

Report written May 2011

# Noise and Nuisance Service – Scrutiny Committee Working Party Review:

# Results from Ward Councillors' Questionnaire

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THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

The below information is a brief summary of the findings from this exercise. More detailed analysis can be found in the main body of this report.

**Background**

An electronic survey on the Noise and Nuisance Service was designed and emailed to all Ward Councillors, to gather feedback on the service. A total of 27 Councillors responded to the survey, results of which will feed into the Noise and Nuisance Service Scrutiny Review.

**Councillors contact with the Noise and Nuisance service**

Over half (14) of Councillors responding reported that they had had direct dealings with the Noise and Nuisance Service. The same number had also had dealings on behalf of a constituent. Seven Councillors that responded reported that they had not had any dealings with the service.

**Impression of the Service**

The vast majority of those that had had dealings with the Noise and Nuisance Service rated the service as fairly good (ten respondents) or very good (nine respondents).

**Noise and Nuisance priorities**

Councillors were asked to prioritise a variety of common complaints, in terms of their impact and potential to disturb residents. The complaints that received the most 'high' priority ratings were: noisy neighbours (18), noisy parties (16), licensed premises (16) and noisy mechanical plant (14). The complaints that received the fewest 'high' priority ratings were intruder alarms (eight) and noisy construction sites (12).

**Enforcement approaches**

Councillors were asked to indicate which form of enforcement they favoured for each type of complaint.

Councillors were more likely to feel that formal action was needed against complaints about licensed premises (11), noisy construction sites (nine) and noisy mechanical plant (seven). No one favoured formal action for noisy parties and only one Councillor favoured formal action against noisy neighbours.

Informal action was more likely to be favoured with complaints about noisy neighbours (13), noisy parties (12) and intruder alarms (12).

The types of complaint that respondents were more likely to feel that officers should use their discretion were noisy parties (11), noisy mechanical plant (10) and noisy neighbours (nine).

**Resident involvement**

The majority of respondents either strongly agreed (nine) or agreed (nine) that in the first instance residents should be encouraged to approach their neighbour (or noisy builder) directly. However, five disagreed and one strongly disagreed with this.

The majority also strongly agreed (five) or agreed (15) that the Council should ask whether residents have attempted to deal with the issue themselves before offering a service. However, four disagreed and two strongly disagreed with this statement.

### Introduction

The Council's Noise and Nuisance Service's role is to assist anyone that is experiencing noise or nuisance problems in the borough any time of the day or night.

The main work of the team is the control of noise from both domestic homes and commercial businesses, although the team also deals with other nuisances and a range of environmental health problems that occur outside office hours. The most frequent complaints received relate to:

- Neighbour noise such as loud music and parties
- Construction, including DIY
- Burglar alarms
- Car alarms
- Noise from pubs and night clubs
- Smells from restaurants
- Noise and dust from construction sites
- Transport noise
- Noise from air conditioning units and other mechanical equipment

### Objectives of the exercise

A Scrutiny Committee Working Party is currently undertaking a review of the Royal Borough's Noise and Nuisance Service. As part of this review, the committee wanted to seek feedback from Ward Councillors about their direct dealings with the Noise and Nuisance Service and also indirect dealings via a constituent.

A questionnaire was developed to capture this feedback.

### Methodology

An electronic questionnaire was developed and emailed to all Ward Councillors in April 2011.

The consultation period ran for three weeks and a total of 27 responses were received.

### Calculating results

This report contains the analysis of completed survey forms. Where graphs are shown, figures included are actual numbers, as percentage figures can be misleading when consulting with a relatively small number of people. Graphs may not always total the same, as respondents may have chosen not to respond to every question.

