

# **Cherwell District Council**

## **Executive**

**1 September 2014**

<p><b>Joint Draft South Northamptonshire and Cherwell District Council Noise Investigation Policy &amp; Procedure</b></p>
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### **Report of Head of Community Services**

This report is public

#### **Purpose of report**

To seek approval of the joint draft Cherwell and South Northamptonshire Council Noise Investigation Policy prior to public and stakeholder consultation.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To approve the joint draft Cherwell and South Northamptonshire Council Noise Investigation Policy.
- 1.2 To delegate authority to the Head of Community Services to consider responses and, if necessary amend the policy in consultation with the Lead Member for Public Protection.

#### **2.0 Introduction**

- 2.1 South Northamptonshire Council and Cherwell District Council together receive over 1000 service requests about noise every year. In order to manage service requests in a fair, proportionate and consistent manner it is recommended<sup>1</sup> that local authorities have a transparent noise policy and procedures in place.
- 2.2 Both councils have previously had policies in place but these were in need of review and needed to be aligned with the principles set out in the new statutory Regulators Code<sup>2</sup>.

- 2.3 The policy and procedure in Appendix 1 and 2 set out the Council's approach to service requests in future.
- 2.4 The Regulatory Code recommends that local authorities consult with those that they regulate. If the committee agrees to approve the recommendations a period of consultation will commence as described at 5 below.

### **3.0 Report Details**

- 3.1 It is recommended by the Department for Environment Food and Rural Affairs (DEFRA) that local authorities should put in place a hierarchy of noise service documents to show how they deal with neighbourhood noise. The policy is therefore divided into a high level policy and a more detailed operational procedure.
- 3.2 The Policy and procedure sets out the Council's aims and provides detail on when and how it will investigate noise complaints. This includes how the Council will prioritise and progress cases and what it can and cannot investigate.
- 3.3 Both councils are committed to channel shift (moving customer contact onto web based and self-service media) and at the same time to maximise use of our resources. The procedure therefore includes a checklist, for our website which will assist users to self-help by providing guidance on whether the local authority can help with their complaint.
- 3.4 In accordance with the Regulatory Code the Council plan to publish service standards to show how quickly it will respond and deal with complaints.

### **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The Policy and procedure pulls together existing good practice from both councils and provides clear guidance and assistance for complainants, those subject to regulation, partners and officers.
- 4.2 By approving the draft policy and agreeing to consultation amendments by subsequent delegation to the Head of Community Services, South Northamptonshire and Cherwell District Council can show that they are following DEFRA guidance and can provide a transparent policy on our approach to noise complaints.
- 4.3 It also shows that the Council is complying with the Regulators Code and means that the Council has a robust policy in place should it be subject to legal challenge.

### **5.0 Consultation**

Consultation will take place for a period of 12 weeks if members approve the draft policy.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: The committee can approve the recommendations above

Option 2: The committee can reject the recommendations but the absence of an up to date complaint policy could place the local authority at risk of legal challenge.

The absence of a comprehensive policy reduces the Council's opportunity to provide clear guidance to potential complainants which promotes self-help and reduces the burden on Council resources.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 None as existing resources will be used to deliver the policy. However approval of the policy will assist us to target our resources more efficiently.

Comments checked by:

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### **Legal Implications**

- 7.2 The absence of a policy may subject us to risk of legal challenge

Comments checked by:

Nigel Bell Team Leader – Planning & Litigation

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- 7.3 **Risk**

No issues identified

Comments checked by:

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- 7.4 **Equality and Diversity**

No issues identified

Comments checked by:

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## 8.0 Decision Information

### Key Decision

**Financial Threshold Met:** no

**Community Impact Threshold Met:** yes

### Wards Affected

All

### Links to Corporate Plan and Policy Framework

The policy links to the following strategic priorities:

- Safe, green, clean
- Sound budget and customer focused council

### Lead Councillor

Councillor George Reynolds, Deputy Leader

### Document Information

Appendix No	Title
Appendix 1	Statement of Noise Policy
Appendix 2	Noise Procedure
Background Papers	
None	
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