

## **EAST AYRSHIRE COUNCIL**

**COMMUNITY SERVICES COMMITTEE – 2<sup>ND</sup> FEBRUARY 2005**

### **ANTI-SOCIAL BEHAVIOUR ETC (SCOTLAND) ACT 2004 - NOISE**

#### **Report by Executive Director of Neighbourhood Services**

#### **1. PURPOSE OF REPORT**

- 1.1 To advise the Committee of a successful bid submitted by the three Ayrshire Councils for additional funds to introduce services to comply with the noise provisions in the Anti-Social Behaviour etc (Scotland) Act 2004.

#### **2. BACKGROUND**

- 2.1 In September 2004, the Scottish Executive reminded Scotland's Environmental Health Services of the implications of the noise provisions in the Anti-Social Behaviour etc (Scotland) Act 2004 and intimated that grant funding would be available to assist in discharging the noise provisions of the new legislation.
- 2.2 Discussions were held with colleagues in North Ayrshire Council and South Ayrshire Council's Environmental Health Services which resulted (having regard to the Scottish Executive's Consultation on Draft Guidance on Noise Management) in a view that as the new legislation would be very resource-intensive if implemented individually, it would be better to submit a joint working bid on behalf of the three Ayrshire Councils. It was felt that this approach would not only demonstrate joint working but also offer improved cost-effectiveness in providing the people of Ayrshire with the best service possible within the aims outlined in the Draft Guidance Document.
- 2.3 Prior to submitting the bid, senior Officers of the Environmental Health Services of the three Ayrshire Councils met colleagues in Glasgow City Council's Out-of-Hours Enforcement Team to appraise themselves of the practical issues and benefit from their experience and operation of such a Service.
- 2.4 Following detailed discussion, it was agreed that a bid be submitted on the basis of the three Ayrshire Councils offering an out of hours service to deal with noise complaints falling within the scope of the new legislation. The proposal was based on each of the Ayrshire Councils seconding an Officer to a new Unit which would be dedicated to dealing with noise complaints outwith normal working hours.. It was felt that these resources

might be sufficiently adequate but there would be scope for review after the facility had been publicised and the level of resultant complaints monitored.

- 2.5 The new Unit would be resourced with approved equipment and would liaise closely with Strathclyde Police.

### **3. DISCUSSION**

- 3.1 On 17<sup>th</sup> December 2004, the Scottish Executive confirmed that the application for grant had been successful subject to some minor revisions and certain conditions.
- 3.2 Now that funding has been made available, the three Ayrshire Councils will require to publish resolutions under Section 41 of the Act intimating that they intend to discharge the noise provisions in the legislation.
- 3.3 The grant approval effectively provides for the creation of a specialised Unit which should be able to respond quickly to complaints raised under the new legislation.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 The final grant awarded by the Scottish Executive is £334,388.00 and will be paid quarterly in arrears up to 31<sup>st</sup> March 2006.

### **5. LEGAL IMPLICATIONS**

- 5.1 The Anti-Social Behaviour etc (Scotland) Act 2004: Part 5 Noise Nuisances.

### **6. POLICY/COMMUNITY PLAN IMPLICATIONS**

- 6.1 The creation of this new Unit is in accord with the Community Plan: Improving Community Safety – Tackling Anti-Social Behaviour.

### **7. CONCLUSIONS**

- 7.1 The Anti-Social Behaviour etc (Scotland) Act 2004 places additional responsibilities on Scottish Councils in terms of regulation of noise nuisances.
- 7.2 Having regard to the new legislative burdens, it was decided that the best way forward for the three Ayrshire Councils was to submit an application for grant funding towards the creation of a specialised Unit (staffed by an

Officer from each of the Ayrshire Councils) who would be able to respond to noise complaints outwith normal working hours.

The new Unit would be resourced with appropriate equipment and would liaise closely with Strathclyde Police.

## **8. RECOMMENDATIONS**

8.1 The Committee is invited to:-

- (i) Note that a successful application for grant funding has been made resulting in an award of £234,388.00 to cover the period up to 31<sup>st</sup> March 2006;
- (ii) Note that each of the Councils will have to publish resolutions under Section 41 of the Act; and
- (iii) Otherwise note the report.

William Stafford  
**Executive Director of Neighbourhood Services**

WS/JAG/KM  
14<sup>th</sup> January 2005

### **LIST OF BACKGROUND PAPERS**

1. Letter from Scottish Executive to Heads of Environmental Health dated 14<sup>th</sup> September 2004.
2. Letter from Scottish Executive dated 17<sup>th</sup> December 2004.

Any person wishing to inspect the background papers should telephone 01563 576111 and ask for John Crawford, Head of Protective Services.

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