### For More information

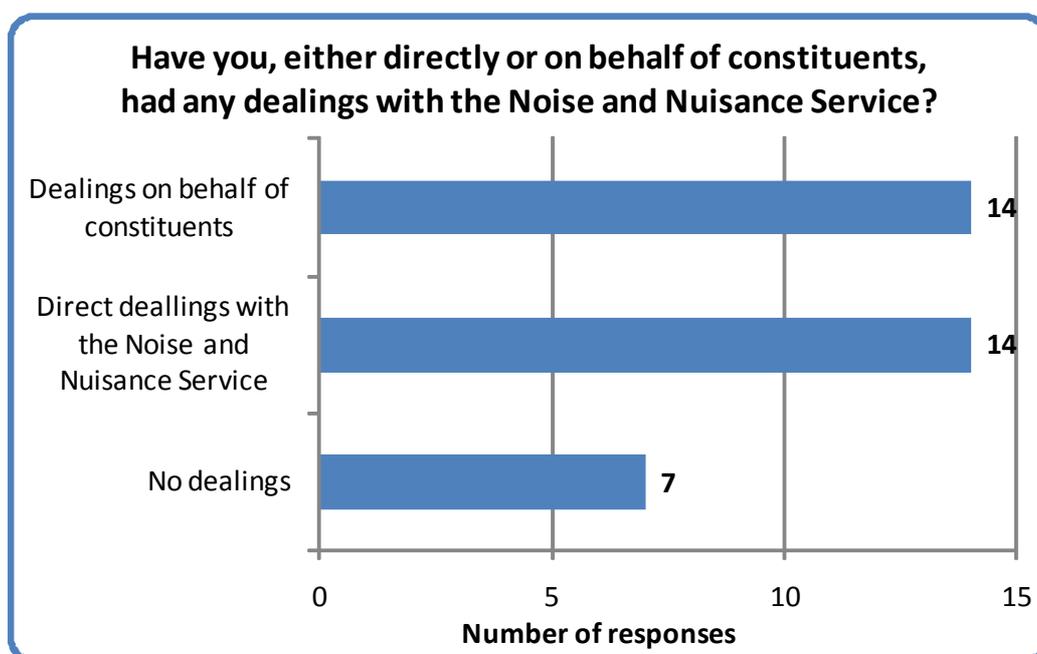
For information on the results please contact **Gary Wilson, Consultation and Research Officer** on 020 7361 3616 or e-mail on [gary.wilson@rbkc.gov.uk](mailto:gary.wilson@rbkc.gov.uk)



### Dealings with the Noise and Nuisance Service

Over half (14) of Councillors responding reported that they had had direct dealings with the Noise and Nuisance Service. The same number had also had dealings on behalf of a constituent.

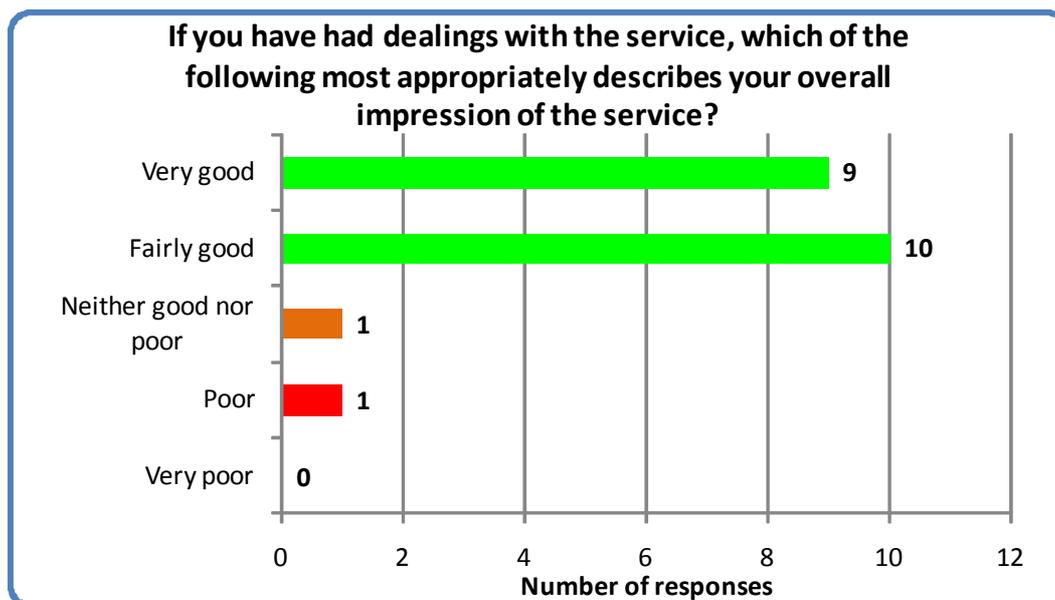
Seven Councillors that responded reported that they had not had any dealings with the service.



### Impression of the Service

Those that indicated they had had dealings with the Noise and Nuisance Service were asked what their overall impression of the service was. The vast majority of those responding rated the service as fairly good (ten respondents) or very good (nine respondents).

However, one Councillor responded neutrally and one rated the service as poor.



