking and wider ASB issues.
- Presently the team provides its own cover arrangements to meet business need. Demand can however vary throughout the year and the inability to be agile and respond to predictable peaks is often a cause for concern. The proposed changes will provide greater resilience through reduced hours of operation and sharing of knowledge and the ability to reallocate tasks to wider ASB issues.
- Ensure a channel shift to the new operational hours and to reduce the overall number of calls, our website would be updated and customer service scripts updated accordingly, including advice for victims and witnesses of hate crime & harassment.
- We will keep residents informed via the Haringey website, our Haringey People Extra e-newsletter and Haringey People magazine.

## **12. Contribution to strategic outcomes**

12.1 Priority 3 *A clean, well maintained and safe borough where people are proud to live and work.* Objectives 1 & 5

12.2 Priority 5 *Create homes and communities where people choose to live and are able to thrive is a key driver here.*

## **13. Statutory Officers' comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **13.1 Finance and Procurement**

The proposal is based on the re-organisation of the teams within the service to provide more capacity in order to cover ASB complaints.

Staff will be asked to work flexible shifts to cover the new hours of operation for the noise and nuisance responsive service.

The only financial impact foreseen at this point is the possibility for additional enhancement payroll cost for unsocial hours. The figure is unknown at this stage.

But the budget holder will ensure that this is managed throughout the year.

### **13.2 Legal**

13.3 The proposals will result in a change in shift patterns for the team. The contracts of employment vary depending on the post held.

13.4 The contracts of some officers in the team will require to be changed to accommodate the change to the service.

13.5 The Council is advised to seek agreement from these officers to change their working hours and terms and conditions to accommodate the change to the service. The Council is advised to engage with these officers (and their trade union representatives) by undergoing a consultation period (with a minimum of 30 days) to explain the business reasons for these changes.

13.6 Provided that the above advice is followed, there is no legal reason why Cabinet should not adopt the recommendations.

#### 14. **Equality**

14.1 The Council has a public sector equality duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and people who do not share it.
- A “relevant protected characteristic “includes the characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation. It does not include marriage and civil partnership

14.2 Regarding the proposal, as outlined in the Equality Impact Assessment (EqIA) screening tool a full EqIA has not been undertaken by the service. This is on the basis that it is considered the proposal is likely to have no/minimal impact on groups that share the protected characteristics or other disadvantaged groups. The proposal comprises a change to the service offer to reflect peak demands. Where the existing provision is reduced during non-peak hours, this is to be mitigated by residents receiving advice in writing, telephone or by visiting the website. To ensure a channel shift to the new operational hours and to reduce the overall number of calls, both the website and customer service scripts are to be updated accordingly. Including, as part of wider community safety, signposting advice for victims and witnesses of hate crime and harassment. We will keep residents informed via the Haringey website, our Haringey People Extra e-newsletter and Haringey People magazine.

#### 15. **Use of Appendices**

15.1 Appendix 1- Table of neighbouring London Boroughs hours of operation  
Appendix 2 - Exempt

#### 16. **Local Government (Access to Information) Act 1985**



## Appendix 1- Table of neighbouring London Boroughs hours of operation

London Borough	Responsive noise service	Operational hours	Notes
Haringey	Weekend ✓ Weeknights ✓ Weekdays ✓	130	9a.m. - 3a.m. weekdays 8a.m. - 4a.m. weekends  7,100 "responsive" complaints last year
Enfield	Weekend ✓ Weeknights ✗ Weekdays ✗	12	Monday - Friday, 9a.m. - 5p.m. (no responsive service) Friday 9p.m. - Saturday 3a.m. Saturday 9p.m. - Sunday 3a.m. 3,558 complaints last year
Islington	Weekend ✓ Weeknights ✓ Weekdays ✗	72	Sunday to Thursday 4p.m. - 2a.m. Friday and Saturday 5p.m. - 4a.m.
Waltham Forest	Weekend ✓ Weeknights ✗ Weekdays ✓	66	Friday 6p.m. - 2a.m.  Saturday 6p.m. - 2a.m.  Weekdays 9a.m. - 7p.m.
Camden	Weekend ✓ Weeknights ✗ Weekdays ✗	12	10p.m. - 4a.m. weekends  Send out advice letter initially and diary sheets to complainant. If no improvement complainant sends in diary sheets and an officer assesses the most appropriate next step. e.g. targeted visits
Hackney	Weekend ✓ Weeknights ✓ Weekdays ✓	63	Monday to Friday, 9a.m. - 5p.m.  6:30p.m. - 2a.m. Saturday 9pm. - 5a.m. Sunday 6:30p.m. - 2a.m.
Barnet	Weekend ✓ Weeknights ✓ Weekdays ✓	59	Wednesday 8p.m. - Thursday 1a.m. Friday 8p.m. - Saturday 4a.m. Saturday 12p.m. - Sunday 4a.m. Sunday 10a.m. - Monday 3a.m.