

# **NEIGHBOURHOOD SERVICES SCRUTINY FORUM AGENDA**



**13 February 2013**

**at 1.00 p.m.**

**in Committee Room B,  
Civic Centre, Hartlepool**

**MEMBERS: NEIGHBOURHOOD SERVICES SCRUTINY FORUM:**

**Councillors Beck, Cook, Gibbon, Jackson, Loynes, Payne and Tempest.**

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 16 JANUARY 2013**
- 4. RESPONSES FROM THE COUNCIL, THE EXECUTIVE OR COMMITTEES OF THE COUNCIL TO FINAL REPORTS OF THIS FORUM**  
  
No items.
- 5. CONSIDERATION OF REQUEST FOR SCRUTINY REVIEWS REFERRED VIA SCRUTINY CO-ORDINATING COMMITTEE**  
  
No items.
- 6. CONSIDERATION OF PROGRESS REPORTS/BUDGET AND POLICY FRAMEWORK DOCUMENTS**  
  
No items.



## **7. ITEMS FOR DISCUSSION**

### **School Meals – Consultation Exercise**

- 7.1 School Meals Consultation Exercise – *Director of Regeneration and Neighbourhoods*

### **Scrutiny Investigation into the JSNA topic of ‘Environment’ – Noise**

- 7.2 Environment investigation – Noise
- (a) Covering report – *Scrutiny Support Officer*
  - (b) Presentation – *Public Protection Team*
  - (c) Presentation – *Anti-Social Behaviour Team*
- 7.3 Environment Investigation - Feedback from North and Coastal and South and Central Neighbourhood Forums held on 3 October 2012 – *Scrutiny Support Officer*
- 7.4 Six Monthly Monitoring of Agreed Neighbourhood Services Scrutiny Forum's Recommendations – *Scrutiny Support Officer*

## **8. ISSUES IDENTIFIED FROM FORWARD PLAN**

- 8.1 The Executive's Forward Plan – *Scrutiny Support Officer*

## **9. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

### **FOR INFORMATION:**

Date of Next Meeting: 20 March 2103, commencing at 1.00 p.m. at the Civic Centre, Hartlepool.

# **NEIGHBOURHOOD SERVICES SCRUTINY FORUM**

## **MINUTES**

16 January 2013

The meeting commenced at 4.00 pm in the Civic Centre, Hartlepool

### **Present:**

Councillor: Sylvia Tempest (In the Chair)

Councillors: Paul Beck, Rob Cook, Steve Gibbon, Brenda Loynes and Robbie Payne.

Officers: Denise Ogden, Director of Regeneration and Neighbourhoods  
Alastair Smith, Assistant Director, Transportation and Engineering  
David Hunt, Strategy and Performance Officer  
Elaine Hind, Scrutiny Support Officer  
Angela Armstrong, Principal Democratic Services Officer

### **54. Apologies for Absence**

None.

### **55. Declarations of interest by Members**

None.

### **56. Minutes of the meeting held on 19 December 2012.**

Confirmed.

### **57. Matters arising from the Minutes**

Minute 48 – The Chair had provided officers with the assessment tool referred to in paragraph (i) to ascertain the viability of its use in Hartlepool.

Minute 49 – Information was circulated to Members which showed the number of Fixed Penalty Notices issued for dog fouling and litter on a ward by ward basis as requested in paragraph (i). A Member questioned how wards were chosen for inspection in any particular month. The Director of Regeneration and Neighbourhoods confirmed that the locations for inspections were generated through a formula which ensured that all ward areas were visited

during a 12 month period. The Chair commented that priority should be given to the enforcement of Fixed Penalty Notices for dog fouling at peak times of dog walking such as early morning or early evening. The Director of Regeneration and Neighbourhoods confirmed that this would be explored further as part of the forthcoming review of service provision across the local authority. In response to a question from a Member, the Director of Regeneration and Neighbourhoods confirmed that a threshold for the level of fine that can be issued through Fixed Penalty Notices was specified by Central Government.

Minute 49 – A Member requested a breakdown of the fines issued and paid for abandoned vehicles. The Director of Regeneration and Neighbourhoods confirmed that guidance issued to local authorities in relation to the Clean Neighbourhood Environmental Act 2005 in relation to the definition of abandoned vehicles would be circulated to Members for their information. A Member referred to a specific incident of abandoned vehicle and the Director of Regeneration and Neighbourhoods indicated she would respond to that Member direct. A Member questioned the response time in relation to reports of abandoned vehicles. The Director of Regeneration and Neighbourhoods confirmed she would circulate that information to Members.

**58. Responses from the Council, the Executive or Committees of the Council to Final Reports of this Forum**

None.

**59. Consideration of request for scrutiny reviews referred via Scrutiny Co-ordinating Committee**

None.

**60. Consideration of progress reports/budget and policy framework documents – Proposals for inclusion in the Council Plan 2013/14** *(Director of Regeneration and Neighbourhoods)*

The Strategy and Performance Officer introduced the report which provided the opportunity for the Neighbourhood Services Scrutiny Forum to consider the proposals for inclusion in the 2013/14 Council Plan that fell under the remit of the Forum. The Director of Regeneration and Neighbourhoods gave a detailed and comprehensive presentation which provided the proposed outcomes and actions contained within the plan. The presentation highlighted the challenges faced by the Department and proposals on how to deal with those challenges.

Following the conclusion of the presentation a discussion ensued which

included the following issues:-

**Outcome 9 – Improve health by reducing inequalities and improving access to services.** A Member sought clarification on whether any other indicators were included within the Council Plan that referred to environmental health issues. The Director of Regeneration and Neighbourhoods confirmed that there were a number of indicators relating to environmental health issues which would be considered by the Health Scrutiny Forum. In addition it was noted that air quality would be considered as part of climate change.

**Outcome 10 – Give every child the best start in life.** The Director of Regeneration and Neighbourhoods indicated that one of the key areas for improvement was the take up of free school meals. It was noted that the number of pupils eligible for free school meals had increased through partnership working with the Revenues and Benefits and School Transport Teams. However, a better understanding of the barriers to increasing the take up of the free school meals was needed. A Member suggested that as part of the ongoing consultation programme, officers attending parents' evenings in schools may be a way of raising awareness and answering queries from parents on the process in order to encourage the uptake of free school meals. In response to questions from Members, the Director of Regeneration confirmed that a variety of meals were available including sandwiches and officers were continuing to work with Head Teachers to further develop menus within the confines of Government guidelines on nutrition. In addition, consultation had been undertaken with primary school children, governors and parents to inform the development of the school meals service, the results of which would be reported to a further meeting of the Scrutiny Forum. Members requested an update at the next meeting on the progress of this issue.

**Outcome 18 – Quality local environments where public and community open spaces are clean, green and safe.** Members were supportive of the inclusion of the action in relation to developing local environmental work placement opportunities. The Director of Regeneration and Neighbourhoods commented it was encouraging to note Members support through contributions from their individual ward budgets which had resulted funding being available to enable 15 young people to be offered the opportunity of an environmental apprenticeship. In response to a number of questions from Members, the Director of Regeneration and Neighbourhoods confirmed that in the future, a grey wheelie bin will be provided where feasible for the disposal of all recyclable waste from residential properties. Members reiterated the importance of keeping information on recycling facilities to residents clear and concise, in particular on what can be recycled where. The Director of Regeneration and Neighbourhoods confirmed that all documentation supplied by the Council was available in a number of different formats should this be requested.

**Outcome 19 – Provide a sustainable, safe, efficient, effective and accessible transport system.** A Member questioned whether enquiries could be made on extending the number of train carriages on the service from Hartlepool to Newcastle. The Assistant Director, Transportation and

Engineering indicated that work was ongoing with Tees Valley Unlimited and the train operators on forward planning patronage, however there was no increase in the number of carriages expected in the near future. A Member noted with disappointment the lack of trains to and from Hartlepool after 8.00 pm especially when Hartlepool was being promoted as a tourist destination. The Assistant Director, Transportation and Engineering confirmed this was a frustration, however Members comments would be relayed to any meetings taking place in relation to the impact of transport on tourism in Hartlepool.

**Outcome 20 – Hartlepool is prepared for the impacts of climate change and takes action to mitigate the effects.** It was noted that there was a lot of proactive work and continuity business planning being undertaken in relation to coastal defence and Members emphasised the need to raise public awareness of the preventative work being undertaken along with the success of bids for funding for the work from the Environment Agency. It was noted that Hartlepool had been identified as a beacon authority by the Environment Agency due to the preventative forward thinking work that had been undertaken.

**Outcome 25 – Local people have a greater voice and influence over local decision making and the deliver of services.** A discussion ensued on the future public attendance and decision making at Council meetings and it was noted that the new governance arrangements were currently be worked on and would be in place from May 2013. The Director of Regeneration and Neighbourhoods reassured Members that all meetings, unless confidential or exempt information was being considered, would be open for the public to attend.

