

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
REGULATION AND ENFORCEMENT REVIEW COMMITTEE**

**25 FEBRUARY 2015**

**REPORT BY THE DIRECTOR FOR ENVIRONMENTAL HEALTH  
NOISE & NUISANCE SERVICE DELIVERY**

Update on the Bi-borough Noise & Nuisance team operational performance April 2014 to December 2014.

**FOR INFORMATION**

**1. INTRODUCTION**

- 1.1 The Committee is requested to note the report on the Noise & Nuisance team's performance for the first nine months of operation since its inception as a Bi-borough team.

**2. BACKGROUND**

- 2.1 The integrated Bi-borough Noise & Nuisance team for the Royal Borough of Kensington and Chelsea and the London Borough of Hammersmith & Fulham commenced operation in April 2014.
- 2.2 The rota is manned by 18 officers and ad-hoc agency with 5 additional officers, across the two boroughs, providing senior support for more complex cases and undertaking planning and licensing consultation.
- 2.3 Integrating teams allowed the hours of operation that officers are available to respond to RBKC residents to increase markedly as follows:

<b>Before April 1</b>	<b>After April 1</b>
Monday – Thursday: 07:30 am to 01:30am	Monday - Wednesday 7.30am to 3am
Friday 07:30 am to 2:30am	Thursday -Friday 7.30am to 5am
Saturday -Sunday 9:00am to 2:30am	Saturday -Sunday 9am to 5am

- 2.4 In addition, the service at weekends during the day is now available to residents affected by noise other than construction, for example loud music, which was previously restricted owing to officer numbers.

- 2.5 Officers are directed by two main pieces of legislation; Environmental Protection Act (EPA) 1990 and the Control of Pollution Act (COPA) 1974.
- 2.6 The Environmental Protection Act 1990 places a duty on the Authority to inspect its areas from time to time to detect statutory nuisances and to take such steps as are reasonably practicable to investigate any complaints of statutory nuisance made by persons living within their area. Where statutory nuisance exists or is likely to occur or recur, we must take some action to abate that nuisance. Noise is included in this category and includes loud music, DIY, alarms, barking dogs etc.
- 2.7 Where a nuisance is witnessed an abatement notice is served. Non-compliance with an abatement notice, witnessed by an officer from a resident's home, can result in a fixed penalty notice, confiscation of equipment and/or prosecution.
- 2.8 Local authority powers to control noise and impose requirements on construction sites are contained with section 60 of the Control of Pollution Act 1974 (COPA). Section 60 enables council's to serve a 'Notice Imposing Requirements' on the parties carrying out the works (i.e. contractors) and those who appear be responsible for or who have control over the works (e.g. architects; developers; leaseholders/freeholders). The scope of the requirements that can be imposed are wide; it may specify:
- The plant or machinery which may or may not be used;
  - The hours when noisy works can be carried out (also known as the 'permitted hours'), and
  - The level of noise which may be emitted from the site.
- 2.9 Section 61 of the Control of Pollution Act 1974 allows a contractor or developer intending to carry out work to seek the council's prior approval on the methods, equipment, hours of noisy works, noise levels and monitoring, etc., that it intends to use. Once an application for Prior Consent is submitted to the council, it has 28-days within which to refuse or grant the consent. Under s.61, applications must contain particulars of the works, working methods and details of the measures proposed to minimise noise resulting from the works. Calculated predictions of the noise likely to be propagated to sensitive location may also be requested.

### 3. SERVICE DEMAND

- 3.1 The demand for service continues to increase both reactively in terms of noise service requests but also in terms of the volume of planning and licensing applications that officers are required to consult on.
- 3.2 Table 1 provides a summary of service volumes with the corresponding figures for the previous year:

Table 1

Topic	% increase on same period (April to December) last year	Volumes	
		2014	2013
Planning Applications	113	804	378
Licensing	107	678	327
Nuisance Calls Day	19	2761	2326
Nuisance Calls Night	20	4792	3991
Construction Complaints	49	1408	947

- 3.3 The breakdown of service request by type over the nine month period is:

Table 2

Complaint Type	% of Overall Complaints
Constructions site complaints	17.1
Pubs and clubs	0.5
Loud music, parties	35.2
Behavioural, poor sound insulation	18.9
Other: Barking dogs, alarms etc	28.3

- 3.4 The increase in the number of complaints regarding construction noise is highlighted as a particular concern for residents. The

significant increase in planning applications clearly implies that the impact of development is here to stay.

