

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA**

**HEALTH, ENVIRONMENTAL HEALTH AND  
ADULT SOCIAL CARE SCRUTINY COMMITTEE**

**6 SEPTEMBER 2011**

**SCRUTINY COMMITTEE WORKING PARTY REVIEW  
OF THE  
NOISE AND NUISANCE SERVICE: DRAFT FINAL REPORT**

This report sets out the preliminary findings of the Working Party and makes recommendations for improvements to the Noise and Nuisance Service. It is presented for consideration and comments from members of the Scrutiny Committee.

**FOR COMMENT**

## EXECUTIVE SUMMARY

### Background

- A review of the Council's Noise and Nuisance Service was carried out between January and June 2011 by a Working Group of the Health, Environmental Health and Adult Social Care Scrutiny Committee.
- This is a universal service that is in demand and highly valued across the whole borough regardless of area. (Ward Maps are produced at Appendix 2 to evidence this). For some residents, the intervention of noise and nuisance can prevent their health and quality of life from being seriously compromised.
- This is a high-profile service for which there is considerable demand – approximately 10,000 complaints and enquiries per year. Over 50 per cent of reported incidents in 2010/2011 ended up in a case. (9,500 complaints led to 5141 cases) Types of nuisance are very varied, but with three types (Music/Party 45 per cent, Building Sites 13 per cent and Alarms 10 per cent) making up 68 per cent of cases in 2009/2010.
- Noise and Nuisance Officers carry a very high workload, with around 511 cases and over 1000 complaints per officer per year. The officers are very well-trained and qualified and it became clear on the visits that members of the Working Group made with the officers that they should be allowed discretion. Members also acknowledged real issues of enforceability due to legal requirements of proving statutory nuisance and gathering evidence.
- Officers investigate complaints of noise and other nuisance from various sources, domestic and commercial, for which there is often no straightforward 'quick-fix' solution. Each type of complaint requires a different type of response, with some easy and some much more complex. (Appendix 7 illustrates this). As resolution can be a protracted process, the service often attracts criticism from residents (and ward Councillors) whose expectations are not always met.
- Noise and Nuisance are a critical part of the Royal Borough's response to helping with anti social behaviour and managing the night time economy. Safer Neighbourhood Teams including Police Community Support Officers don't operate after 10pm and dealing with late night anti social behaviour is largely left to the Police and the Noise and Nuisance Service.
- As well as dealing with residents' complaints and enquiries, the work of the service cuts across wider Council agendas. For example,

officers are routinely asked to provide expert reports of noise and other environmental impacts for Planning and Licensing purposes. Officers also work closely with their colleagues in Adult Social Care in those instances when vulnerable adults are no longer able to look after themselves, and their activities place their health at risk (and that of their neighbours).

- The Working Group recognised the value of pro-active work and recommends increasing resources in pro-active work. Three specific areas identified were: late night licensed premises, building sites and planning applications for approving plant/machinery. It was felt that this refocus of resources may be achieved by restructuring the shift rota.
- The review presented an opportunity to review the current hours of operation and hours of coverage following analysis of patterns of demand (which show considerable variation throughout the week and throughout the year). The times of high demand are in the summer, especially at the weekends. The times of lower demand are in the winter, especially during weekdays. The Working Group recommend revised hours of operation. There is also evidence to support that a review of the current shift rota should be made, as the data showed that too many slots at the end of the shift patterns were unproductive. Likewise the service can be at over-stretch and unable to cope, for example, at the weekends in the summer months.
- The Working Group felt that material should be published to accurately reflect what can and cannot be achieved by this service. A new protocol will be published on the web and also distributed to residents. The protocol needs to make clear the expectation we have of residents and where they do not co-operate they cannot expect to have their problems resolved.
- The Noise and Nuisance Service is a critical universal service. It has recently seen a reduction of two Noise and Nuisance Officers and it is working at full capacity. This Working Group recommends that no further reductions are made to these resources, as not only would this have a severe impact on the service that could be provided to our residents, but it would certainly be noticed by them.
- The findings, conclusions and recommendations are included in the main body of this report.

## **MAIN REPORT**

## **1. Background**

- 1.1 In recent years there have been a number of challenges to the decisions made by Noise and Nuisance Officers. Both Councillors and residents have alleged on various occasions that enforcement undertaken by the Council has either been over-zealous or too soft. It has long been apparent that many residents mistakenly believe officers have powers that enable them to resolve almost any noisy situation immediately and effect a lasting solution. This, in fact, is far from the truth but frequently means that officers find themselves having to defend a course of action which residents feel is ineffective.
- 1.2 In this context, it was agreed last year with the Chairman of the Scrutiny Committee that a working party should be formed to understand the approach of the Noise and Nuisance Team, challenge existing practices and advise the Cabinet Member on recommendations for its future *modus operandi*, particularly bearing in mind constraints on resources.