Members were informed that one of the Senior Engineers involved in the progression of the coastal defences had secured an alternative position within the Environment Agency. Whilst Members were saddened that such a good officer was leaving the authority, they requested that the Chair forward a letter to him on behalf of the Scrutiny Forum thanking him for his contribution to the work of the Forum and the Council and wishing him well for the future.

### **Recommended**

- (i) That the proposed outcomes and actions for inclusion in the 2013/14 Council Plan, attached at Appendix A, be supported.
- (ii) That the comments of the Forum, as outlined above, be presented to Scrutiny Co-ordinating Committee on 18 January 2013.
- (iii) That feedback in response to the issues raised be provided as necessary.
- (iv) That the Chair write to the Senior Engineer conveying Members thanks for his hard work and commitment to the Forum and Council and wishing him well in his future career.

## **61. Any Other Items which the Chairman Considers are Urgent - Police and Crime Commissioner attendance at Scrutiny Co-ordinating Committee**

The Chair reported that the Police and Crime Commissioner would be attending the meeting of Scrutiny Co-ordinating Committee on 15 February to provide an update on progress in relation to the Police and Crime Plan. Members were encouraged to forward any questions to the Scrutiny Support Officer before 18 January 2013.

Although he was hoping to be in attendance at the Scrutiny Co-ordinating Committee on 15 February 2013, Councillor Robbie Payne asked that the Police and Crime Commissioner be asked 'why he dismissed the Police Authority's Chief Executive before taking up the position of Commissioner?'. The Chair made a note of this question.

The meeting concluded at 2.50 pm

CHAIR

## NEIGHBOURHOOD SERVICES SCRUTINY FORUM

13<sup>th</sup> February 2013



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** SCHOOL MEALS CONSULTATION EXERCISE

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### 1. PURPOSE OF REPORT

- 1.1 To inform Neighbourhood Services Scrutiny Forum of the results and details of Facilities Management's school meals consultation exercise carried out in 2012.

### 2. BACKGROUND

- 2.1 All but two of the thirty seven schools in Hartlepool employ the Council's school meals catering services. Both Dyke House and Catcote Schools continue to run their own in house School Meals catering service.
- 2.2 The percentage take up of school meals can vary from 30% - 85%. An exception to this is Greatham School which consistently has a high take up rate as a result of the school's 'no packed lunch' policy. **Appendix 1** provides a breakdown by school in relation to the take up of both Free and Paid School Meals. The data also provides the percentage of pupils by school eligible for Free School Meals (FSM).
- 2.3 The Children's Food Trusts annual school food survey released in August 2012, highlights an increase in the take up of school meals nationally for the 4<sup>th</sup> consecutive year, by 2.2%. Hartlepool is currently ranked 17th nationally in terms of take up.



2.4 The table below provides data for Hartlepool for 2008- 2012.

	National	Hartlepool			
	2011-12	2011-12	2010-11	2009-10	2008-09
Primary	46.3%	59.9%	58%	61.7%	64.7%
Secondary	39.8%	48.4%	50.2%	55.3%	45.4%

The above data shows a steady decrease. To be ranked in the top 10% of Local Authorities nationally, Hartlepool would need to achieve 69% take up in primary and 54% in secondary.

### 3. CONSULTATION OUTCOMES

- 3.1 In order to look in more detail at the reasons behind the decreasing levels of take up, Facilities Management, as a starting point, carried out a consultation exercise in all primary schools. The consultation methodology included a questionnaire to parents, and a number of pre arranged focus groups, which included staff, parent governors and primary aged pupils. The survey was designed by the Facilities Management team and Corporate Strategy.
- 3.2 There were 7,500 questionnaires issued to all parents of primary school children, of which 1,445 responded. A number of focus groups were held with parents, governors, catering staff and primary school pupils.
- 3.3 A high percentage of those who replied (70%) had one or more children staying for school lunch.
- 3.4 A number of key concerns which were highlighted by both the questionnaire and the focus groups included:
- The need to continue to promote and provide information of free school meals (17% of those who responded stated that none of their children take up their free school meals with 3% not sure if they were entitled).
  - 41% of parents felt that packed lunches were a cheaper option.
  - 44% of parents stated they were worried about the cost of paying for a school meal. This percentage increased to 73% where there were 2+ more children in the household attending school.
  - 64% stated that a discount in school meals for those with 2 or more children would encourage those parents to sign up for school meals.
  - Shortage of food (last sitting) and “end of queue disappointments”.
- 3.5 Feedback from focus groups highlighted a number of additional key areas:
- Inconsistent quality/standards between schools

- Shortened lunch periods
- Length of queues
- Segregation in some schools of packed lunches and those receiving school meals
- Dining experience in some schools was poor

3.6 The consultation exercise did however, highlight a number of positive areas, which the service can develop, strengthen and promote further:

- School meals were found to be good value
- 71% felt that children benefitted from eating a main meal at lunch time
- 61% felt that children benefitted from being able to network with their friends
- 64% of those surveyed felt that school meals were healthier

#### **4. ACTIONS FROM CONSULTATION**

4.1 It would appear that two key reasons for the fall in demand can be attributed to the provision of packed lunches, and a yearly increase in the price of school meals, particularly for those with more than one child staying for school meals. This data also reflects, in part, the continued impact of the economic crisis and the effect this is potentially having on low income households, who all outside of the free school meal entitlement. Whilst officers realise that increasing take up and sustaining the service will require determination to provide an excellent quality, nutritional and value for money school meals service in the longer term

4.2 Our initial response to issues raised in the survey, has been to introduce a number of quick win measures, which include:

- Providing a menu to all parents
- Improved menu design and contents
- More traditional set meal choices
- Introduction of support services to reception class pupils in order to improve first year experience of school meals
- In depth review and condition survey to be carried out in order to enable continual improvement and development of high and consistent quality standards for all kitchens
- Regular consultation meetings with primary school cluster groups
- Checks to ascertain the compliance of nutrient based standards
- Joint working with the Revenue and Benefits section and the Passenger Transport section to promote access to Free School Meals.

#### **5. ENGLISH MARTYRS CONSULTATION PROJECT**

5.1 More recently, Facilities Management have conducted a further survey with English Martyrs 6<sup>th</sup> Form students. A small discussion group of students were engaged to look at ways in which the service could be improved. The students designed the questionnaire and then conducted the survey.

- 5.2 The findings and actions, including the questionnaire are attached in **Appendix 2**. All short term measures have been implemented along with 90% of actions outlined in the medium term actions. Initial signs indicate an increase in take up of this service; however, we would need to monitor the response over a longer period of time, including a review of the service improvements within the next 3 months.

## **6. NEXT STEPS**

- 6.1 Further consultation is planned throughout 2013, particularly in relation to the Secondary Schools. Gaining feedback and monitoring those areas where improvements have been implemented will need to be ongoing and form part of the overall aim towards continuous improvements and increased uptake.

## **7. RECOMMENDATIONS**

- 7.1 The Forum is asked to note the report with comments welcomed.

## **8. REASONS FOR RECOMMENDATIONS**

- 8.1 To keep Members informed of developments in the School Meals Service.

## **9. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE**

## **10. BACKGROUND PAPERS**

- 10.1 There are no background papers.

## **11. CONTACT OFFICER**

- 11.1 Denise Ogden  
Director of Regeneration and Neighbourhoods  
Hartlepool Borough Council  
Civic Centre  
TS24 8AY  
  
Tel: 01429 523300  
Email: [denise.ogden@hartlepool.gov.uk](mailto:denise.ogden@hartlepool.gov.uk)

