

Noise and Nuisance Service.

Housing Community Safety and
Community Engagement Scrutiny
Commission

February 2024

Purpose of the Briefing

1. To provide Housing Community Safety and Community Engagement Scrutiny Commission with an overview functions and remit of the Noise and Nuisance Service. It explains how the service is delivered, and the challenges and opportunities ahead.

Background

2. Noise pollution is any unwanted or disturbing sound that affects the health and well-being of humans and other organisms. Studies have shown that there are direct links between noise and health. Noise has been linked with issues ranging from sleep disturbance to poor concentration to risk of metabolic and cardiovascular disease and dementia.
3. Noise is regulated through several departments across the Council. Officers use discipline-specific regulatory frameworks for noise control, including taking proactive measures and responding to complaints. See Appendix 1.
4. Complaints about noise are dealt with by the Noise and Nuisance Service who provide the initial response and resolution. If appropriate and no immediate solution is possible, the relevant department is contacted.
5. The Noise and Nuisance Service sits within Regulatory Services under the Neighbourhood and Nuisance Service. On average the service receives 11,000 service requests a year. The service is tenure blind e.g. responds to noise from Council properties. It is made up of 17 FTE officers, 14 of whom work on a shift rota. These officers provide a comprehensive witnessing and intervention service, 364 days per year, except Christmas Day.
6. The main function of the service is to deliver the Council's statutory functions for Noise and Nuisance. A significant proportion of service requests relate to the control of noise from both domestic homes and commercial businesses. The most frequent complaints we receive are about neighbour noise such as loud music and parties, construction noise including DIY, burglar alarms and car alarms.
7. The service also provides specialised technical support to services across the Council. For example;

Leisure Services to address issues in open spaces during office and out of hours, particularly when dealing with large Gatherings (20+ individuals) eg unlicensed music event. We do this by working collaboratively with the Police through Partnership Tasking Group and provide information to assist in their decision making for the use of dispersal orders.

Planning department and Network Management to ensure noise controls are in place, particularly for large building projects and to assist where appropriate in resident consultations.

Budget Challenge - Savings

8. Following a 2023 budget challenge meeting the service was asked to identify savings. A review of the service was undertaken in line with the Chartered Institute of Environmental Health guidance "Neighbourhood noise policies and practice for local authorities – a management guide" to determine the level of service required. This included carrying out a needs assessment to provide the basis for the selection and appropriate resourcing of a suitable model. The assessment concluded a 'Modestly sized dedicated service with extended hours and public access to a single point of contact all day every day' is needed to meet the needs of Southwark's residents.
9. Officers put forward five potential models, varying in how well Southwark met its statutory duties and delivery of functions, potential reputational risk to the Council, and service costs. Appendix 2 details the benefits, risks and costs of each option and summarises the scope of the service.
10. Members have agreed on the savings. The service will implement the median model in 2025-2026 and following assurances from a service review and improvements made, the service will move to the seasonal model in 2026-2027.

Southwark's Noise and Nuisance Service

11. Currently the Noise and Nuisance service operates 24 hours at weekends and from 0700hrs to 0300 Monday to Thursday. A large proportion of service requests are received via the Contact Centre either by telephone or online forms. Other requests are made directly to the service via email from residents members and neighbouring boroughs.
12. Staffing levels are based on service needs and specialist technical knowledge required to deliver the statutory functions.
13. Officers work in pairs and follow a rotating shift pattern. The table below outlines the standard shifts and staffing resource.

| Day | Early Shift | Officers | Late Shift | Officers |
|-----------|---------------|----------|---------------|----------|
| Monday | 07:00 – 17:00 | 2 | 17:00 – 03:00 | 2 |
| Tuesday | 07:00 – 17:00 | 2 | 17:00 – 03:00 | 2 |
| Wednesday | 07:00 – 17:00 | 2 | 17:00 – 03:00 | 2 |
| Thursday | 07:00 – 17:00 | 2 | 17:00 – 03:00 | 2 |
| Friday | 07:00 – 20:00 | 2 | 19:00 – 08:00 | 4 |
| Saturday | 07:00 – 20:00 | 2 | 19:00 – 08:00 | 4 |
| Sunday | 07:00 – 20:00 | 2 | 19:00 – 07:00 | 4 |

14. During the working week, the service also operates a "visiting officer" shift rota. This time is utilised to carry out essential administrative work such as updating cases and completing investigative activities, including follow-up advice to premises or residents where it was not possible to provide that advice as part of a rapid response visit.

