

Environment

An Evaluation of Local Authority Antisocial Neighbour Noise Nuisance Services

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DTZ Consulting & Research (DTZ) was commissioned by the Scottish Executive to undertake an evaluation of Local Authority (LA) Antisocial Neighbour Noise Nuisance Services. The overall aim of the study was to evaluate the operation of LA Neighbour Noise Nuisance Services and assess the value for money of these services. Methods employed included: desk research; analysis of monitoring data; eight LA case studies; surveys of Noise Investigation Officers and residents; and collection and analysis of cost data.

Main Findings

- Generally, the public sees the need for services that tackle neighbour noise nuisance.
- Overall, current legislation powers and services are working well in relation to neighbour noise nuisance; the services have been well received. They are providing a valuable service to the public and are, more generally, contributing to value for money by saving police time.
- Progress in set-up and service delivery of the Local Authority Antisocial Neighbour Noise Nuisance Services has been variable across Scotland.
- There appear to be efficiencies in the shared Local Authority service delivery model.
- Self resolution and mediation appear to be the preferred option for initially tackling noise complaints. However, consultations with NIOs suggest that penalties and enforcement need to be more effective for persistent offenders.
- The noise nuisance services are relatively unknown to the public and require further awareness raising before their full value can be established.
- The relative infancy of the noise nuisance services, and the substantial work required in set-up for some Local Authorities, suggests that a future value for money assessment should be undertaken (possibly within two years) so that the true value of these services can be established.

Background

DTZ Consulting & Research (DTZ) was commissioned by the Scottish Executive to undertake an evaluation of Local Authority (LA) Antisocial Neighbour Noise Nuisance Services, enshrined in Part 5 of the Antisocial Behaviour etc. (Scotland) Act 2004. The overall aim of the study was to evaluate the operation of LA Neighbour Noise Nuisance Services. The value for money of these services was also to be assessed, taking, where relevant and possible, any comparisons that can be made of the various costs associated with:

- (a) LAs taking action under Part 5 of the Antisocial Behaviour etc (Scotland) Act 2004 (ASBA), and
- (b) LAs taking action under section 80 of the Environmental Protection Act 1990 and section 49 of the Civic Government (Scotland) Act 1982, and the police taking action under section 54 of the Civic Government (Scotland) Act 1982.

The objectives for this evaluation were as follows.

- To identify all resources required to operate or replicate the services and their outcomes.
- To assess whether the services offer a cost effective response to neighbour noise nuisance, including, where applicable, a comparison with alternative responses to neighbour noise nuisance.
- To assess the role of ASBA Noise Investigation Officers (NIOs), including consideration of NIO responsibilities in relation to other Environmental Health Officer (EHO) duties.
- To gather views and experiences of how the ASBA noise provisions are being implemented.
- To gather views on relevance and presentation of the Institute of Acoustics/Royal Environmental Health Institute of Scotland and the Certificate of Proficiency in Antisocial Behaviour etc (Scotland) Act Noise Measurement training.
- To gather NIOs' views and experiences on whether the noise levels, including background levels and set permitted levels, are appropriate and workable, where applicable.
- To review the Scottish Executive guidance and users' views of the guidance, making suggestions for revisions and good practice.

Methods

A number of methods were employed to gather evidence for this evaluation. These were as follows:

a desk research exercise to understand the policy background and lessons from previous studies;

an analysis of monitoring and evaluation data held by the Scottish Executive and the LAs;

primary research in 8 LA case study areas¹, including surveys of NIOs and residents as well as wider community consultations; and

collection and analysis of cost data.

Locations for the primary research were selected to be characteristic of areas with high levels of noise complaints.

Lessons from previous studies

Previous studies have provided useful insight to how the noise nuisance services in Scotland may be developed and implemented. These recommend systematic policies and procedures to safeguard minimum standards; internal departmental and external co-operation; public information, education and awareness raising; provision of mediation services at an early stage; and commitment to resourcing local projects to alleviate problems.

Public opinion research by MORI (2003)² provides important insight to noise nuisance behaviours and solutions in England and Wales. This indicated that a significant minority of people are annoyed by neighbour noise, more usually in rented accommodation, and in deprived and urban areas. While affecting a small proportion of the population, noise problems are a key influence in residents' quality of life. Half of noise makers are unaware they are causing a problem, while the other half feel they have a right to do so, and some have no sympathy with neighbours over the impact of their behaviour. More informal routes of complaint generally illicit a more positive response to change than a formal approach. However, a significant proportion of complainants are not comfortable with making direct, informal approaches.

This work, therefore, suggests that the policies and procedures for noise nuisance services should be implemented through teams skilled to make balanced judgements over: the technical aspects of the noise problem; the effect the noise problems have on households' quality of life; and the type of noise maker, so that the most appropriate response to solve the problem is taken.

General progress in Scotland

Generally, the public and NIOs see a need for the noise services. The service has been well received and significant progress has been made in all of the eight case study LAs.

Progress in set-up and service development has been varied across Scotland. In the 8 case study LAs, some have experienced obstacles during the set-up period (such as

¹ These were: Aberdeen City Council, Angus Council, Ayrshire Councils (North, South and East, which are operating the same service), Fife Council, East Lothian Council, City of Edinburgh Council, Glasgow City Council and Renfrewshire Council.

² MORI (2003) *Neighbourhood Noise: Public Opinion Research to Assess Nature, Extent and Significance*. London, DEFRA.

sourcing equipment and recruitment problems), whereas others have been able to mobilise the service quickly and effectively.