Pupil Numbers	Potential Meals (Pupil no.s x 84 days)	School	Free Meals - Served	Paid Meals - Served	No of meals - Served	Take up %
No.	No.		No.	No.	No.	
288	24,192	BARNARD GROVE	7,704	6,407	14,111	58%
247	20,748	BROUGHAM	9,278	3,940	13,218	64%
311	26,124	CLAVERING	2,509	8,584	11,093	42%
411	34,524	ELDON GROVE	5,160	9,542	14,702	43%
86	7,224	ELWICK	19	5,942	5,961	83%
401	33,684	FENS	3,433	17,514	20,947	62%
134	11,256	GOLDEN FLATTS	5,728	2,158	7,886	70%
295	24,780	GRANGE	12,044	5,968	18,012	73%
94	7,896	GREATHAM	1,275	6,016	7,291	92%
82	6,888	HART	142	5,523	5,665	82%
272	22,848	JESMOND ROAD	7,348	4,016	11,364	50%
417	35,028	KINGSLEY	6,934	8,668	15,602	45%
320	26,880	LYNNFIELD	12,970	1,836	14,806	55%
151	12,684	OWTON MANOR	5,593	3,019	8,612	68%
168	14,112	RIFT HOUSE	3,519	3,003	6,522	46%
299	25,116	ROSSMERE	7,365	7,074	14,439	57%
421	35,364	SACRED HEART	2,024	16,099	18,123	51%
38	3,192	SPRINGWELL	1,936	1,614	3,550	111%
213	17,892	HOLY TRINITY	984	8,877	9,861	55%
271	22,764	ST AIDENS	6,977	4,243	11,220	49%
131	11,004	ST BEGAS	2,887	4,584	7,471	68%
217	18,228	ST CUTHBERTS	3,289	4,807	8,096	44%
238	19,992	ST HELENS	7,724	5,390	13,114	66%
191	16,044	ST JOHN VIANNEY	2,165	7,217	9,382	58%
142	11,928	ST JOSEPHS	3,118	5,401	8,519	71%
297	24,948	ST TERESAS	3,107	12,692	15,799	63%
268	22,512	STRANTON	11,052	2,938	13,990	62%
378	31,752	THROSTON	3,738	9,586	13,324	42%
108	9,072	WARD JACKSON	4,391	1,607	5,998	66%
310	26,040	WEST PARK	452	14,124	14,576	56%
322	27,048	WEST VIEW	13,916	4,348	18,264	68%
<b>7521</b>	<b>631,764</b>		<b>158,781</b>	<b>202,737</b>	<b>361,518</b>	<b>57%</b>

## 7.1 APPENDIX 1

April - September 2012

### EMS 6<sup>th</sup> form Consultation

In October 2012 the Facilities management School Lunch Officer felt that the service would benefit from a consultation exercise with the 6<sup>th</sup> form college pupils regarding the school lunch catering service,

There are approx 366 pupils in the 6<sup>th</sup> form college of which approx 185 use the catering service. Statistical evidence along with local knowledge suggests that many pupils throughout the week purchase food from local outlets.

Whilst we appreciate that 6<sup>th</sup> form pupils are young adults and able to make their own choices, we nevertheless feel that it is important that they receive a good quality, nutritional lunch within the 6<sup>th</sup> form. We therefore felt it would be beneficial to work towards improving and building on the existing service provision.

366 questionnaires were issued in October 2012 with the assistance of the 6<sup>th</sup> form staff and head pupils, 188 pupils actively took part in the consultation.

#### **Findings:-**

- **88% felt the quality of the food was of a good standard with 80% feeling that the presentation of the food was also great.**
- 88% of you felt that the customer care you received from our staff was of a very good standard.
- **71% felt that we had an average range of variety in our food items. With 65% feeling that the cost of these items was a fair/average price.**
- In relation to the issues around queues, 66% of pupils felt that the queues were too long and classed this as being very poor.
- **80% felt that the whole dining environment/experience was average.**
- Pupils 25% felt that pasta king should be made available on the 6<sup>th</sup> form menu.
- **39% would like a faster service with shorter queues.**
- 23% would like a better dining area in the 6<sup>th</sup> form college with more chairs throughout.
- **31% visit the shops instead of staying in the 6<sup>th</sup> form for more variety and cheaper options.**
- 53% would welcome a pre-order system biometric or other.

In addition to the above key areas Pupils were given the opportunity to make the following comments:

- The vending machines are also biometric.
- **A larger common room at lunch time, with a larger eating area and more table space.**
- Early morning breakfasts.
- **Porcelain crockery rather than disposable.**

## 7.1 APPENDIX 2

It can be seen from the results that the overall quality and standard was excellent. However queue size, lack of seating and variety of choice was a concern. Whilst cost is also a large factor in why they may visit the shops, many pupils are happy with the service they receive from the 6<sup>th</sup> form lunch service.

We are looking at implementing the following actions:-

### Short term

- The installation of Pasta king within the 6<sup>th</sup> form college.
- More traditional set meal choices.
- Regular consultation meetings with 6<sup>th</sup> form representatives.

### Medium term

- Providing an improved menu and point of sale information.
- Training of all staff on Customer care and the lunch time period to empower them with the knowledge needed for the service to increase take up.
- Further Investment is needed to look at re-introducing porcelain plates and bowls and remove disposables where possible.
- Introduction of condiments and a selection of salad dressings.
- Further consultations will take place with Secondary schools to seek their views on the service

### Long term

- Number of seats and the general common room environment would be something EMS may need to consider for the future intake of 6<sup>th</sup> form pupils.

## NEIGHBOURHOOD SERVICES SCRUTINY FORUM

13 February 2013



**Report of:** Scrutiny Support Officer

**Subject:** SCRUTINY INVESTIGATION IN THE JSNA TOPIC OF 'ENVIRONMENT' – NOISE PRESENTATIONS - COVERING REPORT

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### 1. PURPOSE OF REPORT

- 1.1 To inform Members that officers from the Public Protection and Anti-Social Behaviour Teams have been invited to attend this meeting to provide information in relation to the investigation into the JSNA topic of 'Environment'.

### 2. BACKGROUND INFORMATION

- 2.1 Members will recall that at the meeting of this Forum on 1 August 2012, Members agreed the Scope and Terms of Reference for their forthcoming investigation into the JSNA topic of Environment.
- 2.2 Subsequently, officers from the Public Protection and Anti-Social Behaviour Teams have agreed to attend this meeting to provide the Forum with presentations outlining the following (where appropriate) in relation to the noise element of the JSNA topic of Environment:-
- (a) What are the key issues?
  - (b) Who is at risk and why?
  - (c) What is the level of need?
  - (d) What services are currently provided?
  - (e) What is the projected level of need / service use?
  - (f) What evidence is there for effective intervention?
  - (g) What do people say?
  - (h) What needs might be unmet?
  - (i) What additional needs assessment is required?
  - (j) What are the recommendations for commissioning?
- 2.3 During this evidence gathering session, Members should be mindful of the Marmot principle to 'Create and Develop Healthy and Sustainable Places and Communities'.

### **3. RECOMMENDATION**

- 3.1 It is recommended that the Members of the Neighbourhood Services Scrutiny Forum consider the evidence from officers of the Public Protection and Anti-Social Behaviour Teams in attendance at this meeting and seek clarification on any relevant issues where required.

**Contact Officer:-** Elaine Hind – Scrutiny Support Officer  
Chief Executive's Department – Corporate Strategy  
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Tel: 01429 523647  
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### **BACKGROUND PAPERS**

The following background papers were used in the preparation of this report:-

- (i) Report of the Scrutiny Support Officer entitled 'Scrutiny Investigation into Environment – Scoping Report' Presented to the Neighbourhood Services Scrutiny Forum on 1 August 2012.
- (ii) Minutes of the Neighbourhood Services Scrutiny Forum held on 1 August 2012.





# NEIGHBOURHOOD SERVICES SCRUTINY FORUM

Adrian Hurst (Principal EHO)

# Noise

- There continues to be high levels of complaints regarding noise issues emanating from
  - domestic and commercial premises
  - building and waste sites
  - Residents in the more deprived areas tend to live close to main roads, Industrial sites and noisy leisure facilities

# Who is at Risk & Why?

- Residents, members of the public, visitors and the local workforce are at risk as noise can cause annoyance, interfere with communication and sleep, cause fatigue, reduce working efficiency and damage hearing. Physiological effects of exposure to noise include constriction of blood vessels, tightening of muscles, increased heart rate and blood pressure and changes to stomach and abdomen movement. Occupational noise can lead to temporary or permanent hearing loss.

# Legislation

- **The Environmental Protection Act 1990 (as amended)**
- **The noise Act 1996 (as amended)**
- **The Control of Pollution Act 1974**
- **The Clean Neighbourhoods and Environment Act 2005**
- **The Antisocial Behaviour Act 2003 (as amended)**

# Statutory Nuisance

- **Section 79 of the Environmental Protection Act defines the following matters as constituting a statutory nuisance;**
- **(g) noise emitted from premises so as to be prejudicial to health or a nuisance**
- **(ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street.....**

# Statutory Nuisance

- **80 SUMMARY PROCEEDINGS FOR STATUTORY NUISANCES**
- (1)SUBJECT TO SUBSECTION (2A) WHERE A LOCAL AUTHORITY IS SATISFIED THAT A STATUTORY NUISANCE EXISTS, OR IS LIKELY TO OCCUR OR RECUR, IN THE AREA OF THE AUTHORITY, THE LOCAL AUTHORITY SHALL SERVE A NOTICE (“AN ABATEMENT NOTICE”) IMPOSING ALL OR ANY OF THE FOLLOWING REQUIREMENTS—
- (A)REQUIRING THE ABATEMENT OF THE NUISANCE OR PROHIBITING OR RESTRICTING ITS OCCURRENCE OR RECURRENCE;
- (B)REQUIRING THE EXECUTION OF SUCH WORKS, AND THE TAKING OF SUCH OTHER STEPS, AS MAY BE NECESSARY FOR ANY OF THOSE PURPOSES,
- and the notice shall specify the time or times within which the requirements of the notice are to be complied with.