Types of Noise and Nuisance the service can deal with:

15. The Service can take action on various types of noise, such as loud amplified music, construction or demolition noise, intruder alarms, car alarms, barking dogs, and noisy DIY. We can also address other nuisances that may cause a disturbance, such as light intrusion, odours and fumes from commercial properties, smoke noise from commercial venues and events, and dust or noise from some works or equipment in the street.
16. We do not have the power to deal with certain types of noise, including aircraft noise, noisy children, rowdy behaviour in public places, traffic or train noise, and odour from domestic properties.

Assessment of Statutory Nuisance

17. The Service will take action against where the noise or nuisance that is or likely to constitute a Statutory Nuisance. The threshold for noise nuisance is high and statutory nuisance action has never been intended to regulate merely annoying annoyances or to protect amenities to the same extent as it is required with conditions attached to the grant of planning permission.
18. The legal test for noise nuisance is objective meaning that the noise must be excessive and unreasonable to the average person. This is determined by various complex case law. There are no legal noise limits set for statutory nuisance or for officers to take noise measurements because each case needs to be judged on its own merits. To determine if a complaint amounts to a statutory nuisance, all the relevant factors must be weighed and assessed properly, the approach adopted should include advice and persuasion rather than proceeding down the formal route. Individual sensitivities cannot be taken into account.
19. The standard of proof required to serve an abatement notice is a civil standard on the balance of probabilities. When taking action it is the opinion of the officer as set down in the abatement notice which defines the boundary of the nuisance. This means a suitably trained and qualified officer needs to witness the nuisance to determine if the threshold has been met.
20. To assist with evidence gathering officers will consider photographs or footage from residents but for reasons discussed above they cannot take action based on this alone. Officers also regularly use noise monitoring equipment to determine the frequency and duration of the noise, such as barking dogs and ongoing DIY, to assist with their assessments. The service has six noise-monitoring devices.

How service requests are handled

21. The initial contact with a resident is handled by the Call Centre which conducts the first level of screening. The details of the call are then recorded in the Dynamics 365 database, also known as CRM.
22. Next, the call is referred to another officer in the contact centre known as "Noise Tracker." This officer checks the Regulatory Services database (Civica APP) for any health and safety warnings or other relevant information to ensure the safety of the responding officers.
23. The information is then emailed to Noise and Nuisance Service for action. The team reviews the information and contacts the complainant accordingly.

Team Metrics

24. Table below shows the number of service requests received and service standards met over the past seven years.

| Noise and Nuisance Service | 2023- Jan24 | 2022- 2023 | 2022- 2021 | 2021 - 2020 | 2019 - 2020 | 2018- 2019 | 2017 - 2018 |
|--|----------------|---------------|---------------|----------------|----------------|---------------|----------------|
| % noise service requests responded to in 3 days* | 97% | 95% | 96% | 95% | 90% | 90% | 91% |
| Noise calls - 3 day response | 2229 | 3028 | 2883 | 7151 | 3146 | 2621 | 2773 |
| Noise calls - rapid response | 6324 | 7934 | 8360 | 5121 | 7307 | 7790 | 7994 |
| % noise rapid response requests in 60 mins** | 77% | 82% | 72% | 82% | 76% | 72% | 76% |
| Total calls | 8553 | 11052 | 11243 | 12272 | 10453 | 10411 | 10767 |

* % noise service requests responded to in 3 days – for complaints where noise is not taking place at time of call.

**% noise rapid response requests in 60 mins – for complaints where noise is taking place at time of call.

Enforcement Actions -awaiting data from NS

| Noise and Nuisance Service | 2023- Jan 24 | 2022- 2023 | 2021- 2022 | 2020 – 2021 | 2019 - 2020 | 2018- 2019 | 2017 - 2018 |
|---|-----------------|---------------|---------------|-------------------|----------------|---------------|----------------|
| Number of notices served for noise/other nuisance | 40 | 58 | 29 | 8 | 99 | 196 | 220 |
| Notices served for construction sites | 40 | 46 | 28 | 63 | 26 | 85 | 121 |
| Prosecution | 8 | 2 | 1 | 0 (courts closed) | 3 | 10 | 6 |

25. A recent Chartered Institute of Environmental Health Noise Survey was carried out 2022 of which twelve London Authorities responded: Barnet, Camden, Enfield, Hammersmith and Fulham, Harrow, Sutton, Tower Hamlets, Waltham Forest and Southwark.

| London Performance | Southwark's Performance |
|---|---|
| 189 complaints received for every 10,000 people. | 332 complaints received for every 10,000 people (75% more than the London average) |
| 466 notices were served | 182 Notices (over 40% of the notices served in London) |
| 9 noise-related prosecutions | 3 noise related prosecutions (33% of London total) |
| 0.3 FTE professionals to deal with noise complaints per 10,000 population | 0.38 FTE to deal with noise complaints per 10,000 residents." |
| Complaints per 1 FTE in London were 671 | 1 FTE deals with 870 complaints |

Service Needs Analysis

26. In 2023, a spending review prompted a thorough assessment of the required service level. The review focused on improving service delivery resilience and identifying ways to tackle the root causes of nuisance issues throughout the Borough. The Noise and Nuisance officers were consulted, and their valuable insights were used to identify ways to achieve efficiency gains and service improvements.