The eight case study areas were, therefore, all at different stages of service development and maturity at the time of the evaluation, evident in the large variation in the numbers of complaints and action taken against these. There have also been different approaches to public awareness raising on noise nuisance generally, and the local noise nuisance services specifically.

Areas of progress/success

The majority of LAs studied stated that the key reasons for developing the service were a response to demand from the public and the availability of specific funding for the service. The LA case studies also indicated that, valuably, the service allows police time to be released for other duties.

NIOs surveyed confirmed the positive views from the LA case studies. NIOs believe the benefits of the service to be *responsiveness* to the public; its *enforcement powers*; and the *strong technical basis* of the services. The enforcement powers, such as written warnings, also appear to be well used and are seen as effective.

A range of service delivery models have been developed on the basis of perceived need, balanced with the availability of human resources. All the services offer some form of out of hours service.

Generally, NIOs are used rather than EHOs for the noise nuisance work. Where EHOs are used, these tend to be in supervisory or managerial roles, or to provide 'expert' capacity. Given the large difference in salaries between these roles, this would suggest effective use of resources to tackle noise problems. LA consultations indicate that use of the NIOs also serves to free-up EHOs and police for broader skilled work.

The relevance, duration and quality of delivery of the training provided by the Institute of Acoustics/Royal Environmental Health Institute of Scotland and the Certificate of Proficiency in Antisocial Behaviour (Scotland) Act Noise Measurement, was considered to be appropriate.

Co-operation with other LA departments and the relevant police forces tends to be strong, although all of the eight LA case studies and a large majority of NIOs surveyed suggested there remains room for some improvement in these working relationships.

The Scottish Executive guidance issued to LAs has been well received and is considered, overall, to be very helpful in establishing appropriate policies and procedures and, therefore, helping to provide value for money.

Areas for improvement

There are concerns over specific aspects of the noise

provisions, suggesting areas for improvement. Although many of these areas are covered by the guidance and/or other Acts, the issues summarised below arose from the the LA consultations and were confirmed by the NIO survey.

The regulated sound levels are considered by many LA consultation respondents to be too high, particularly during the evening/night-time hours.

Sound insulation is not addressed in the regulations and the NIO survey highlighted that this is a 'grey area' for delivering the service. Staff need to be trained and become experienced in recognising that certain noise disturbances are not likely to be the fault of any particular party but rather a product of poor quality housing construction.

The civil fixed penalty mechanism is not considered to be well enough enforced. NIOs surveyed felt that many fines go unpaid and are not 'chased up' effectively by the Procurator Fiscal.

There is no allowance made for complainers who wish to remain anonymous: they cannot be dealt with by noise nuisance teams and have to be passed to the police.

Sound equipment requires a 0.6 second break in the noise nuisance to detect background noise levels. Increasingly, music is 'mixed' on CDs and there is no break so detection remains problematic.

Dog barking is difficult to measure, but the Act states that dogs can be considered 'noise making equipment' and therefore seized. Noise nuisance teams are not specifically trained to handle dogs and, therefore, NIOs were concerned about health and safety risks. It is also unclear to NIOs how this power fits with the Dog Warden service.

In terms of the NIO training, there were a few criticisms over the frequency of the courses, with new recruits often having to wait several months for training, which then has an impact on service delivery.

Evidence from the eight LA case studies, the NIO and the public surveys suggests there is more work to do in relation to public information, education and awareness raising of noise nuisance problems generally, and local noise nuisance services in particular.

Overall effectiveness of the legislation

The residents' survey has shown that noise nuisance is a problem for less than 50% of the respondents, and only 13% experience it as a major problem. As previously noted, locations for the residents' survey were selected as they were characteristic of high levels of noise complaints. Noise nuisance in its worst form can be a debilitating problem. It is also often associated with wider antisocial behaviour and the residents' survey shows that perceptions of the cause of antisocial behaviour and noise nuisance are the same:

teenagers and substance misuse.

The residents' survey also shows that the public awareness of noise nuisance services is low, that awareness of the mechanisms that can be used to tackle the problem is very low, and that perception of how effective the measures might be are also low. Of those that do suffer from noise nuisance, 48% would not report the problem, often due to fear of intimidation, lack of confidence in the agencies resolving the problem, or the belief in self resolution. A critical finding to this research is that, even where the problem is reported, it is usually to the police or a LA department. Only 39% of cases said they would report specifically to the noise nuisance team. This shows, at the very least, that public awareness of the service is low. However, when questioned over the effectiveness of the agency contacted (this included all agencies contacted), the intervention was viewed negatively by 69% of complainants.

The NIOs survey presents some interesting findings to compare against those of the residents' survey. Of the enforcement measures available, NIOs indicate that the most effective are informal mediation (confirming residents views) or fixed penalty notices, although, as noted above, LA

representatives stated these were not high enough and not followed up. These findings bear a strong correlation to findings of previous studies (MORI, 2003).

Financial data limitations and the relative infancy of these services mean that it is premature to draw any firm conclusions on the overall value for money of the services.

Conclusions

Although progress in set-up and service delivery of the Local Authority Antisocial Neighbour Noise Nuisance Services has been variable across Scotland, the noise services have been well received and are perceived as responding to a public need.

There is, however, a need to further raise the awareness of these services to the general public so that their full value can be established.

The relative infancy of the services suggests that a full value for money assessment may require to be undertaken within two years.

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The report, "An Evaluation of Local Authority Antisocial Neighbour Noise Nuisance Services" which is summarised in this research findings is a web only document and is available on the publications pages of the Scottish Government website at

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