# Statutory Nuisance

- WHERE A LOCAL AUTHORITY IS SATISFIED THAT A STATUTORY NUISANCE FALLING WITHIN PARAGRAPH (G) OF SECTION 79(1) EXISTS, OR IS LIKELY TO OCCUR OR RECUR, IN THE AREA OF THE AUTHORITY, THE AUTHORITY SHALL—
- 
- (A) SERVE AN ABATEMENT NOTICE IN RESPECT OF THE NUISANCE; OR
- (B) TAKE SUCH OTHER STEPS AS IT THINKS APPROPRIATE FOR THE PURPOSE OF PERSUADING THE APPROPRIATE PERSON TO ABATE THE NUISANCE OR PROHIBIT OR RESTRICT ITS OCCURRENCE OR RECURRENCE.
- (2B) IF A LOCAL AUTHORITY HAS TAKEN STEPS UNDER SUBSECTION (2A)(B) ABOVE AND EITHER OF THE CONDITIONS IN SUBSECTION (2C) BELOW IS SATISFIED, THE AUTHORITY SHALL SERVE AN ABATEMENT NOTICE IN RESPECT OF THE NUISANCE.
- (2C) THE CONDITIONS ARE—
- (A) THAT THE AUTHORITY IS SATISFIED AT ANY TIME BEFORE THE END OF THE RELEVANT PERIOD THAT THE STEPS TAKEN WILL NOT BE SUCCESSFUL IN PERSUADING THE APPROPRIATE PERSON TO ABATE THE NUISANCE OR PROHIBIT OR RESTRICT ITS OCCURRENCE OR RECURRENCE;
- (B) THAT THE AUTHORITY IS SATISFIED AT THE END OF THE RELEVANT PERIOD THAT THE NUISANCE CONTINUES TO EXIST, OR CONTINUES TO BE LIKELY TO OCCUR OR RECUR, IN THE AREA OF THE AUTHORITY.
- (2D) THE RELEVANT PERIOD IS THE PERIOD OF SEVEN DAYS STARTING WITH THE DAY ON WHICH THE AUTHORITY WAS FIRST SATISFIED THAT THE NUISANCE EXISTED, OR WAS LIKELY TO OCCUR OR RECUR.



# Statutory Nuisance

- **Industrial, Trade or Business premises have a Best Practicable Means Defence under the provisions of the Act**
- i.e in any proceedings for an offence it shall be a defence to prove that the best practicable means were used to prevent, or to counteract the effects of the nuisance

# Statutory Nuisance

- i. IMPACT - this is a measure of the impact of the alleged nuisance on the receptor.
- ii. LOCALITY - the potential for amenity interference is largely related to the character of the neighbourhood
- iii. TIME - many nuisances have a significant impact because of the time at which the nuisance occurs and the degree of impact changes depending upon the time of occurrence.
- iv. FREQUENCY - nuisances that occur frequently or continuously are more likely to be determined to be a nuisance (depending to some degree on the impact).
- v. DURATION - in general short-term events would be regarded differently to longer period or continuous impact.
- vi. CONVENTION - convention is important when determining what a reasonable person would find objectionable.

# Statutory Nuisance

- vii. IMPORTANCE - the importance of an activity in respect of the community is a key consideration.
- viii. AVOIDABILITY - even though an activity may have social importance there should be a balance as to whether reasonable steps have been taken to minimise the impact..
- 3. The standard cannot be defined precisely and much will depend on the view taken by the court of the seriousness of the harm, the health impact and a balance of the key issues outlined above.

# Who is at risk & why?

- 606 noise complaints were received in 2010/11 and 608 in 2011/12

	2010/11	2011/12
Alarms	4	17
Barking Dogs	168	132
Noise other animals	3	3
Fixed Machinery	1	2
Plant/Mobile	0	6
Music	232	218
Party	86	107
TV/Radio	7	6
Shooting	1	0
Boat Noise	2	0
Vehicle Noise	9	9
Vehicle Repairs	1	5
DIY	6	5
Low freq noise	2	1
Other/Unidentified	4	4
Commercial	10	18
People Noise	72	73

# Procedure

- Initial letters to complainant and to subject of the complaint
- Visits to monitor complaints
- Further letter to subject of complaint
- Installation of monitoring equipment and visits to collect evidence
- Service of notice
- If required further installation of monitoring equipment and visits to collect evidence of any breach of the notice
- Prosecution.

# Out of Hours Service

- Service provided every Friday and Saturday night between the hours of 10:00pm and 4:00am From June Until the end of August. The last calls are taken at 3:00am to allow time for action to be taken.
- Work in close partnership with the Police.
- Reactive service, contact using a dedicated mobile number
- When the out of hours service is not operating we use automatic monitoring equipment to collect evidence and will work overtime if necessary as part of an ongoing investigation.

# Out of Hours Service

- **Numbers of calls;**
- 2010/11 - 127
- 2011/12 - 157
- 2012/13 – 112
- The majority of these calls are for noise from party's and amplified music.
- The majority of out of hours calls are resolved on the night.

# Other Legislation

- **Noise Act 1996**
- **Fixed Penalty Notices**
- Only apply between 11:00pm and 7:00am the next morning.
- Noise has to exceed a permitted level.
- Measurement has to be taken in complainants premises.



# Other Legislation

- **Control of Pollution Act 1974**
- Noise from Construction Sites
- Prior Consent- Agree noise levels, types of machinery and equipment, hours, methods of construction etc in advance
- Notice- requiring noise conditions, hours restrictions, type of equipment etc
- **Clean Neighbourhoods and Environment Act 2005**
- Powers to deal with misfiring Burglar alarms
- **Antisocial behaviour Act 2003**
- Chief Executive or any EHO that he authorises, have powers to close licensed premises where he has reason to believe that a public nuisance is being caused by noise coming from the premises, and the closure of the premises is necessary to prevent that nuisance.
- The closure order lasts 24hrs from service

# Level of Need

- We need to regularly update and replace noise monitoring equipment to ensure it is serviceable and accurate. Current equipment costs in the region of £6000-£9000 per item of monitoring equipment.
- Equipment has to be calibrated every 2 yrs by UKAS accredited Laboratory ( SLM's and calibrators- Cost approx £600 per instrument)

# Level of Need

- The level of noise complaints (without the out of hours service) has shown a steady increase over the past 5 years. If this continues then the service may require, revised methods of working, more use of automatic monitoring equipment and possible additional resources to meet this increased need.
- Numbers of Noise Complaints received;
- 2007/8 - 359
- 2008/9 - 332
- 2009/10 - 363
- 2010/11 - 381
- 2011/12 - 453

# Noise Controls

- **Planning Consultations;**
- Statutory Consultee
- Provide the opportunity to object to applications or to require conditions with regards to any potential noise issues
- **Licensing Act;**
- Responsible Authority
- Can make representations with regards to the licensing objectives in particular The 'Prevention of Public Nuisance' objective
- Can request the addition of conditions to the licence with regards to noise.
- Can ask for review of licences.

# Staffing Structure

- **Environmental Protection**

- **Staff;**
- Principal EHO
- EHO
- Technical Officer (Environmental Protection)
- 2 Technical Officers (Pest Control & Open Market)

**Functions;**

- Pest Control
- Pollution Control
- Air Quality Monitoring
- Noise Control
- Open Markets
- Environmental Permits
- Statutory Nuisance
- Planning Consultations

# Road Traffic Noise

- Seven stretches of highway in the Borough have been identified as priority or important areas under the Environmental Noise Directive, these are;
  - Priority Areas-
    - A689 through Newton Bewley
    - West side of A19 between Dalton Piercy & Elwick
    - West side of A19 South of Dalton Piercy slip road
  - Important areas-
    - West side of A19 at Benknowle Bungalow
    - Stockton Street adjacent to Brewery Visitor Centre
    - Short stretch of A689 at the end of Stanley Road
    - A689 from Queens Meadow to Travellers Gate

# Road Traffic Noise

- **The national noise action plan requires the highways authority to implement an action plan to reduce the levels of traffic noise at each of these locations.**
- All the priority areas the action plan is to resurface using low noise surfaces when the carriageways are due resurfacing
- A689 Queens Meadow to Travellers gate will be resurfaced using low noise surfaces.
- The A689 at Stanley Road does not require any further works as there is already a noise barrier in place.
- The Length of carriageway at Stockton Street does not require any further works as there are no sensitive receptors in the vicinity.