The Councillor that had rated the service as poor was asked to explain why this was. Their rating reflected the time taken to come out to the problem and the subsequent response:

*“Based on the constituent saying how long it took them to come out and inspect the problem and the subsequent response.”*

Two other Councillors also commented. One was disappointed that the call centre did not have a good knowledge of the borough.

*“I am disappointed that it always seems to be a call centre who don't actually know the borough, or the relationship of the various "noisy pubs / clubs" etc. and the residents' streets.”*

Another felt that expectations may be too high.

*“Notwithstanding this very good, they often cannot get to the source of the noise until it is all over. If the middle of the night, they (we) cannot be expected to have a full team just sitting and waiting for a call. Are our expectations too high?”*

### Noise and Nuisance priorities

Councillors were asked to prioritise a variety of common complaints, in terms of their impact and potential to disturb residents. The complaints that received the most 'high' priority ratings were: noisy neighbours (18), noisy parties (16), licensed premises (16) and noisy mechanical plant (14). The complaints that received the fewest 'high' priority ratings were intruder alarms (eight) and noisy construction sites (12).

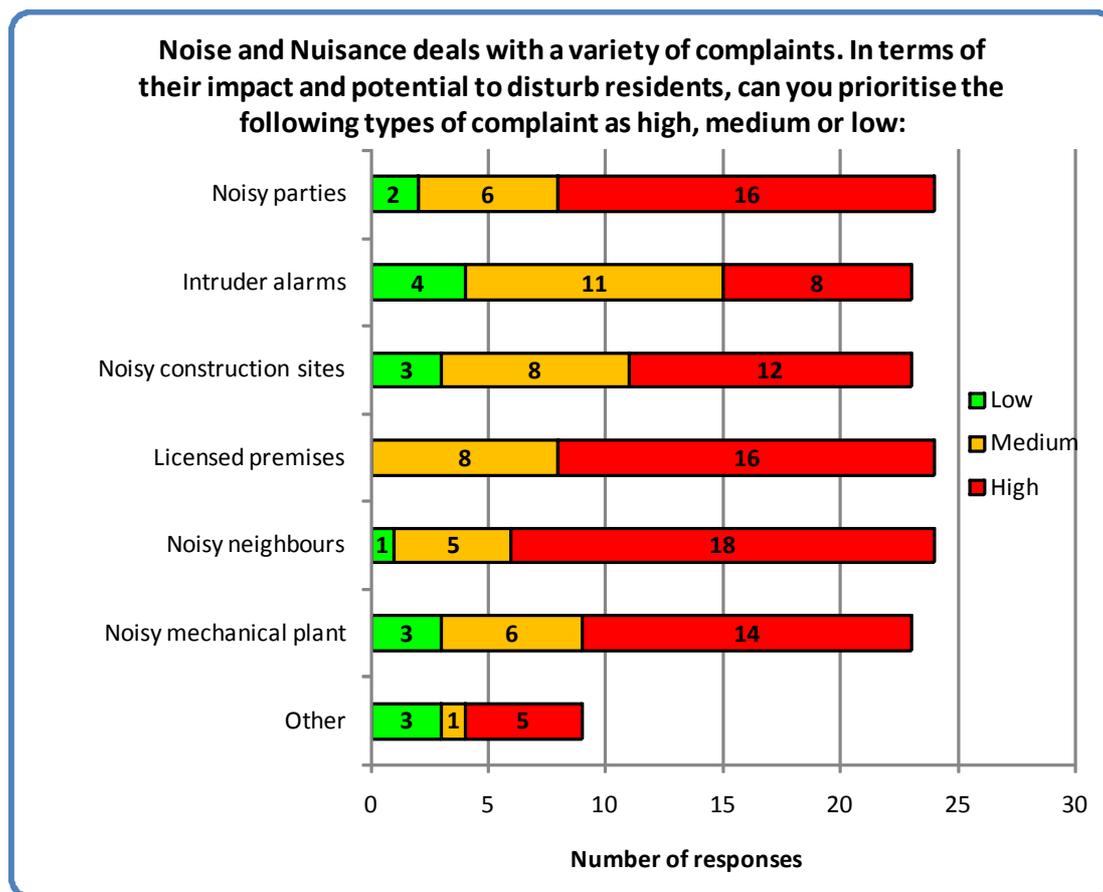
Complaints with the most 'low' priority ratings were: intruder alarms (four), noisy construction sites (three) and noisy mechanical plant (three). Councillors were able to list other complaints that they felt were missing from the list, these included: barking dogs, noise on the street after pubs close, litter and noisy children. Below are a few examples, but a full list can be seen in appendix 1.