- 3.5 The Committee will be aware that there is a proposal for the introduction of a 'Construction Noise Code of Practice (COP)'; subject to consultation with residents and developers. The COP seeks to tighten controls to mitigate the cumulative impact of 'noisy' construction work across the Royal Borough, which in turn should halt the increase in complaints. Additional officers will be required to enforce the proposed COP.
- 3.6 The number of abatement notices served during this period is set out in Table 3:

Table 3

Descriptors	Definition		2014	% Difference	
				2013	
No. of S80 notices served	Abatement of noise	Measure of initial statutory nuisance witnessed by officers	102	110	-7
No. of S60 notices served	Construction sites: controls	Measure of proactive and reactive notices served to control construction site noise within BPM	266	330	-19

- 3.7 The number of abatement notices served provides an indication of the ratio of enforcement in respect of call volumes. The % difference from the previous year shows a decrease in number of notices served. Nine months data is insufficient to reach a conclusion regarding the reduction but the increased service demand and initial teething problems in operational delivery will have had some impact.
- 3.8 The average ratio for enforcement year on year is relatively fixed; around 10% of cases result in a legal notice with 1% overall resulting in prosecution. The bulk of cases (around 90%), non-construction, are resolved without the need for formal notice and therefore alternate performance indicators are required to better reflect the 'customer experience' in terms of having their problem resolved (see 4.3).

#### 4. PERFORMANCE

- 4.1 The team continues to evolve into its new format overcoming numerous hurdles including multiple contact centres, dual databases, major IT disruption from software upgrades and conflicting operational systems.

- 4.2 A programme of 'harmonisation' of core systems, policies and procedures over the winter period, without incurring cost, is near completion that will remove a number of headaches for officers and streamline delivery for residents. A recent Internal Audit rated the service as 'Satisfactory'. The aim is obviously to improve further.
- 4.3 Performance targets for both Boroughs are to also be harmonised and with the adoption of significant changes to both databases, future monitoring and reporting will be more accurate and informative. The table in Appendix 1 outlines the new performance indicators. System alignment should be completed by early February allowing officers time for familiarisation.
- 4.4 Given the increase in demand, which is expected to increase further, additional resources are required to maintain the level of service in the future.

## **5. CONCLUSION**

- 5.1 The integration into a single noise service for two boroughs has not been without its difficulties. However, without any notable drop in performance the service has been expanded to the betterment of residents.
- 5.2 Numerous lessons have been learnt over the last nine months and this is supported by a recent Internal Audit. Armed with this knowledge operational systems, within constraints, have been aligned and streamlined without additional cost.
- 5.3 Service demand continues to rise and the adoption of a proposed Construction Noise Code of Practice is envisaged to stem the tide by building in safeguards at the conception phase.
- 5.4 It is anticipated that additional resources are required in the future to meet the increasing demand and maintain service delivery.

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## Appendix 1

Table 3

No.	What does the resident expect?	What is needed to achieve this	How is this measured	How is this recorded	What is the team aim	Reporting	Factors affecting aims
1	To be kept informed of progress	<ul style="list-style-type: none"> <li>Resident informed</li> <li>Case reference</li> <li>The outcome of each intervention</li> <li>Routine case updates</li> <li>Responses to their communications</li> <li>Informed of case closure</li> </ul>	Time between resident calling and an officer contacting them back	Logged by call centre on to database. Officer updates	<ul style="list-style-type: none"> <li>Average 2 hours during the day</li> <li>Average 30 minutes out of hours</li> </ul>	Based on monthly total figures	Call volumes
			Resident informed when enforcement action taken: Notices, confiscations, FPNs, prosecutions, Landlords informed	Enforcement action with corresponding code identifying complainant contacted	100%	Based on monthly figures	
2	The problem is dealt with holistically	<ul style="list-style-type: none"> <li>A designated officer is assigned to each case</li> <li>Full contact details are provided of all dept./sections involved</li> </ul>	A zone officer is assigned the case	Case has a designated officer	100%	Based on monthly figures	
3	The problem is resolved quickly and efficiently so as to minimise the impact on	<ul style="list-style-type: none"> <li>Identify the source of the problem</li> <li>Inform the source of the problem</li> <li>Substantiate the problem</li> </ul>	Officer visits expediently	Time between resident contacting the service and an officer visiting noise on call	<ul style="list-style-type: none"> <li>Average 2 hours during the day</li> <li>Average 1 hour during the night</li> </ul>	Based on monthly figures	Call volumes to ratio of officers on shift

No.	What does the resident expect?	What is needed to achieve this	How is this measured	How is this recorded	What is the team aim	Reporting	Factors affecting aims
	their lives and well-being	<p>expediently</p> <ul style="list-style-type: none"> <li>• Appropriate action taken against source to abate the problem</li> <li>• The appropriate actions are monitored</li> </ul>	<p>Officers visit in person to assess the problem, substantiate, and identify the source</p>	The ratio of visits to calls	<ul style="list-style-type: none"> <li>• Average of 50% of calls visited</li> </ul>	Based on monthly figures	
			Time from service complaint to case resolved	Case closure time	On average cases closed within set number of days	Based on monthly figures	