# Road Traffic Noise

- **Road Traffic Noise;**
- Local authority have no powers to deal with traffic noise other than through the planning system
- Improvements rely on;
- Construction and Use Regulations
- Technical developments in vehicles, tyres and road surfaces.
- Type approvals



# Any questions?



## **NEIGHBOURHOOD SERVICES SCRUTINY FORUM**

**13 February 2013**



**Report of:** Scrutiny Support Officer

**Subject:** SCRUTINY INVESTIGATION IN THE JSNA TOPIC  
OF 'ENVIRONMENT' – FEEDBACK FROM  
NEIGHBOURHOOD FORUMS

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

- 1.1 To provide Members of the Forum with details of the discussions that took place at the Neighbourhood Forums on 3 October 2012, regarding the JSNA topic of 'Environment'.

### **2. BACKGROUND INFORMATION**

- 2.1 Members will recall that at the meeting of this Forum on 1 August 2012, the Terms of Reference and Potential Areas of Inquiry / Sources of Evidence for this Scrutiny investigation were approved by the Forum.
- 2.2 Consequently, in order to seek the views of residents on the JSNA topic of 'Environment' Members of the Forum attended the North and Coastal and South and Central Neighbourhood Forum meetings held on 3 October 2012 in the Civic Centre.
- 2.3 Members of the public were provided with a brief presentation regarding the Environment investigation and were asked to answer questions on the subject. Members of the public were also able to comment on the topic and raise any issues of concern they may have. The responses to presentation questions, issues raised and views expressed at the Neighbourhood Forum meeting are detailed in section 3 of this report.

### **3. NEIGHBOURHOOD FORUM RESPONSES**

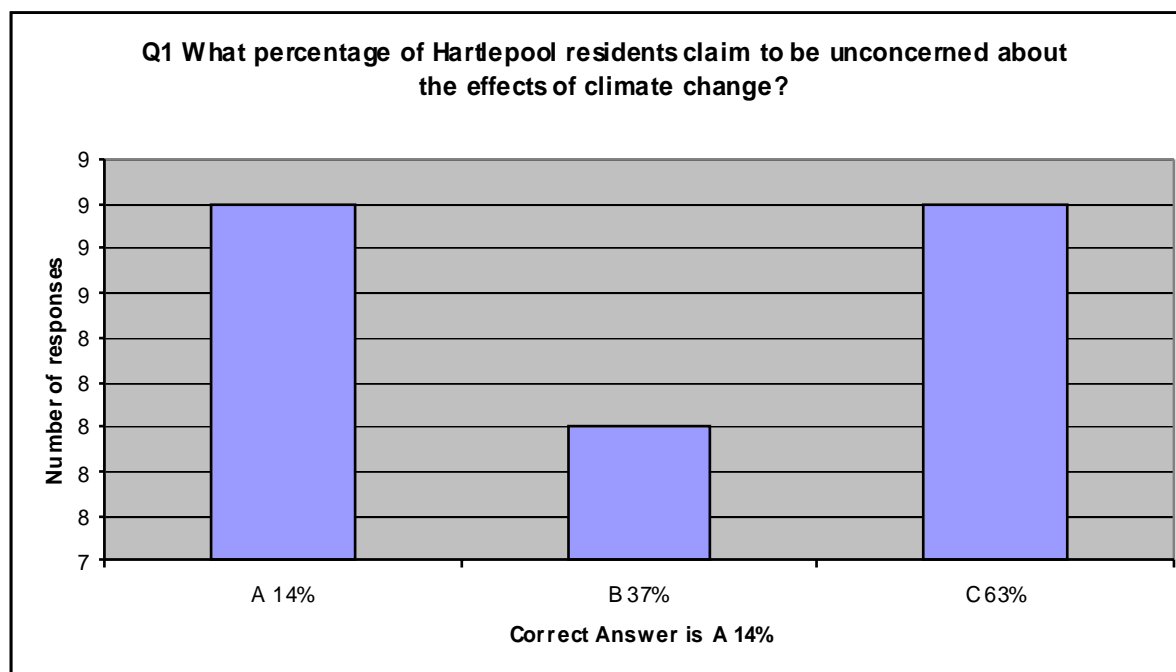
#### **Issues raised**

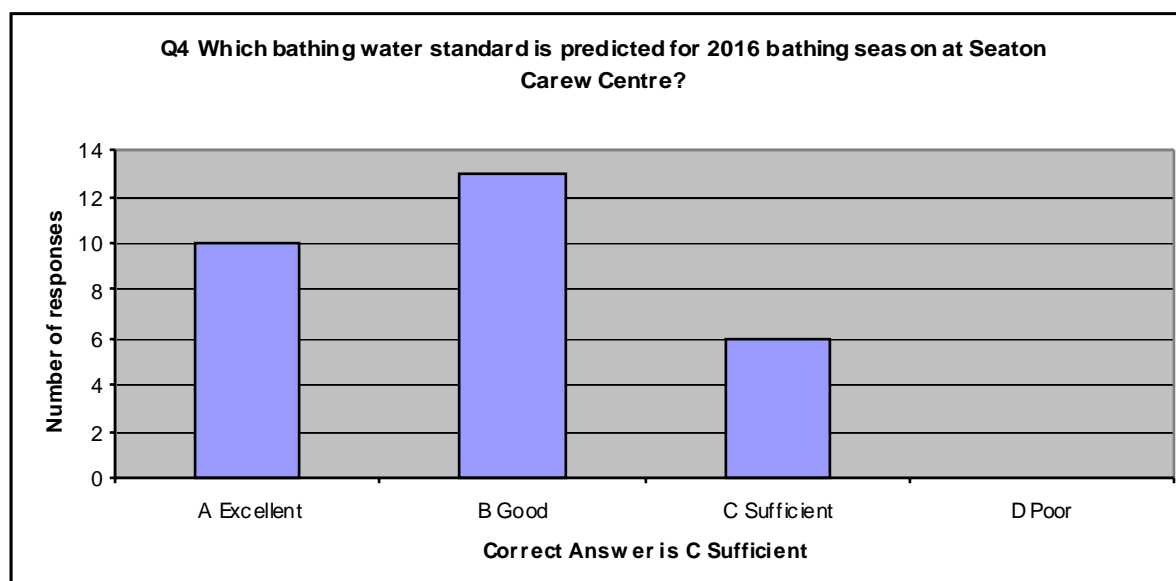
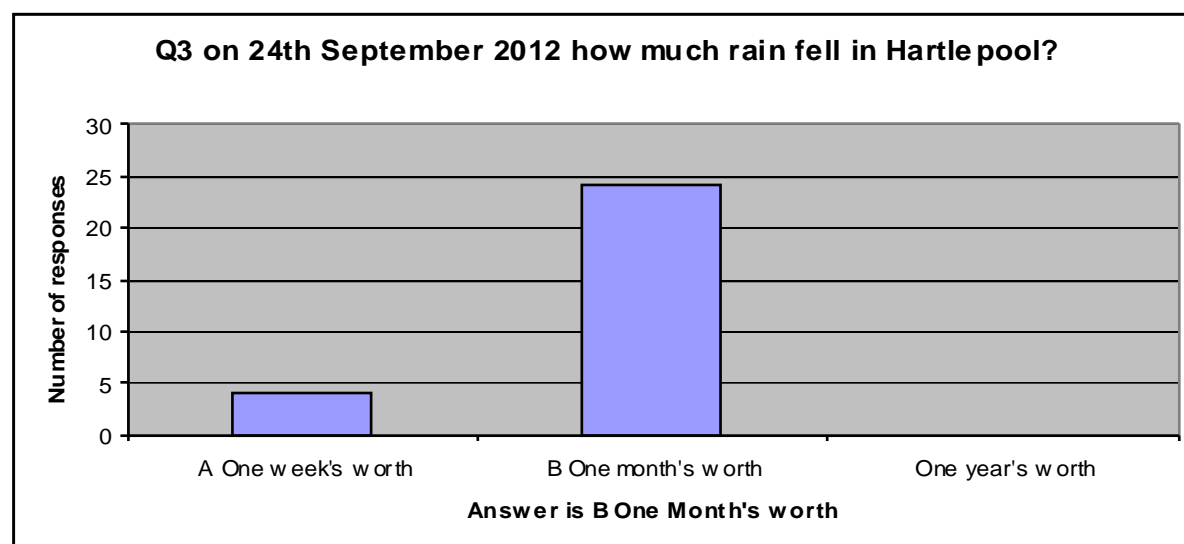
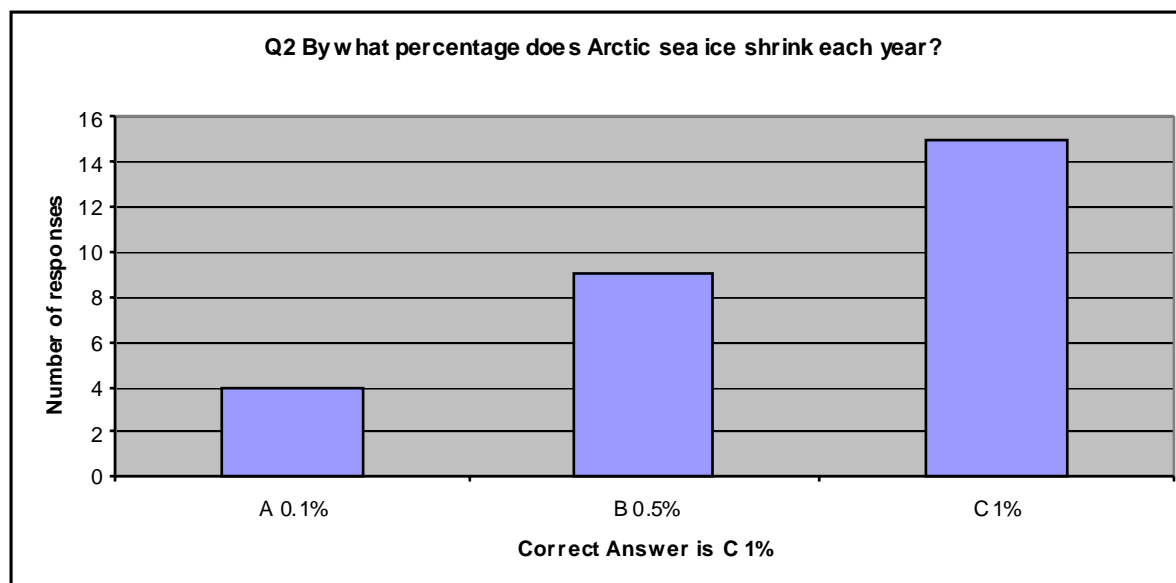
- 3.1 Members of the 'Friends of North Cemetery Residents Group' requested the cemetery be included in dog control orders. The Residents Group also raised concerns regarding the grass cutting method used in the cemetery, as they