*"Anti social behaviour - e.g. car doors slamming at pub closing time. People smoking in the street outside pubs and clubs. This was discussed at the recent Council's crime and community safety meeting and there were several complaints about general rowdiness on the streets."*

*"Noise, litter, vomit, urinating, all in the street by people leaving bars and night clubs in the middle of the night."*

*"Nuisance dogs barking"*

*"I have a group of residents living next to a private nursery school, and the children playing noisily in the playground can be very noisy and disturbing."*



### Enforcement approaches

Councillors were asked to think about the same types of complaint in terms of enforcement. Councillors were asked to indicate which form of enforcement they favoured for each type of complaint. The different types of enforcement were defined as:

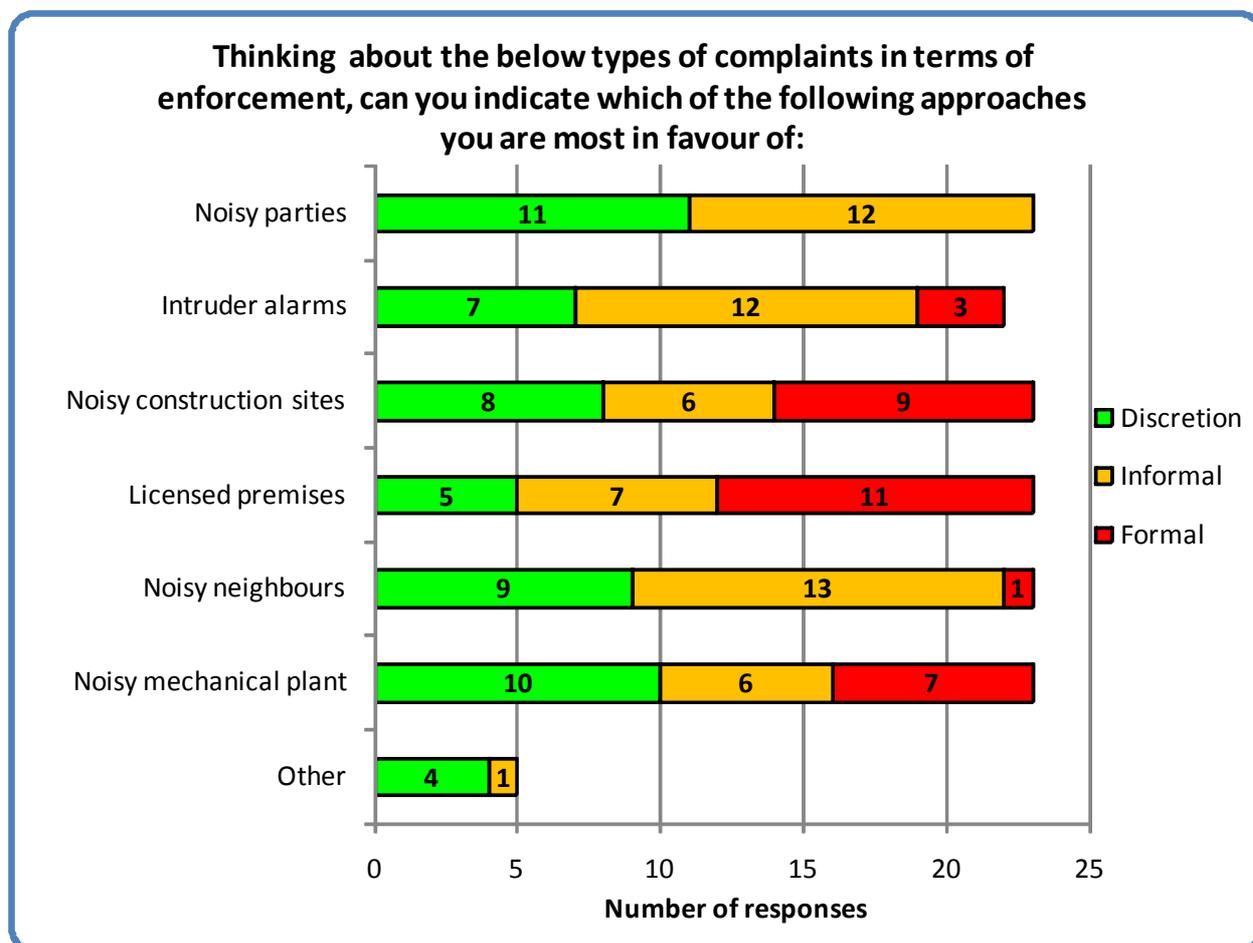
Enforcement	Definition
Formal	The Council should consider statutory action including prosecution in the first instance.
Informal	The Council should always attempt to negotiate a solution informally before resorting to formal action
Discretion	Officers should be trusted to use professional judgement on a case-by-case basis

Councillors were more likely to feel that formal action was needed against licensed premises (11), noisy construction sites (nine) and noisy mechanical plant (seven). No one favoured formal action for noisy parties and only one Councillor favoured formal action against noisy neighbours.