## **2. Working Party Composition, Operation and Terms of Reference**

- 2.1 The Working Party was comprised of the following Members:
- Councillor Terence Buxton (Chairman)
  - Councillor Will Pascall
  - Councillor Linda Wade
  - Councillor Paul Warrick
- 2.2 Meetings of the Working Party took place between February and June 2011. During this time, Members acquired a thorough knowledge of how the service operates and the difficulties it faces. This was gained through a detailed examination of demand data and shift patterns, consideration of actual cases and attending field visits with duty officers, both during the normal working hours and on weekend evenings. Much of the data considered by the Working Group has been added to this report as appendices to enable Members to follow it through themselves and understand how the conclusions of the Working Party were reached.
- 2.3 Given that a critical issue is residents' expectation of the service, Members were also asked to study the Noise and Nuisance pages on the Council's website and to give feedback on first and overall impressions, how readily residents might engage with the service and what other transactional purpose the web offering might fulfill.

- 2.4 Finally, all Ward Councillors were invited to comment on the service through a questionnaire approved by the Working Party. The questionnaire and summary report is reproduced in Appendix 1 of this report, together with a summary of responses and Member feedback.
- 2.5 The Working Party noted that this service is highly prized by residents and Councillors and is almost universally used. This is best illustrated by the ward maps which are reproduced in Appendix 2. It is a critically important component of addressing the impacts of the night-time economy in a borough which is both densely packed and predominately residential. As such, to be effective, it must work hand in glove with the Police, Planning and Licensing, so the outline proposal agreed by the Cabinet to facilitate deployment of a Police officer alongside the service is very welcome.
- 2.6 With these factors in mind, Members decided to address the following key questions:-
- ✓ What should be the top priorities for the Noise and Nuisance service, and what could therefore be relegated to a lower priority?
  - ✓ What kind of enforcement is expected by Members?
  - ✓ What can legitimately be expected of residents by way of self-help?
  - ✓ What information should be provided by the Council's website to guide and help residents?

The findings of the Working Party on these four issues are set out below in the following sections.

### **3. Priorities**

- 3.1 Initially, the Working Party had hoped to achieve a consensus on what Members regarded as top priorities, with the prospect of responding to lower priorities with advice only. Demand (by way of complaints) is dominated numerically by 'party', 'music' and 'construction' categories. However it quickly became obvious that this was not possible because of the variables involved, for example, the nature and extent of noise, the time of day it occurs, the geographical location and its duration. These issues can quickly push individual complaints up or down a priority list, for example, by contrasting a dinner party with twelve adult guests as opposed to a teenager's party with forty youngsters. Appendix 3 illustrates the nature and numbers of complaints received by the service across 2009/2010 and 2010/2011. Whilst the categories of complaint rarely alter, the details of the complaints are vastly

different. The Working Party concluded that the operational staff and managers must retain the flexibility to respond to different types of complaint based on their skilled judgments of how severely residents are affected.

- 3.2 Instead of attempting to determine specific priorities, therefore, the Working Party went on to examine the annual pattern of telephone calls received by the service. The headline data is reproduced in Appendix 4 and the demand data for 2009/2010 and 2010/2011 can be found in Appendices 5 and 6 respectively. It was found that the demand for the service is divided into two distinctive six-month halves: November to April (Winter – lower demand) and May to October (Summer – higher demand). Currently, demand and resources are not well-matched and the annual workload of around 10,000 complaints is a challenge to manage.
- 3.3 The Working Party were able to see that there were late night shifts where officers were not receiving new complaints but their ability to progress outstanding cases was limited by the lateness of the hour. The Working Party concluded that the pattern of deployment and hours covered by the service should be changed so as to redistribute the late-night low demand hours into more pro-active daytime follow-up.
- 3.4 The Working Party acknowledged the high value of the pro-active work that is carried out, particularly in the areas of licensed premises, construction sites and planning applications. Preventative work not only reduces complaints but it addresses the issues that really matter to our residents. It is envisaged that as the team reduces its operational hours it will increase time spent on the pro-active work.
- 3.5 The data and experience also suggested to the Members of the Group that very active work early on in any case was generally effective in preventing the case re-occurring, so the night-time response needed to be thorough and rigorous. The Working Party acknowledged that a thorough response initially might limit the officers' ability to respond to all complaints received, but was nevertheless the right approach in principle.
- 3.6 The Working Party acknowledged the high value of dealing with complaints (music and party in particular) outside of normal Council operating hours. The response that officers make was applauded, and "stopping the problem" is what really matters to residents living in the Borough. It was acknowledged that this reactive approach should remain a priority, but resources could be guided better by using the demand data that we have.

