

<b>SUBJECT:</b>	<b>UPDATED NOISE POLICY</b>
<b>DIRECTORATE:</b>	<b>COMMUNITIES AND ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>FRANCECSA BELL – PPASB &amp; LICENSING SERVICE MANAGER</b>

## **1. Purpose of Report**

- 1.1 To brief members of Executive on the revised noise nuisance policy and to seek its approval to be implemented.

## **2. Executive Summary**

- 2.1 The City of Lincoln Council have a statutory function in relation to the investigation of 'statutory nuisance' as defined in the Environmental Protection Act 1990. The Council frequently receives enquiries relating to noise, and thus having a clear policy in relation to assessing statutory nuisance is vital.
- 2.2 Attached to this report is a revised and updated version of the Council's Noise Policy.

## **3. Background**

- 3.1 In 1990 the Environmental Protection Act (EPA 1990) came into force, and included within it was a specific reference to noise amounting to a statutory nuisance. This Act provided local authorities with additional and specific powers to tackle noise nuisance.
- 3.2 The City of Lincoln Council have long since held a function in relation to dealing with statutory nuisance which arises from excessive noise. This function has been discharged by the Council's Public Protection and Anti-Social Behaviour (PPASB) service.
- 3.3 The Council's Noise Policy was last revised and updated in 2016 following the introduction of the Anti-Social Behaviour Crime and Policing Act 2014 which specifically complements statutory nuisance and noise investigation legislation.
- 3.4 This review has been done as a required update and does not include any specific or significant changes to legislation, case law or approach.

## **4. The Revised Noise Policy**

- 4.1 The revised policy can be found attached as Appendix A. There have been some minor adjustments made to the policy, as can be seen in the attached documents.
- 4.2 It has been updated to reflect changes in the Council's priorities.
- 4.3 It has removed obsolete guidance which has been revoked in relation to alarms sounding and provides further guidance in relation to the silencing of internal and external alarms.
- 4.4 Finally, it includes minimal amendments in relation to changes in Data Protection legislation.

## **5. Strategic Priorities**

### **5.1 Let's drive inclusive economic growth**

Noise nuisance can relate to commercial activities, and it is important that the Council are aware of and support business through effective and considerate regulation

### **5.2 Let's reduce all kinds of inequality**

Much like anti-social behaviour, noise nuisance can disproportionately affect those most vulnerable within our communities. This policy ensures the Council's response is relevant and effective.

### **5.3 Let's deliver quality housing**

This policy relates to all tenures of property including our own council stock and so ensure that the housing we provide is safe and offers a good quality of life.

### **5.4 Let's enhance our remarkable place**

Ensuring that residents feel safe and are free from anti-social behaviour and crime helps to enhance our remarkable place.

## **6. Organisational Impacts**

### **6.1 Finance (including whole life costs where applicable)**

There are no significant financial impacts associated with this policy. However legal challenge may result in legal expenses.

### **6.2 Legal Implications including Procurement Rules**

This policy enables the Council to fulfil its statutory obligations in taking reasonably practicable steps to investigate complaints of nuisance within its boundary. This may result in legal proceedings, and this has an impact on both the PPASB and legal teams' resources.

### **6.3 Equality, Diversity and Human Rights**

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

This policy seeks to ensure that both equality and diversity are considered at the point of a service request being made and throughout the enforcement process. The policy serves to ensure that no-one is unfairly impacted and that the service can be accessed by all.

The equality, diversity and human rights impacts have been reviewed and it is not thought necessary to complete an Equality Impact Assessment as each time the policy is implemented, any such impact is considered.

### **6.4 Human Resources**

There are no HR implications of this policy.

### **6.5 Land, Property and Accommodation<sup>7</sup>**

There are no land, property or accommodation implications.

### **6.6 Significant Community Impact &/or Environmental Impact**

There are no significant community or environmental implications.

### **6.7 Corporate Health and Safety Implications**

Employees investigating noise may be lone workers and may face confrontational situations. These risks are identified and managed via both written and dynamic risk assessments. Training, elimination and reduction of risk and Personal Protective Equipment are all provided to manage the risks posed.

## **7. Risk Implications**

### **7.1 (i) Options Explored**

No further options explored.

### **7.2 (ii) Key Risks Associated with the Preferred Approach**

This policy seeks to reduce risks associated with noise nuisance.

**8. Recommendation**

8.1 That Executive considers the policy.

8.2 That Executive approve the implementation of the policy.

**Is this a key decision?** No

**Do the exempt information categories apply?** No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?** No

**How many appendices does the report contain?** Two

**List of Background Papers:** None

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