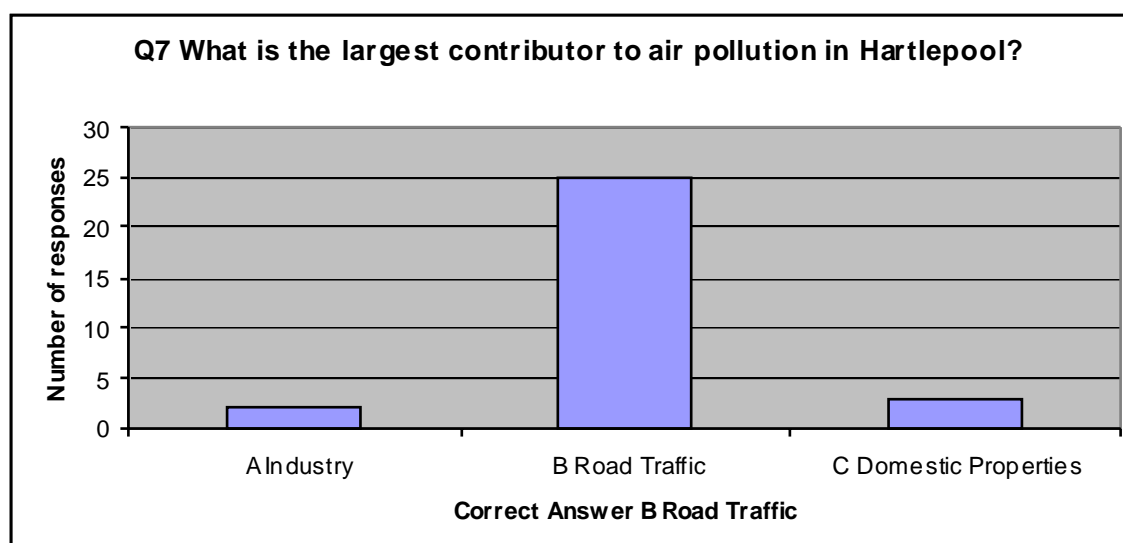
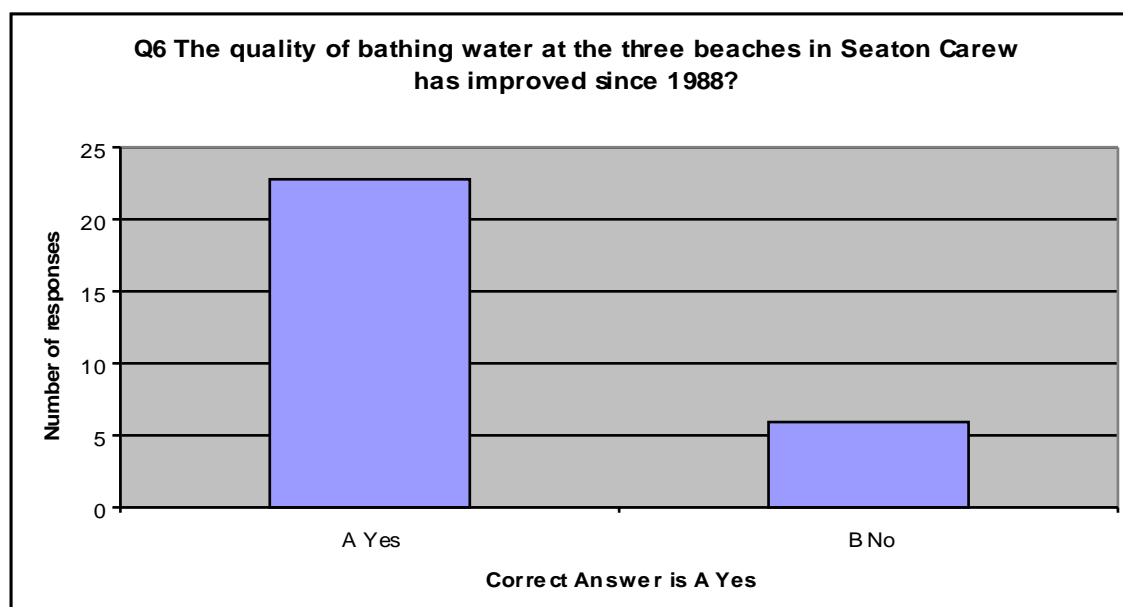
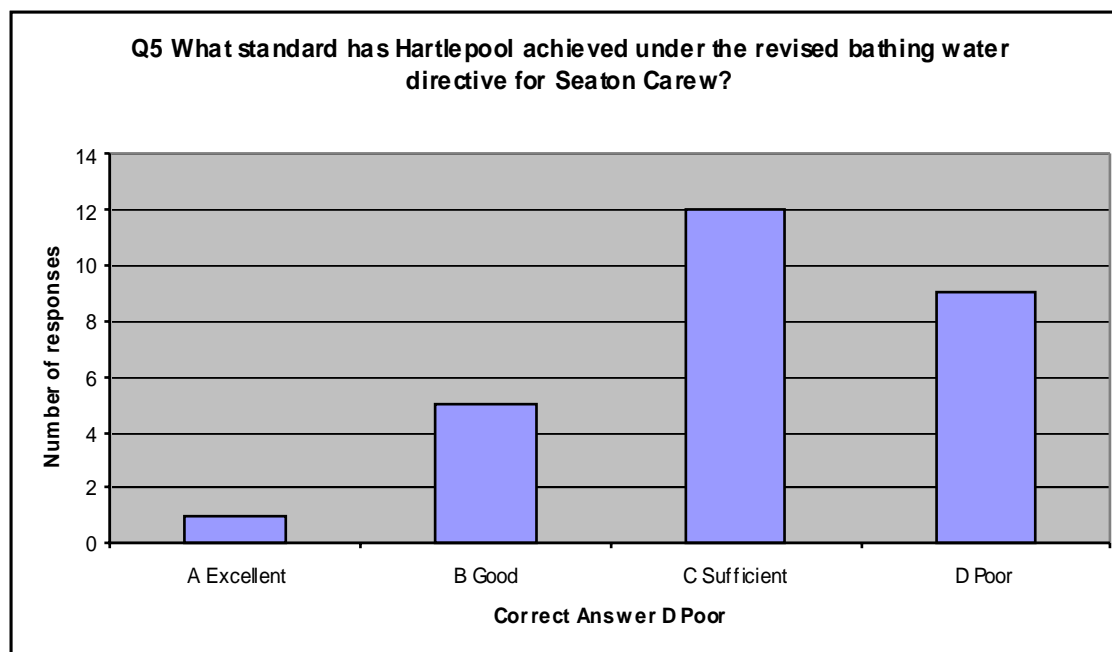
felt this had caused damage. These issues were fed back to the relevant departments.