Informal action was most likely to be favoured with complaints about noisy neighbours (13), noisy parties (12) and intruder alarms (12). But against all complaints at least six respondents felt that informal action was the best starting point.

## Results

The types of complaint that respondents were more likely to feel that officers should use their discretion were noisy parties (11), noisy mechanical plant (10) and noisy neighbours (nine).



Councillors were able to list other complaints that they felt were missing from the list, one Councillor felt parking of commercial vehicles was a problem.

*“Parking of commercial vehicles.”*

Other Councillors used it as an opportunity to comment on the reasons for their enforcement ratings. Some felt that it was best to start informally or use discretion first, as issues could always be escalated, for example:

*“I always think that our approach should be informal or discretion. This is the style of this borough and what makes it a pleasant place to live, we are not authoritarian and if they don’t get it right first time then we go back and go back again. You can always escalate a problem, but difficult to do the reverse.”*

*“I think that the officers should always try and resolve issues informally or with discretion, knowing that they can go up the ladder to enforcement if necessary or if no action is taken. With all disputes we should start with the friendly approach first.”*

Two respondents commented that it would depend on the complaint and the frequency of the complaint, for example:

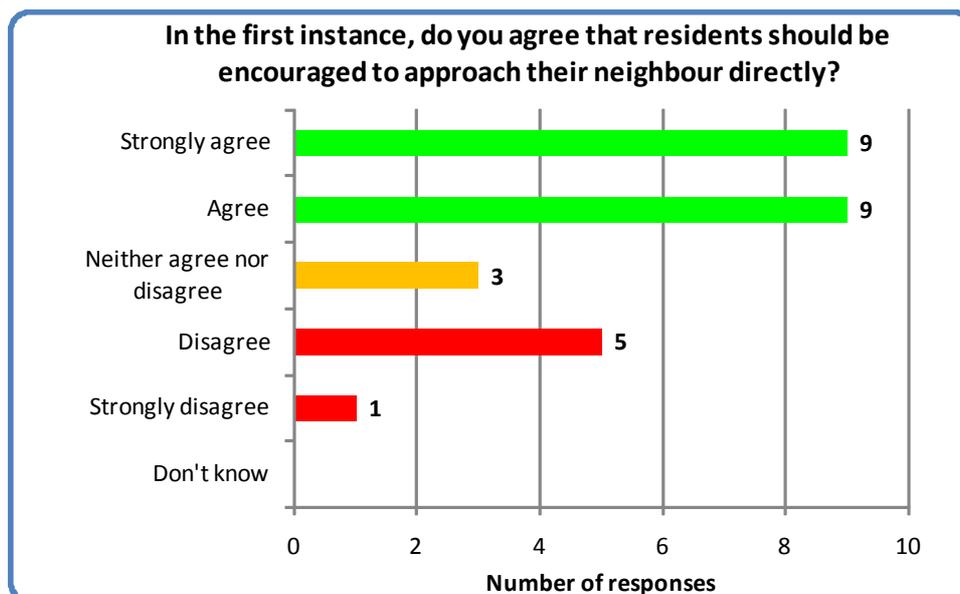
*“Again my response would depend on the frequency of the complaint - if a repeat offender, then move to "formal" asap and this is particularly with licensed premises, construction sites and mechanical plant when they are commercial operations. I am fine for discretion, but there would need to be a similar approach across the Noise Nuisance Team officers, so residents don't get confusing messages because different officers apply different approaches, as this leads to accusations of preferential treatment.”*

A full list of comments can be seen in Appendix 1.