27. To determine the output and outcomes of the service, service request data was examined from April 2019 to March 2023. The cost of the service was calculated using financial data for the same period, including oncost figures.

28. Southwark's assessment of needs confirms a '*Modestly sized dedicated service with extended hours and public access to a single point of contact all day every day*' is needed to meet the needs of Southwark's residents. Appendix 2 summarises the key findings of the service review.

Service Improvements

Following the assessment of needs, the table below sets out the improvements being made to the service.

| Issue | Comments | Measures being taken |
|---|--|---|
| Ensure all noise complaints are made to the service | Anecdotal evidence suggests that residents are contacting other services across the Council with noise issues | <ul style="list-style-type: none"> • Raising awareness of the service across the Council • Develop a referral mechanism for staff across the Council |
| Managing Expectations | Lack of understanding of noise controls across the Council and Noise and Nuisance specific statutory obligations and the Noise and Nuisance Service | Training/ Comms for; <ul style="list-style-type: none"> • services across the Council • third sector • members |
| Communication with residents and business | There is limited communication and data suggests there is high prevalence of noise complaints in some parts of the Borough | <ul style="list-style-type: none"> • Developing a communication plan to ensure proactive messaging. • Consultation with focus groups and listening events with local communities, particularly in known areas of concern |
| Access to Service | Unable to reach residents who may not have access due to; <ul style="list-style-type: none"> • No access to SMART devices and internet • internal processes • lack of engagement | <ul style="list-style-type: none"> • see above • Continue receiving calls by telephone • Explore digital solutions ie online forms and a case-management system for residents to view the status/ action of the case • Review of processes and policies to ensure equal access to residents and collect Equality Data |
| Mental health and housing needs. | Officers are seeing an increase in cases of individuals suffering from complex mental health and housing needs. Furthermore since the pandemic residents have changed how they use their homes, this has resulted in a different profile of victim and perpetrator, a rise in mental health conditions and increased home working. | <ul style="list-style-type: none"> • Review joined-up approach between the service and wider Council services and make improvements. • Explore links with mental health workers |

| | | |
|---|--|---|
| Future Fit Service | <ul style="list-style-type: none"> The review confirmed the service is demand-led and responds only to service requests. Given the Council's 2030 ambitions, it is recognised this approach is outdated and not sustainable. | Reset the service. Service design principles; <ul style="list-style-type: none"> Customer-centric services Digital solutions to assist with access, resolution and case management Data-led interventions leading to proactive interventions Review of noise functions and processes across the Council and align/centralise Creative solutions through partnering opportunities |
| Call Handling | <ul style="list-style-type: none"> Response and management of the first response from the Contact Centre is under review this includes addressing issues with the CRM system, data recording, timely transfer of cases and resourcing tracker to prevent suspension of the service | <ul style="list-style-type: none"> Cross-departmental officer group working towards holistic solutions SLA under review |
| Staffing - Recruitment and retention of technical specialists Succession planning in the service | The talent pool of professionals who possess updated expertise is limited, some of this can be attributed to a national shortage of officers entering the profession. Other challenges include private sector organisations and consulting firms are also vying for the same talent and offering better remuneration packages. | <ul style="list-style-type: none"> Service re-design will assist in recruitment and retaining staff Review of staff development and pathways into the regulatory sector. Work with Matrix to attract local talent through apprentice scheme |

Budgetary Risk

29. Further investment is likely to be required to deliver and implement improvements needed to the service.

30. It is anticipated that these changes may result in a notable rise in complaints. This could potentially affect the ability of the service to fulfil its legal obligations and meet the service expectations.

Next Steps

31. A further review is being undertaken to assist with service re-design and sequencing of improvements needed to move the intended service models.