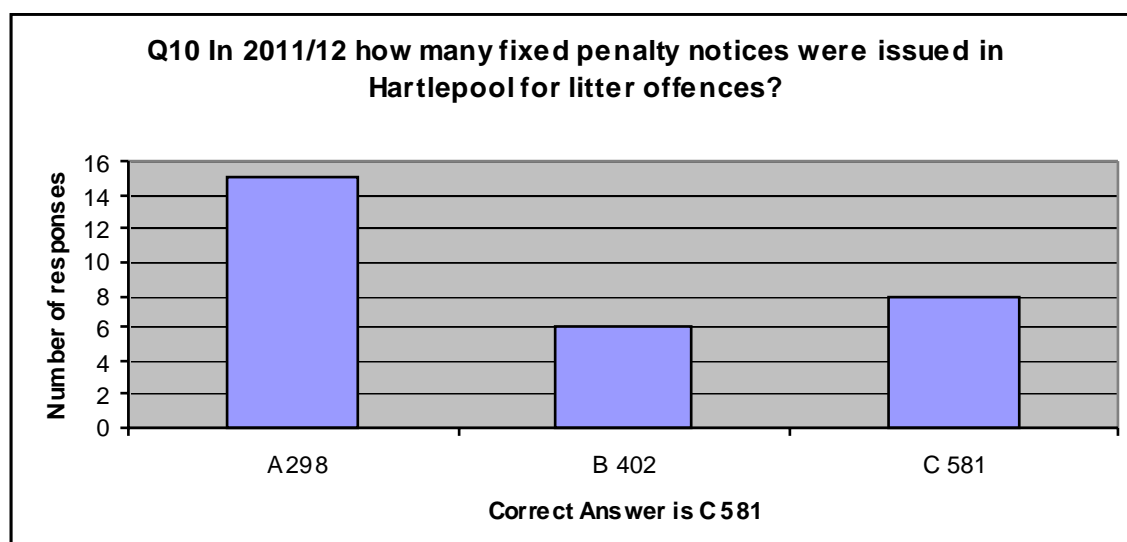
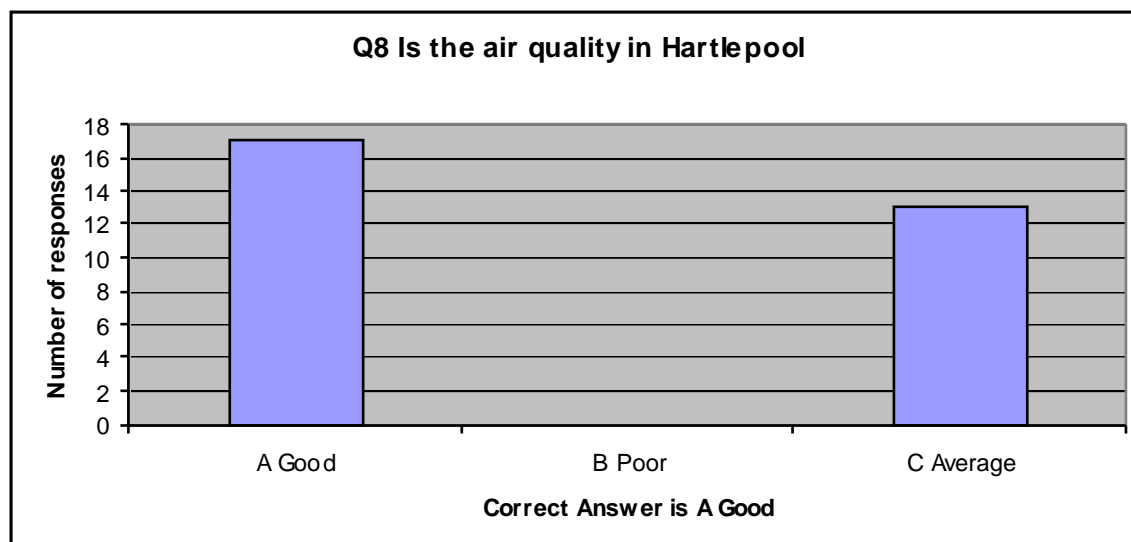
- 3.2 During the presentation a resident queried why water pollution checks were only carried out at Seaton Carew. The resident was advised that this was due to only beaches classified under the EU regulations by the Environment Agency as 'bathing beaches' were checked. It was suggested that water pollution checks could be carried out at other locations.
- 3.3 A member of the public queried whether there were reports of noise from the docks, the resident was advised that the main causes of noise complaints to the Council were dogs, alarms and people, and that very few complaints regarding industry were received.
- 3.4 A resident queried whether there would be an option for battery recycling alongside other forms of household recycling in the future. The resident was advised that no decision had been made on this as yet, though facilities were available at Burn Road Recycling Centre.
- 3.5 It was suggested that, with regard to heavily used litter bins in the town centre, the Council may wish to move resources from cleansing roads in the area to emptying the bins more frequently, as this may keep the area cleaner and avoid litter.

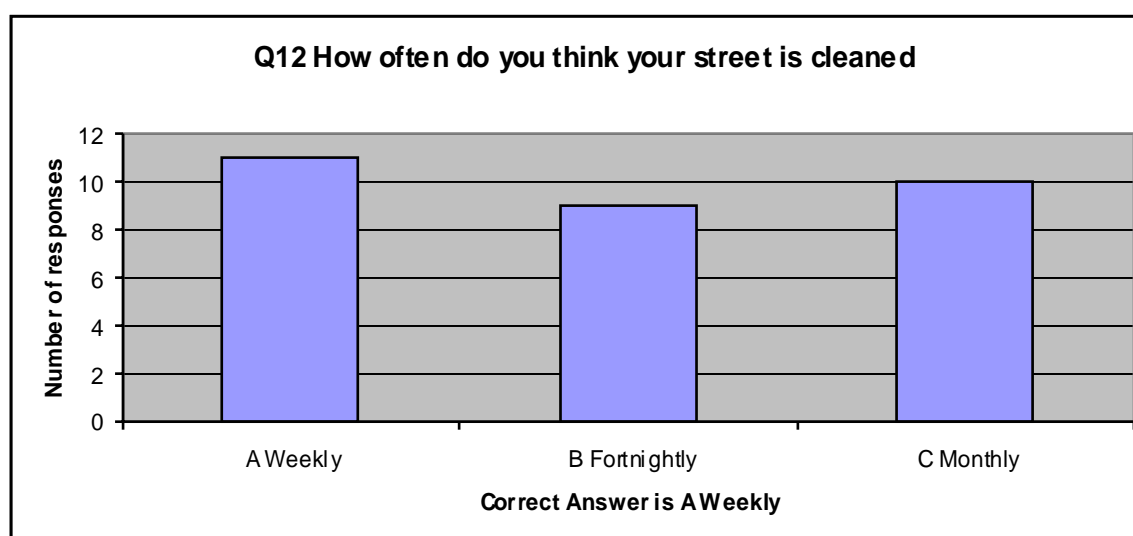
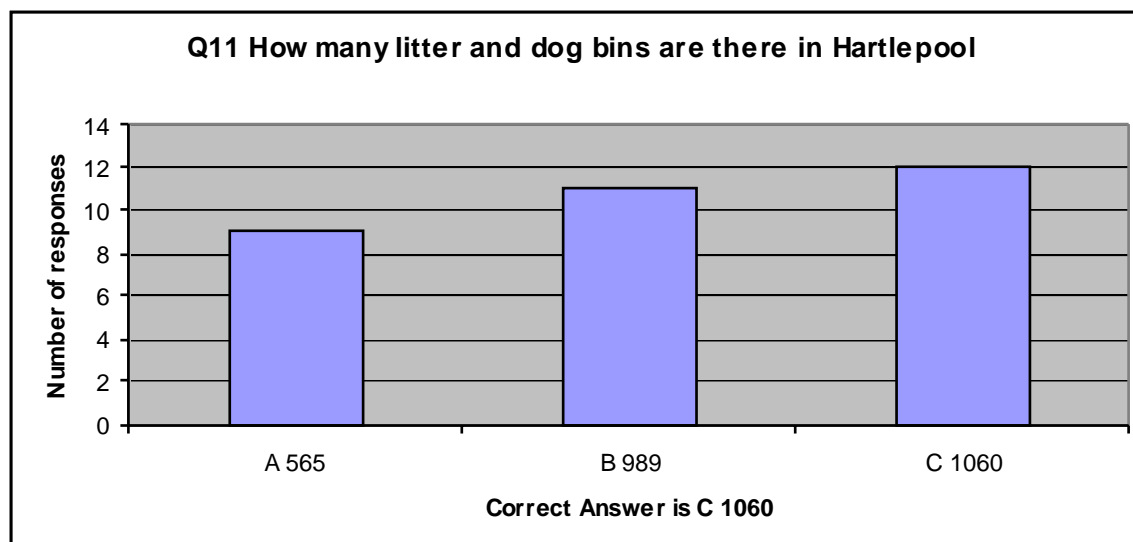
### Responses to presentation questions











#### 4. RECOMMENDATIONS

- 4.1 That Members consider the responses/issues raised at the Neighbourhood Forums of 3 October 2012, as detailed in section 3 of this report, as part of the investigation into the JSNA topic of 'Environment'.

