**Environment and Community Safety Directorate**

**Lead Member Briefing**

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| **Report of:** | Strategic Director of Environment & Community Safety | |
| **Report to:** | Lead Member for Environment | |
| **Meeting:** | Lead Member Briefing | **Date**: 5th December 2011 |
| **Forward Plan:** |  | |

TITLE Reduction in Service Provision by the Environmental Protection Team.

RECOMMENDATION:

1. That Lead Member approves the proposal that the Environmental Protection will no longer respond to requests for service of the types set out in this report or respond to landlord licensing consultations issued by the Housing Section of the Strategic Regeneration Directorate.
2. That the Directorate refer individuals to information which is available on the Council web site or provide them with an electronic or hard copies in order to assist them in resolving their complaints.

EXECUTIVE SUMMARY:

As part of the 2011/12 budget savings exercise 1.5 posts were deleted from the Environmental Protection team. The team is no longer able to undertake any proactive work in relation to contaminated land and are unable to respond to the same number of requests for service that it had done previously.

The Service Manager has reviewed the various categories of complaint and request for service received by the team to identify reductions in service provision which would have the least impact on the community.

BACKGROUND DOCUMENTS: None

KEY DECISION: Yes

DETAILS:

1. Background

As part of the 2011/12 budget savings exercise a decision was taken to delete 1.5 posts from the Environmental Protection team. The consequences of that decision have been that the team are no longer able to undertake any proactive work in relation to contaminated land. In addition there has been a need to prioritise workload in respect of the complaints and requests for services as the team are unable to respond to the same number of requests for service that it had done previously.

The Service Manager has reviewed the various categories of complaint and request for service received by the team to identify the areas of work which would have least impact if they were no longer carried out.

Set out below is a table showing the proposed categories of complaint that the service will no longer respond to and also a briefing note to call centre staff as to how calls are to be dealt with.

Proposed categories of complaint which will no longer be responded to by Environmental Protection

|  |  |
| --- | --- |
| Category Codes | Complaints received 2010-11 |
| NNQ Noise-DIY | 17 |
| NNR Noise-Low frequency | 4 |
| N99 Request Advice/Info on Noise | 1 |
| NNB Noise-Barking Dog | 206 |
| NNC Noise-Other Animals and Birds | 11 |
| NND Noise-Bells (e.g. Church/Phone) | 6 |
| NNE Noise-Public Address Systems | 6 |
| H41 Nuisance empty property | 15 |
| H42 House general advice | 3 |
| D00 Other - Drainage | 4 |
| L06 Landlord Licensing Consultations  (Strategic Regeneration) | 499 |
| Total | 772 |

Proposed Brief to Call Centre Staff

The following procedure should be used when speaking to anyone seeking to make a complaint alleging nuisance of the following types:-

*Noise-DIY*

* The team will not investigate DIY noise from domestic premises unless
  + it has been ongoing for 4 weeks or more and or
  + is undertaken between the hours of 21:00 to 08:00

Call Centre staff should obtain the following details:

* + what type of DIY noise is causing the problem,
  + what time of day is the noise created
  + how long does the noise last
  + how long has the DIY been going on
* Unless the noise is an ongoing problem advise the complainant that they are able to take their own action under Environmental Protection Act 1990 and offer to send them information in the post or by email.

*Low frequency Noise*

The team will no longer investigate low frequency noise such as a hum that is coming from neighbouring domestic premises, especially when other people find difficulty hearing it. However it will investigate extensive measurable low frequency noise from commercial or industrial processes that are affecting a large number of people.

* When determining if a complaint from members of the public will be investigated by the team the following information must be obtained.
* What does it sound like?
* The origin of the noise. Is it from a factory, commercial premises or residential premises?
* Can anyone else hear it?
* What effect is it having on the complainant?
* What time of day does it happen?
* Is it continuous?
* Can it be heard outside their home?
* The team will not investigate low frequency noise from neighbouring residential premises. Advise the complainant that they should firstly speak to their neighbour, as it might be a domestic appliance such as a refrigerator that needs to be re-positioned. If the occupiers of the neighbouring premises are not willing to help and resolve the matter advise the complainant that they can take their own action under the Environmental Protection Act 1990 and offer to forward information either by post or by email.

*Request Advice/Information on Noise*

Direct any enquires requesting advice and information on noise to the website. If the enquirer has an issue with noise and wishes to make a complaint then we will be willing to investigate unless it fits within the categories above, in which case these notes apply.

*Noise -Barking Dogs*

The team no-longer investigate noise from barking dogs. Advise the complainant of Environmental Protection Act 1990 and taking their own action. Offer to either email or post information to them.

*Noise - Other Animals and Birds*

The team no-longer investigate noise from animals or birds. Advise the complainant of Environmental Protection Act 1990 and taking their own action. Offer to either email or post information to them.

*Noise - Bells (e.g. Church/Phone)*

The team no-longer investigate noise from bells, other than from intruder/fire alarms that are ringing continuously. Advise the complainant of Environmental Protection Act 1990 and taking their own action. Offer to either email or post information to them.

*Noise - Public Address Systems*

The team no-longer investigate noise from public address systems, unless they are being used outside the hours of 07:00 – 23:00. Advise the complainant of Environmental Protection Act 1990 and taking their own action. Offer to either email or post information to them.

*Nuisance - empty property*

The team no longer investigates nuisance from empty properties, advise that they contact the Housing Market Support Team or if the property is directly affecting their property, such as a leaking roof to contact their insurance company.

*Housing - general advice*

Direct the complaint to the Housing Market Support Team

*Drainage*

The team no longer investigates complaints of above ground drainage. Advise that they contact their insurance company if it is directly affecting their premises, or if it is from an empty property the Housing Market Support Team.

KEY COUNCIL POLICIES: Health, Poverty.

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS: - A screening assessment has been undertaken which indicates the proposals will not have any significant impact.

ASSESSMENT OF RISK: Medium. The reduction in service provision could give rise to complaints to the Local Government Ombudsman that the City Council is not discharging its statutory duty to investigate complaints of nuisance.

SOURCE OF FUNDING: N/A

LEGAL IMPLICATIONS: Supplied by Ron Pennington. The reduction in service provision could give rise to complaints to the Local Government Ombudsman that the City Council is not discharging its statutory duty to investigate complaints of nuisance.

FINANCIAL IMPLICATIONS: The Local Government Ombudsman has the power to award compensation in findings of maladministration.

OTHER DIRECTORATES CONSULTED: Strategic Regeneration

CONTACT OFFICER: R Pennington TEL. NO: 925 1051

WARD(S) TO WHICH REPORT RELATE(S): All

**AUTHORISATION:**

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| **Approved by Assistant Director** | Signature:  Date: |  |
| **Approved by Strategic / Deputy Director** | Signature:  Date: |  |