## **4. Type of enforcement**

- 4.1 Members of the Working Party quickly encountered the same issues of variability as they had when trying to determine priorities. Examples of cases considered included the regular and recurrent problem of an elderly person with a loud television, someone with mental ill-health sporadically playing their music too loud, through to a builder working as a one-off on a Saturday afternoon. The Group carried out an exercise that considered the type of complaint and its impact on residents; the type of response the service makes i.e. formal/informal; the resources that were deployed; and the likelihood of resolution; a summary of this is reproduced at Appendix 7. The variability that was encountered means that it is not possible to prescribe how individual cases should be enforced. Instead the Working Party agreed that the Council's existing Enforcement Policy is the proper framework within which the officers should make their decisions. This is a well-established (albeit not particularly well-known) policy and it can be accessed through the Council's website at [www.rbkc.gov.uk](http://www.rbkc.gov.uk).

[Link to Environmental Health and Trading Standards Enforcement Policy](#)

- 4.2 As stated in Paragraph 3.6 above, Working Party Members were very supportive of the informal approach that the service takes to stop party/music noise in the Borough. This persuasive, non-bureaucratic approach is also valued by residents when it is successful in solving a problem, not least because it leaves relationships between the parties much less affected than formal action. This view was also reflected in the responses received to the Councillors' Questionnaire.
- 4.3 Working Party Members were also very supportive of the preventative work that the Noise and Nuisance service (and an officer in the Environmental Quality Team) carry out with the Planning and Borough Development business group and the Licensing Team. There is some evidence to suggest that increasing resources, for example at the stage of planning, does reduce complaints later on. The Working Party recommended increased pro-active work around construction sites (one of the most prevalent types of complaint) with pro-active visits and leaflets in the most commonly understood languages. Increased pro-active work around licensed premises in residential areas was also recommended.

## **5. Self-help by residents**

- 5.1 The Working Party carefully explored the implications of residents being expected to do more themselves to facilitate efficient intervention by the Noise and Nuisance service. Complete and accurate information enables the service to complete tasks swiftly whereas incomplete information leads to confusion, mistakes and frustration. It was noted that the Member survey showed some interesting differences in perception on this subject, but the predominant view was that the Council was entitled to expect residents to help the Noise and Nuisance service help them.
- 5.2 An example of this could be a resident's car alarm. If the officers are given the registration number, there is a high likelihood of them being able to telephone the owner from details held on the Residents' Parking database - with the consequence that the owner or someone else in their household more or less immediately resets the alarm. However, residents might understandably not be happy at having to leave their flat on the third floor (for example), possibly in their nightclothes, and walk out onto the street to obtain a registration number in the early hours. This issue recurs in other circumstances. It seems reasonable to expect a householder to tell a builder or a neighbour having a party next door that they are being disturbed before calling upon the services of the Council. However, if they have suffered abuse or intimidation (or fear that they may do) then there is an argument for them to rely upon Council intervention straight away.
- 5.3 The Working Party were also acquainted with the not infrequent situation where, to collect conclusive evidence, the Noise and Nuisance officers need to witness the noise from within a resident's home while it is happening. This can be hugely inconvenient for a resident but, without the evidence, these cases can span many months, consume resources in the form of repeat failed visits and prove frustrating for both the resident and officer.
- 5.4 Once again the circumstances are highly variable and officers need the flexibility and backing of Members to make skilled judgments. The Working Party endorsed a protocol which is reproduced at Appendix 8. This protocol tries to set reasonable context for the service by outlining what is expected of a resident and what the resident can expect in return from the Council. The Working Party noted that the way in which residents are actually asked to help themselves, whether in the call centre or within the Noise and Nuisance Team is critical, and courtesy and a clear explanation of the reasons for asking must be at the heart of the conversation. Training is therefore a prerequisite for this approach.

## **6. Website**

- 6.1 Considerable effort has been made recently to enhance information about noise on the website, partly in response to concerns about subterranean development, but it is clear that additional work is needed. The Working Party recommends further development of the information on the website and additional publicity about the services on offer through the Borough Newsletter and a leaflet distributed with Council tax. The Residents Association database should also be used to ensure the widest possible distribution.
- 6.2 This work must seek to inform residents about what can and cannot be done thereby creating more realistic expectations. Information must be written in layman's terms and must encourage the maximum amount of self-help. The Working Party recommends that a suitable reference group is set up to operate as a critical friend to develop the Council's web offering for Noise and Nuisance.

