

EAST AYRSHIRE COUNCIL

COUNCIL MEETING – 23 JUNE 2005

ANTISOCIAL BEHAVIOUR ETC (SCOTLAND) ACT 2004 NOISE NUISANCE RESOLUTION

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To consider approval of a resolution implementing the arrangements for noise control in terms of Part 5 of the Antisocial Behaviour etc (Scotland) Act 2004.

2. BACKGROUND

- 2.1 The Community Services Committee on 2 February 2005 noted a successful application for grant funding from the Scottish Executive had been made to the value of £234,388.00 for the establishment of an out of hours Noise Control Team to operate throughout Ayrshire to include officers from each of the Ayrshire Councils.
- 2.2 The Committee also noted that each Council will have to publish resolutions under Section 41 of the Antisocial Behaviour etc (Scotland) Act 2004 to specify the noise control area and prescribed times of operation.

3. DISCUSSION

- 3.1 The Noise Control Team will operate throughout Ayrshire mainly in the evenings and at weekends. Noise problems will be investigated and where found to be excessive as prescribed by legislation enforcement action can be taken.
- 3.2 Before being able to use the powers under Part 5 of the Antisocial Behaviour etc (Scotland) Act 2004 a Local Authority must formally adopt a resolution designating the noise control areas and prescribed times of operation.
- 3.3 The hours of noise control should reflect times when people expect minimal noise, i.e. at nighttime. However, as noise can affect people at almost any time the hours of control tend to reflect this.
- 3.4 The resolution following approval will be required to be advertised in the local press for two consecutive weeks and copies of the public notice sent to adjoining Local Authorities. A copy of the resolution will also be forwarded to the Scottish Executive.

4. FINANCIAL IMPLICATIONS

- 4.1 All costs pertaining to the operation of the Noise Control Team form part of the grant awarded by the Scottish Executive of £234,388.00.

5. LEGAL IMPLICATIONS

- 5.1 The Antisocial Behaviour etc (Scotland) Act 2004. Part 5 (Noise) of the Act brings a wide range of additional powers including warning notices, fixed penalties and ultimately seizure of equipment. This builds on existing powers available to the Police and the Council.

6. POLICY/COMMUNITY PLAN IMPLICATIONS

- 6.1 The creation of this new unit and proposed extent of and specified times of operation is in line with the Community Plan : Improving Community Safety – Tackling Antisocial Behaviour.
- 6.2 The proposals support the principles of the Antisocial Behaviour Strategy.

7. CONCLUSIONS

- 7.1 Where appropriate the provisions of Part 5 of the Antisocial Behaviour etc (Scotland) Act 2004 require Local Authorities to formally adopt a resolution giving details of designated noise control areas and the prescribed times of operation relative to that control.
- 7.2 Following adoption of the formal resolution the details require to be published in the local press and neighbouring Local Authorities and the Scottish Executive formally notified.

8. RECOMMENDATIONS

- 8.1 The Committee are recommended to:-
- (i) Consider approval of the terms of the resolution attached at Appendix 1 permitting the use of the powers under Part 5 of the Antisocial Behaviour (Scotland) Act 2004;
 - (ii) Request the Executive Director of Neighbourhood Services to make appropriate arrangements for the publication of the resolution; and
 - (iii) Otherwise note the report.

William Stafford
Executive Director of Neighbourhood Services
WS/PLT/EHG
27th April 2005

LIST OF BACKGROUND PAPERS - NIL

Implementation Officer – john.crawford@east-ayrshire.gov.uk

EAST AYRSHIRE COUNCIL NOISE NUISANCE RESOLUTION 2005

East Ayrshire Council, a local authority constituted in terms of the Local Government etc (Scotland) Act 1994, in accordance with the provisions of section 41 of the Antisocial Behaviour etc (Scotland) Act 2004 (hereinafter referred to as 'the Act') hereby make the following resolution:

1. Sections 43 to 47 inclusive of the Act (the "noise control provisions") shall have effect throughout the East Ayrshire area.
2. The commencement date on and after which the noise control provisions shall have effect in the East Ayrshire area is 1 September 2005.
3. The periods of the week during which noise is to be controlled by virtue of the noise control provisions is:

Monday to Thursday 0900hrs to 1700hrs
Friday 0900hrs to 1600hrs
Thursday to Sunday 2000hrs to 2400 hrs
Friday to Monday 0000hrs to 0400hrs

except for the period from 2000hrs on 24 December to 0400hrs on 27 December and from 2000hrs on 31 December to 0400hrs on 3 January.
4. This resolution may be cited as the East Ayrshire Council Noise Nuisance Resolution 2005.