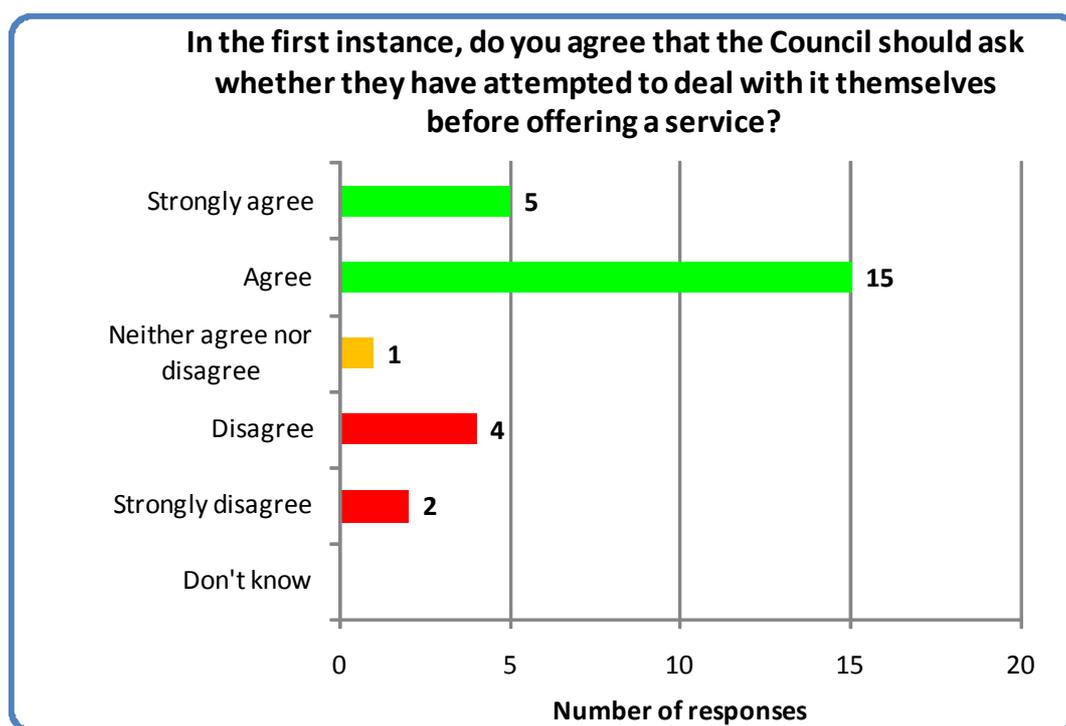
### **Resident involvement**

Some complaints are best resolved by residents tackling issues themselves, avoiding the need for costly Council intervention (which may elevate tension between neighbours). Councillors were asked to indicate how strongly they agreed or disagreed with statements on this subject.

The majority either strongly agreed (nine) or agreed (nine) that in the first instance residents should be encouraged to approach their neighbour (or noisy builder) directly. However, five disagreed and one strongly disagreed with this. In addition three responded neutrally.



The majority also strongly agreed (five) or agreed (15) that the Council should ask whether residents have attempted to deal with the issue themselves before offering a service. However, four disagreed and two strongly disagreed with this statement and one responded neutrally.



### Other comments

Councillors were given a final opportunity to make any further comments or suggestions about the Noise and Nuisance Service.

Four Councillors commented on the value of the service or that the service needs to be boosted or protected from cuts, for example:

*"I believe this service to be both very necessary, and also cost efficient. Any cuts are likely to cause disproportionate increases in dissatisfaction with the Council in general."*

*"I think this is a very important issue in this borough as we all live so close together, and thus disputes and complaints will follow as people have less privacy and are disturbed by the noise, which can then escalate. I therefore believe this is an important service and is one of the things that makes this an attractive borough to live in. Most residents notice if we pick up the rubbish and I think that if we are respectful of our neighbours is also one of the universal things that people appreciate. Not everyone will use our schools and social services etc, but everyone will be aware of the need for keeping the environment peaceful and enjoyable for all."*

*"They often have to deal with angry drunks and need police protection; it's a hard job which generally they do well. More officers are needed. Noise and nuisance problems can make people's lives a total misery. I have dealt with dozens of cases and suffered myself and know how these issues affect your quality of life. Essential service - boost it."*

Two Councillors felt that officers should be able to use discretion in dealing with issues, for example:

*"I think discretion should almost always be used, except in certain circumstances when firm action should be taken."*

Two Councillors also commented on asking residents to speak directly to those causing the noise or nuisance, for example:

*"Approaching neighbours or builders first could be rather dangerous, depending on the neighbour or builder. I would be very much against expecting this to be done first before the Council becomes involved. It should be left to the resident's discretion."*

A full list of comments can be seen in Appendix 1.

