

## **Committee: Cabinet**

**Date: 21 October 2013**

Agenda item:

Wards:

### **Subject: Reference from Overview and Scrutiny Commission – control of noise nuisance**

Lead officer: Julia Regan, Head of Democracy Services, 0208 545 3864

Lead member: Councillor Peter Southgate, Chair of the Overview and Scrutiny Commission

Forward Plan reference number: 1301

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#### **Recommendations:**

- A. That Cabinet take account of the Commission's discussions relating to the noise nuisance service, set out in section 3 of this report;
  - B. That Cabinet request further analysis of the pattern of calls to the noise nuisance service by hour of day and day of week for 2012/13 and 2013/14;
  - C. That Cabinet spend £20,000 to enhance the current service. The Commission has suggested that a pilot with increased out of hours coverage would demonstrate whether there is actual demand for such a service. Cabinet is asked to note that some members of the Commission pressed for a 24/7 service to be commenced as soon as possible;
  - D. That Cabinet formally report back its decision on the above recommendations and any action taken to the Overview and Scrutiny Commission.
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#### **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. To inform Cabinet of the recommendations and comments resulting from the Overview and Scrutiny Commission's discussion of Cabinet's response to the referral requesting that Cabinet explore options for a 24/7 noise nuisance service.

#### **2 BACKGROUND**

- 2.1. The Overview and Scrutiny Commission received a report describing the operation of the control of noise nuisance service in March 2012. It noted residents' concerns and resolved to undertake further scrutiny of two aspects of noise nuisance:
  - to examine a business case for extending the out of hours service, particularly in relation to the cost effectiveness of solving problems at an earlier stage
  - to examine the scope for a more rigorous approach to noise nuisance enforcement
- 2.2. A further report was received by the Commission at its meeting on 8 January 2013, outlining a number of potential models for the delivery of the noise

nuisance service, which were recommended by the Chartered Institute of Environmental Health Officers. The report included information about early stage proposals to develop a shared environmental health service across the five south west London boroughs in order to give greater resilience and make savings. The Commission welcomed the proposals and asked for an update to be provided in due course.

- 2.3. The Commission made a reference to Cabinet's meeting on 10 June asking it to explore options for providing a 24/7 service through an "invest to save" approach that would deal with complaints promptly and further reduce the need for court action as well as sending a message to residents that anti-social noisy behaviour will not be tolerated.
- 2.4. Cabinet discussed the reference at its meeting on 10 June. Its decision on the matter was reported back to the Overview and Scrutiny Commission on 19 September 2013.

### **3 DETAILS OF DISCUSSION AT THE OVERVIEW AND SCRUTINY COMMISSION MEETING ON 19 SEPTEMBER 2013**

- 3.1. The Commission received a report stating that Cabinet had received a report on options for the noise service at its meeting on 18 February and that its decision on 10 June 2013, was to defer a decision on this until it had further information on how the service worked with MASCOT and to await the outcome of discussions with neighbouring authorities on setting up a shared regulatory service that would include noise nuisance.
- 3.2. Commission members noted that Friday and Saturday nights are the busiest periods for the service, averaging 10-12 calls per night when the out of hours service is operating compared to 3 on other nights. They commented that it would be helpful to have further information setting out how calls are spread across days of the week and for each month so that an assessment could be made of the cost effectiveness of a 24/7 service.
- 3.3. The Commission requested data on the number and type of legal actions taken in 2013/14 so far, in a similar format to the 2012/13 data provided in the report.
- 3.4. In response to a question about the costs set out in paragraph 6.2 of the report, the Service Manager said that it would cost an additional £200k for a 24/7 service, a model similar to Croydon's would cost an additional £100k and extending the current service to all Friday nights (11pm-4am) year-round would cost an additional £20k.
- 3.5. Commission members discussed how they wished to respond to Cabinet and RESOLVED that the Commission make a reference to Cabinet stating that it:
  - is not minded to accept the Cabinet's deferment without comment
  - welcomes the establishment of a shared regulatory service, including Merton's role as lead borough
  - regrets that so much time has elapsed since the Commission first received a report on this issue in February 2012

- recommends that Cabinet request further analysis of the pattern of calls by hour of day and day of week for 2012/13 and 2013/14
- would wish to be confident that the proposed shared service will provide an improved service in terms of coverage
- recommends that Cabinet spend £20,000 to enhance the current service. It was suggested that a pilot with increased out of hours coverage would demonstrate whether there is actual demand for such a service. Cabinet is asked to note that some members of the Commission pressed for a 24/7 service to be commenced as soon as possible.

#### **4 ALTERNATIVE OPTIONS**

- 4.1. Cabinet is required under the terms of the constitution to receive, consider and respond to recommendations from Overview and Scrutiny.

#### **5 CONSULTATION UNDERTAKEN OR PROPOSED.**

- 5.1. None for the purposes of this report.

#### **6 TIMETABLE**

- 6.1. None for the purposes of this report.

#### **7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 7.1. Any proposals to increase expenditure would need to be included in the Medium Term Financial Strategy and offset by savings elsewhere in the budget.

#### **8 LEGAL AND STATUTORY IMPLICATIONS**

- 8.1. None for the purposes of this report.

#### **9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 9.1. None for the purposes of this report.

#### **10 CRIME AND DISORDER IMPLICATIONS**

- 10.1. None for the purposes of this report.

#### **11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 11.1. None for the purposes of this report.

#### **12 APPENDICES**

None

#### **13 BACKGROUND PAPERS**

- 13.1. Minutes of the meeting of the Overview and Scrutiny Commission, 19 September 2013

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