

Committee(s): Environment and Enforcement	Date: 5 July 2021
Subject: Noise Nuisance Complaints	Wards Affected: All
Report of: The Director of Environment & Communities	Public
Report Author/s: Name: Gavin Dennett Telephone: 01277 312988 E-mail: gavin.dennett@brentwood.gov.uk	For Decision

Summary

Under the Environmental Protection Act 1990, the Council has a duty to take reasonable steps to investigate complaints of noise so as to decide whether the noise is a statutory nuisance and to inspect its area to detect any statutory nuisance. In practice this means investigating complaints from residents who are disturbed by noise.

Last year Brentwood Council received 376 requests to investigate noise. It is important that noise complaints are investigated consistently and in a transparent way. To ensure consistency and provide transparency this report recommends the Council adopt a noise complaint investigation procedure.

The procedure outlines the process officers will follow in responding to and attempting to resolve noise complaints.

Recommendation(s)

Members are asked to:

R1. Agree the adoption by Brentwood Council of the noise investigation procedure appendix A to this report.

Main Report

Introduction and Background

1. The Environmental Health Teams at Brentwood Council undertake a wide range of investigation work. It has historically been the duty of local authorities to detect and

investigate occurrences of statutory nuisances arising in their areas. This duty is currently detailed in the Environmental Protection Act 1990.

2. By far the most commonly occurring nuisance complaints from residents in Brentwood result from noise arising at neighbouring residential or commercial properties. In the last calendar year (2020) 376 such complaints were made to Brentwood Council.
3. The prevalence of noise complaints means that the investigation work on these complaints is allocated to a number of different officers in the Council's Environmental Health team, with complaints usually being allocated to the officer covering the ward within the Council's area where they arise. The provision of such a procedure also provides a framework for investigating officers helping to ensure a consistent approach among the officers and acting as an aid memoire to officers helping to avoid relevant steps in an investigation being overlooked. This also enables continuity of service should an officer leave or is off sick and another officer has to step in.
4. The provision of a formal procedure for the investigation of noise complaints, where the steps of the investigation are laid down and progress is recorded on the Councils computer system creates a consistent and familiar approach which is harder to challenge.

Issue, Options and Analysis of Options

4. As the Council does not have laid down procedure to tackle noise complaints officers could interpret what they consider is best practice where by having a set procedure ensures consistence and a robust mechanism that is understandable and fair to everyone. It is therefore recommended to Member that the committee adopt the proposed procedure set out in Appendix A.

Reasons for Recommendation

5. The reason for the recommendation to adopt the noise investigation procedure is to improve consistency between investigating officers and to improve transparency concerning the Councils investigation of noise complaints.

Consultation

6. Internal consultation with the Council's Housing Department has been undertaken.
7. Informal consultation with Thurrock Environmental Health Service

References to Corporate Plan

This procedure promotes the Councils strategic objectives to

Develop our communities, in particular with the Councils aspiration to have safe and strong communities where residents live happy, healthy and independent lives. The resolution of noise complaints contributes to the happiness and health of residents.

Delivering an effective and efficient Council particularly in its aspiration to improve the efficiency of the delivery of noise investigations for residents.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)

Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

There are no financial implications arising from the recommendation in this report.

Legal Implications

Name & Title: Amanda Julian, Corporate Director (Law & Governance) and

Monitoring Officer

Tel & Email: 01277 312705/amanda.julian@brentwood.gov.uk

As stated in the report the Council has a legal duty to investigate statutory nuisances, The recommendation in this report supports the Council in fulfilling this duty.

Economic Implications

Name/Title: Phil Drane, Corporate Director (Planning & Economy)

Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk

There are no direct economic implications arising from the recommendation in this report.

Equality and Diversity Implications

Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager

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Section 149 of the Equality Act requires the Council to have due regard to the Public Sector Equality Duty when making decisions, strategic planning and when implementing policies that may impact on those who have protected characteristics. Listed Authorities must comply with the requirements under the Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations), to publish equality data and list specific equality objectives. These Regulations apply to the Council.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None

Background Papers

The Environmental Protection Act 1990.

Appendices to this report

Appendix A: Environmental Health Procedures Statutory Nuisance / Noise