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## Appendix 1: Comments

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### Comments made about other complaints and priorities

- Although I indicated low for both noisy construction sites and noisy mechanical plant in that in each case it has only been one incident, to residents both incidents caused distress. The noisy plant has been addressed and rectified and I have been much encouraged to report to residents in Tavistock Crescent the commitment put in by the enforcement officer to visit the site on more than one occasion to ensure that builders are adhering to the rules. In all, a superb service.
- Anti social behaviour - e.g. car doors slamming at pub closing time. People smoking in the street outside pubs and clubs. This was discussed at the recent Council's crime and community safety meeting and there were several complaints about general rowdiness on the streets.
- I have a group of residents living next to a private nursery school, and the children playing noisily in the playground can be very noisy and disturbing.
- Noise on the local streets at night after premises closed over which we appear to have little control.
- Noise, litter, vomit, urinating, all in the street by people leaving bars and night clubs in the middle of the night.
- nuisance dogs barking
- Parking of commercial vehicles.
- Particularly Nightclubs
- Sometimes it is not the event, but the length of time that they persist and the lateness of the night/early hours. My ratings would move to high on most of these categories if the noise was late night and/or of long duration.
- Street sleepers and the dirty backs of high road retailers, especially food outlets.

### Comments made about other complaints and enforcement

- Again my response would depend on the frequency of the complaint - if a repeat offender, then move to "formal" asap and this is particularly with licensed premises, construction sites and mechanical plant when they are commercial operations. I am fine for discretion, but there would need to be a similar approach across the Noise Nuisance Team officers, so residents don't get confusing messages because different officers apply different approaches, as this leads to accusations of preferential treatment.
- Difficult to answer - it would depend if it was a first complaint or ongoing.
- I always think that our approach should be informal or discretion. This is the style of this borough and what makes it a pleasant place to live, we are not authoritarian and if they don't get it right first time then we go back and go back again. You can always escalate a problem, but difficult to do the reverse.
- I think that the officers should always try and resolve issues informally or with discretion, knowing that they can go up the ladder to enforcement if necessary or if no action is taken. With all disputes we should start with the friendly approach first.

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## Appendix 1: Comments

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- It might sometimes be necessary to involve other departments, who have other regulatory powers, such as Planning or Building Control, or even FCS or ASC.
- Obviously, it is best if an informal solution can be found. But some people are intransigent so discretion must be with our officers.
- Parking of commercial vehicles

### Other comments made about the Noise and Nuisance Service

- Approaching neighbours or builders first could be rather dangerous, depending on the neighbour or builder. I would be very much against expecting this to be done first before the Council becomes involved. It should be left to the resident's discretion
- I believe this service to be both very necessary, and also cost efficient. Any cuts are likely to cause disproportionate increases in dissatisfaction with the Council in general.
- I have found [named officer] a particularly effective and helpful officer
- I think discretion should almost always be used, except in certain circumstances when firm action should be taken
- I think this is a very important issue in this borough as we all live so close together, and thus disputes and complaints will follow as people have less privacy and are disturbed by the noise, which can then escalate. I therefore believe this is an important service and is one of the things that makes this an attractive borough to live in. Most residents notice if we pick up the rubbish and I think that we are respectful of our neighbours is also one of the universal things that people appreciate. Not everyone will use our schools and social services etc, but everyone will be aware of the need for keeping the environment peaceful and enjoyable for all.
- If I report a noise complaint in the middle of the night I normally want to get back to sleep and do not want to be woken up by a phone call from officers when on site, if there is no purpose to be served by this, so they should just deal with the matter.
- In an ideal world residents should be able to talk to other neighbours, but we all have experience of where this is not possible in this crowded borough, and residents dealing with licensed premises, bars and nightclubs despair of our low key approach, although it is one I favour!
- Noise and Nuisance Service should follow up rather than dealing with it and then not bothering to check after they have gone.
- Officers must be given discretion in what is often a very difficult area.
- Please see my previous comments. A valuable service that I have appreciated when dealing with complaints from residents.
- Re Q6: I think this is oversimplified. In some cases residents can get victimised by approaching hostile premises/neighbours and this is particularly so late at night when I would expect residents to call the Noise Nuisance line to help. Whilst I appreciate being asked about my views in this survey, I worry this survey will give distorted responses, as my answer to the Qs would vary