## **7. Other issues which emerged**

- 7.1 Through the visits with officers, Working Party members observed that officers were arriving at cases without a proper history. This resulted in wasted time as they were brought up to date by the complainant and frustration because residents expected them to come fully equipped with the case history.
- 7.2 Officers also had no means of updating their records immediately after a visit; they had to wait until they returned to the office. On a busy evening this means that records are sometimes not updated swiftly enough and that inaccurate information is picked up by the next officer on shift if there has been no time for the updates to be added. The Working Party recommended that further work be done to implement a mobile solution to address these problems.

## **8. Summary and conclusions**

- 8.1 This extensive enquiry led members of the Working Party to an excellent understanding into the detailed operation of the Noise and Nuisance Service. Working Party Members were clear about the value of the service to residents and full of praise for the dedication of its officers. This is a universal service primarily for the residents and is used across the whole Borough. The purpose of the service is to stop and prevent noise and nuisance and this enhances the lives of residents in a densely occupied place. This service is a critical part of the Borough's response to helping with anti-social behaviour and managing the night-time economy.
- 8.2 More needs to be done to manage residents' expectations. Whilst members were very supportive of the difficulties that the service

faces in establishing sufficient evidence to take formal action, if expectations are not managed it can result in criticism of the service. We intend to publicise the new Protocol (Levels of Service) widely to residents and update the information provided on the Council's website to help manage expectations and reduce criticism.

- 8.3 It was acknowledged that running a weekday service, plus nights and at the weekend, against a pattern of high but very variable demand is particularly challenging for management and inevitably more expensive than most ordinary day-to-day services. There was no appetite for savings in this service which might diminish its quality further, in particular because there had already been a reduction by two staff members in April 2011, and any further reductions would have a severe impact that residents would notice. However it was recognised that there needed to be a review of the existing shift rota.
- 8.4 The Working Party was also able to see that complainants sometimes do not behave in ways that assist the service in achieving the result the resident wants. Therefore the Council must invest a high degree of trust in Noise and Nuisance Officers to exercise their judgment in what are often very difficult circumstances.
- 8.5 The operating hours of the service do not match the pattern of demand for the service. The Working Group proposed a change of operating hours to:

Winter Weekday: 1900 – 0100

Winter Weekend: 1900 – 0230

Summer Weekday: 1900 – 0130

Summer Weekend: 1900 – 0230.

Whilst no further response is made to calls that come in after the operating hours, the officer's actual shift times will be longer, so that they can finish off any complaints that are taken before the operating hours end.

- 8.6 Whilst the Working Group saw the need for reducing the operating hours it also recognised the value of preventative work and wanted to see a re-focus of the Team's resources to increase pro-active work and address specific priorities. In specialist areas such as licensed premises and construction sites there needs to be more dedicated officer time with "targeted campaigns" and better joint working and intelligence with the relevant parties. This may mean dedicating resources outside of the operating hours where

necessary to tackle specific issues. This will attempt to prevent noise and nuisance complaints arising in the first place.

## **9. Key recommendations**

- 9.1 The Committee is recommended to endorse the work carried out by the Scrutiny Working Party on reviewing the Noise and Nuisance Service and to recommend the changes to the Cabinet Member for Adult Social Care, Public Health and Environmental Health.
- 9.2 Whilst the Working Party can see the scope for savings from reducing operating hours, it recommends that the resources are re-invested into the service to secure improvements.
- 9.3 It is recommended that the Director for Environmental Health develops an Action Plan to refocus the Noise and Nuisance Service. This plan should outline the service improvements identified in this report and work should begin immediately. It is recommended that progress be reviewed in 12 months.

**Councillor Terence Buxton**

**Chairman, Noise and Nuisance Scrutiny Committee Working Party**

## **10. Appendices**

- 10.1 Appendix 1: Summary Report of Ward Councillors' Questionnaire
- 10.2 Appendix 2: Ward Maps showing Noise and Nuisance Cases
- 10.3 Appendix 3: Summary of Types of Noise and Nuisance Complaints
- 10.4 Appendix 4: Summary Tables of Key Data
- 10.5 Appendix 5: Demand Data for 2009/2010
- 10.6 Appendix 6: Demand Data for 2010/2011
- 10.7 Appendix 7: Noise and Nuisance Priorities and Enforcement
- 10.8 Appendix 8: Protocols/Levels of Service for the Noise and Nuisance Service

---

**FOR COMPLETION BY AUTHOR OF REPORT:**

**Background Papers used in the preparation of this report:**

**Contact officer:**

Ann Ramage

tel: 020 7341 5612 E-mail: [Ann.Ramage@rbkc.gov.uk](mailto:Ann.Ramage@rbkc.gov.uk)

**FOR COMPLETION BY COMMITTEE SERVICES:**

**Report published on:**

**Reported circulated to:**