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Appendix 1

| Source | Action | Who |
|---|---|----------------------|
| Residential developments | Noise impact assessments. Plans to incorporate good acoustic design to ensure that the most appropriate and cost-effective solutions are identified from the outset. | Planning Services |
| New Construction and new work being carried out on existing buildings | Building Regulations The regulations apply to new construction work and do not require that existing buildings are brought up to standard. However, where new work is being carried out to existing buildings, such as alterations, extensions, loft conversions, window replacement, insulation and so on the regulations do for sound insulation. | Building Control |
| Construction Sites | Construction Environmental Management Plan - The purpose of the plan is to outline how a construction project will avoid, minimise or mitigate effects on the environment and surrounding area. | Network Services |
| Construction sites | A notice on people carrying out construction or demolition works to tell them how the work should be carried out to avoid a potential statutory noise nuisance. The notice can specify any of the following: <ul style="list-style-type: none"> • a noise level • the plant or machinery that can be used • the hours when work can be done • steps that need to be taken to minimise noise Should a statutory nuisance occur an abatement notice can be served. | Regulatory Services |
| Loudspeakers in the street | It's an offence to use loudspeakers at any time to advertise: <ul style="list-style-type: none"> • entertainment • trade • business Also for any purpose in the street at night between 9pm and 8am. | Regulatory Services |
| Environmental Permits | Part A2 and Part B processes - Local Authority Pollution Prevention and Control (LAPPC) | Regulatory Services |
| Fixed premises (incl dwellings, licenced premises) and open spaces | Where a statutory nuisance has occurred or likely to occur an abatement notice can be served. | *Regulatory Services |
| Noise from industrial, trade or business | Where a statutory nuisance has occurred or likely to occur an abatement notice is served. However if they've used the best | Regulatory Services |

| | | |
|------------------------------------|---|----------------------------|
| <p>premises: special rules</p> | <p>practicable means to stop or reduce the noise, they may be able to use this as one of the following:</p> <ul style="list-style-type: none"> • grounds for appeal against the abatement notice <p>a defence, if prosecuted for not complying with the abatement notice</p> | |
| <p>Licensed premises</p> | <p>Licensing conditions can be placed to limit noise levels. Judged on a case-by-case basis.</p> | <p>Regulatory Services</p> |

*Resident Services - action through Council tenancies

Five potential models

Details the benefits, risks and costs of each option. The table below summarises the scope of the service under each option and the potential cost of the service.

| | | |
|---|---------------|---|
| 1 | Budget | <p>0900 – 1700 from Monday to Friday only. Officers will carry out pre-planned out-of-hours work on overtime. This will allow focused intelligence-led investigations. Resources will be targeted at those most in need predominately repeat callers. Proactive engagement with residents will be undertaken to mitigate noise.</p> <p>Cost of Service £0.64m with a saving of £550,000</p> |
| 2 | Budget Plus | <p>0900 – 17.00 Monday to Sunday. Officers will carry out pre-planned out-of-hours work on overtime. This will allow focused intelligence-led investigations Resources will be used to work with residents to mitigate noise.</p> <p>Cost of Service £0.75m with a saving of £440,000</p> |
| 3 | Median | <p>0700 – 0300 from Monday to Sunday. Responsive service is available during peak demand. Officers will carry out pre-planned out-of-hours work during off-peak demand. This will allow focused intelligence-led investigations</p> <p>Cost of Service £1.1m with a saving of £90,000</p> |
| 4 | Seasonal | <p>Summer Months (12 Staff) 0900 – 1700 from Monday to Thursday and 0700 – 0300 Friday and Sunday. Winter Months (17 Staff) 0700 – 0300 Monday to Sunday</p> <p>Officers will carry out focused and targeted interventions to meet demand. The service is cost-effective and responsive as it will be available during peak demand to meet the needs of Southwark residents. Resources will be focussed on proactive and preventative workstreams. During off-peak demand (winter) proactive engagement will be undertaken to educate residents.</p> <p>Cost of Service £1m with a saving of £190,000</p> |
| 5 | Comprehensive | <p>24hrs service 7 days a week. Officers will carry out focused and targeted interventions to meet demand. The service is cost-effective and responsive and it will be available during peak demand to meet the needs of Southwark residents. Resources will be focussed on proactive and preventative workstreams. Bespoke services to meet service-specific needs across the nine neighbourhoods leading on contentious workstreams for cross-cutting neighbourhood issues i.e. noise in Camberwell Green, unlicensed music events, construction noise</p> <p>Cost of service 1.64m, investment of £450,000.</p> |

Key findings of the service review

- a. Approximately 11,000 service requests are received every year.
- b. A significant proportion of service requests are related to noise. Sources of noise include domestic noise, noise from licenced premises and construction sites
- c. The service is tenure blind e.g. responds to noise from Council properties
- d. 50% of service requests are recorded as rapid response (1 hr response)
- e. 93% of service requests are received between 0900hrs and 0300hrs
- f. 65% of the 93% service received between 0900hrs and 0300hrs are between Friday night and the early hours of Monday morning
- g. 60% (6440 calls) of service requests are received in the summer
- h. 40% (4533 calls) in winter.
- i. Winter weekend call volumes are similar levels to summer weekday call levels.
- j. High prevalence of service requests during summer months.
- k. Less prevalence of issues in the South of the Borough