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## Appendix 1: Comments

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depending on the intensity of the noise, the time of day and how often this happens and yet that wasn't an option in the responses. I suspect others will feel the same. Just today a friend mentioned that as a Council we are encouraging buskers in Portobello Road under our bye-laws. She lives in Buckingham Court (the Notting Hill Gate end of Portobello Rd) and backs on to the not so commercial end of Portobello Rd. Throughout Saturday (9th April 2011), she had a band with loud drums drumming away in Portobello Rd until she could take it no more. She was then lead on a merry dance calling Noise Nuisance, then told to call the Police, then the Council and so on. Eventually the police were able to move them on, because they were selling CDs. This was a persistent resident and good for her, but are we as a Council creating problems in one department for another department to have to cure and what sort of follow up will Noise and Nuisance do to make sure that this bye-law doesn't impact on residents in such a negative way? This was an issue of the length of time that the buskers were playing, even though it happened in the day. One of the issues I really struggle with is noise from mechanical plant which residents find hard to track down nor to benchmark. A business tinkers with, replaces or adds a new piece of kit and suddenly the decibel level goes up, but the resident is stuck - they can rarely identify what the noise was pre-change and often can't locate the cause of the increase. Gradually the noise just increases up and up, as businesses just add or alter kit and the residents just suffer it. To those in Noise and Nuisance - well done on doing a good job, in tough circumstances. We as Councillors and our residents do appreciate it.

- The worst problems tend to be out of working hours
- They often have to deal with angry drunks and need police protection, it's a hard job which generally they do well. More officers are needed. Noise and nuisance problems can make people's lives a total misery. I have dealt with dozens of cases and suffered myself and know how these issues affect your quality of life. Essential service - boost it.

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## Appendix 2: Copy of questionnaire

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Below is a copy of the electronic questionnaire emailed to members.

### Noise and Nuisance Service: Scrutiny Committee Working Party Review

#### Ward Councillors' Questionnaire

A Scrutiny Committee Working Party has been established to review various aspects of the Noise and Nuisance Service, such as its approach to enforcement, and the extent to which residents might be expected to deal with certain matters themselves (or at least provide assistance to investigating officers).

The following questions are intended to obtain the views of ward councillors:

- 1. Have you, either directly or on behalf of your constituents, had any dealings with the Council's Noise and Nuisance Service? (Please tick all that apply)**
  - I have had direct dealings with the Noise and Nuisance Service*
  - I have had dealings with the Noise and Nuisance Service on behalf of constituents*
  - I have not had any dealings with the Noise and Nuisance Service*
- 2. If you have had dealings with the service, which of the following most appropriately describes your overall impression of the service?**
  - Very good*
  - Fairly good*
  - Neither good nor poor*
  - Poor*
  - Very poor*
- 3. If you have rated the service as 'poor' or 'very poor', please explain why.**

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- 4. Noise and Nuisance deals with a variety of complaints. In terms of their impact and potential to disturb residents, can you prioritise the following types of complaint as high, medium or low:**

	<i>High</i>	<i>Medium</i>	<i>Low</i>
Noisy parties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intruder alarms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noisy construction sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Licensed premises	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noisy neighbours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noisy mechanical plant (e.g. extract ventilation units, air conditioning plant, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Appendix 2: Copy of questionnaire

Please describe 'other' complaints

- 5. Thinking about the below types of complaint in terms of enforcement, can you indicate which of the following approaches\* you are most in favour of:**

**\*Formal - the Council should consider statutory action including prosecution in the first instance**

**Informal - the Council should always attempt to negotiate a solution informally before resorting to formal action**

**Discretion - officers should be trusted to use professional judgement on a case-by-case basis**

	<i>Formal</i>	<i>Informal</i>	<i>Discretion</i>
Noisy parties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intruder alarms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noisy construction sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Licensed premises	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noisy neighbours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noisy mechanical plant (e.g. extract ventilation units, air conditioning plant, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please describe 'other' complaints

- 6. Some complaints are best resolved by residents tackling the issue themselves, avoiding the need for costly Council intervention (which may elevate tension between neighbours). In the first instance, do you agree that...**

	<i>Strongly agree</i>	<i>Agree</i>	<i>Neither agree nor disagree</i>	<i>Disagree</i>	<i>Strongly disagree</i>	<i>Don't know</i>
...residents should be encouraged to approach their neighbour (or noisy builder) directly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...that the Council should ask whether they have attempted to deal with it themselves before offering a service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 7. Finally, if you have any other comments or suggestions about the Noise and Nuisance Service, please include them below.**

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## Appendix 2: Copy of questionnaire

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**Thank you very much for taking the time to feedback your thoughts.  
Please click 'submit' to send us your response.**