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#### BACKGROUND PAPERS

No background papers were used in the preparation of this report.

## NEIGHBOURHOOD SERVICES SCRUTINY FORUM

13 February 2013



**Report of:** Scrutiny Support Officer

**Subject:** SIX MONTHLY MONITORING OF AGREED  
NEIGHBOURHOOD SERVICES SCRUTINY  
FORUM'S RECOMMENDATIONS

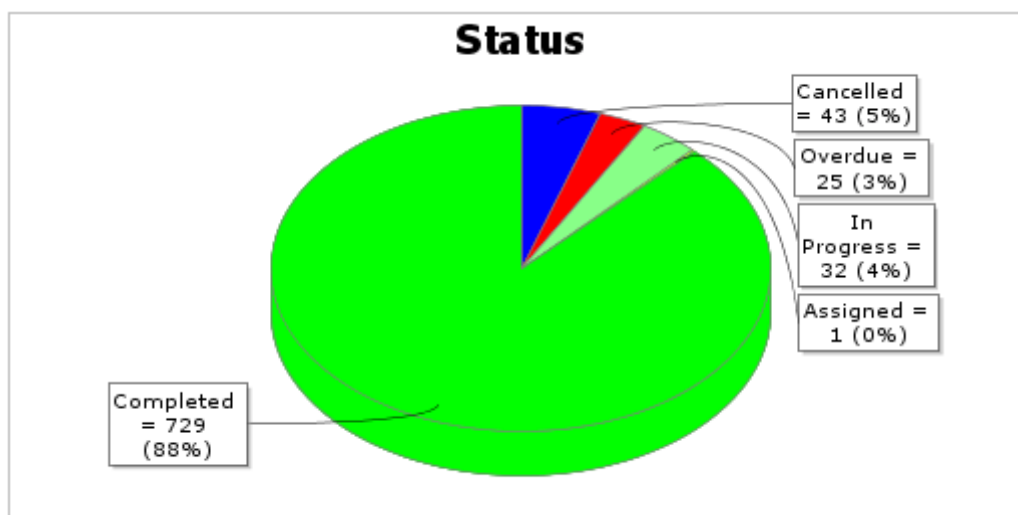
### 1. PURPOSE OF REPORT

- 1.1 To provide Members with the six monthly progress made on the delivery of the agreed scrutiny recommendations of this Forum.

### 2. BACKGROUND INFORMATION

- 2.1 In accordance with the agreed procedure, this report provides for Members details of progress made against each of the investigations undertaken by the Forum. **Chart1** below is the overall progress made by all scrutiny forums since 2005 and **Chart2** (overleaf) provides a detailed explanation of progress made against each scrutiny recommendation agreed by this Forum since the last six monthly monitoring report presented in September 2012.

Chart1: Progress made by all Scrutiny Investigations Undertaken since 2005





## Neighbourhood Services Scrutiny Forum - All

Generated on: 01 February 2013



Year 2005/06

Investigation Hartlepool's Local Bus Service Provision

Recommendation	Action	Assigned To	Original Due Date	Due Date	Note	Progress	
SCR-NS/2a/ii That work be undertaken by the Authority to improve the infrastructure of the bus network in Hartlepool.	SCR-NS/2a/ii Continue to review issues relating to timetable information. Improve clarity and presentation of at stop timetable information. Provide Real Time information at selected stops and through the internet, WAP and SMS.	Peter Frost	01-Dec-2011	31-May-2013	28-Jan-2013 TVU are continuing with the timetable updates. Tender has been let on a north east basis for a new Real Time system, which is expected to be up and running early in the new financial year. 10-Oct-2012 Timetable updates continuing as part of TVU rolling	50% In Progress	


Recommendation	Action	Assigned To	Original Due Date	Due Date	Note	Progress	
					programme. Latest Real Time update is that the new system is still on track for April 2013.		

**Year 2009/10****Investigation** Car Parking on Estates

Recommendation	Action	Assigned To	Original Due Date	Due Date	Note	Progress	
SCR-NS/9b That the Council explores ways of publicising the reporting arrangements and points of contact for parking problems;	SCR-NS/9b Publicity to be improved via website, Council A-Z services , and Hartlepool Connect scripted service provision.	Philip Hepburn	01-Mar-2011	31-Dec-2012	18-Jan-2013 NEW DATE CHANGE REQUEST - From 31.12.12 to 31.03.13. REASON: Permit information completed but further work on appeals and blue badges required before this can be added to website. This will now be completed by 31.3.13.  20-Apr-2012 Some of this work has been completed. The Contact Centre scripts have been rewritten, however further changes to legislation, particularly in relation to blue badge assessments will require further amendments. Work in this area and the appeals procedure is still to be progressed.	 100% Overdue	

**Year 2011/12****Investigation** Private Sector Housing Schemes

Recommendation	Action	Assigned To	Original Due Date	Due Date	Note	Progress	
SCR-NS/15d That Hartlepool Borough Council explore methods to introduce and fund a Healthy	SCR-NS/15d A pilot project has been developed between the Council and the NHS focussing on 3 elements, •PV installation related to	Karen Kelly; Damien Wilson	31-Mar-2013	31-Mar-2013	17-Jan-2013 With regard to the first element of the project PV panels and smart meters are being fit in 5 of the empty properties that the council has purchased. For the	 100% In Progress	

Recommendation	Action	Assigned To	Original Due Date	Due Date	Note	Progress	
Homes Scheme in conjunction with NHS Hartlepool	addressing fuel poverty •Identifying people with chronic illnesses linked to poor housing and raising standards to reduce overall cost burden Project aimed at homelessness				second element only 2 GPs responded to the letter. A further letter is to be sent out to all GPs about warm weather initiatives that the Council is pursuing and links will continue to be developed for future partnership working.  15-Oct-2012 Progress has been made with the actions in the action plan. For the first element £25,000 has been set aside to install PV panels and smart meters in 5-6 properties that have been identified as suitable through the Empty Homes Property Purchasing Scheme. With regard to the second element a letter has been sent to every GP surgery in Hartlepool explaining the project and requesting their involvement. The deadline for responses to the letter is 2.11.12.		
SCR-NS/15j That Hartlepool Borough Council works with the Probation Service to explore the use of Probation Service risk assessments and information regarding support packages in place for ex-offenders, as part of the Good Tenant Scheme assessment	SCR-NS/15j  To be picked up by the Housing Advice team alongside the Probation Service	Lynda Igoe; Nicholas Stone	31-Dec-2012	31-Dec-2012	18-Jan-2013 18.01.13 A Tenancy Awareness Course training pack has been produced by Probation and has been approved for use by the Good Tenant Scheme. Good Tenant Scheme procedures are currently being rewritten to allow for the successful completion of the Tenancy Awareness Course to be considered when determining membership applications to the scheme. Once this is complete consultation regarding the Tenancy Awareness Course will occur with private landlords to ensure that they are aware of and have confidence in the course and the support available to them from Probation should	 80% Overdue	

Recommendation	Action	Assigned To	Original Due Date	Due Date	Note	Progress	
					problems occur.		
					15-Oct-2012 15.10.12 As a result of the meetings with Julie Gallant and Gemma Sparrow from the Probation Service the Good Tenant Scheme plans to introduce the Fast Forward - Tenancy Awareness Course. This is a course run by volunteers through the Probation Service which gives advice, help and training to offenders that the Probation Service is working with regarding obtaining, managing and sustaining a tenancy.		

## Year 2010/11

## Investigation 20's Plenty - Traffic Calming Measures

Recommendation	Action	Assigned To	Original Due Date	Due Date	Note	Progress	
SCR-NS/12e That the Council circulate an accident map and ward based accident information to all Councillors as a means of communicating this information to residents.	SCR-NS/12e	Peter Frost	30-Apr-2011	30-Sep-2012	10-Oct-2012 Data is being finalised, and first updates will go to Members by the end of the week. Monthly updates are too frequent due to the relatively low number of accidents, so quarterly updates will be given as a starting point.  26-Jul-2012 New accident statistics system is now in operation, and ward boundaries are due to be installed. Anticipate that updates will be being able to be provided by end of 2nd Quarter.	<div><div></div></div> 100% Completed	

## Year 2010/11

## Investigation Foreshore Management

Recommendation	Action	Assigned To	Original Due Date	Due Date	Note	Progress	
SCR-NS/14j/i That a permanent solution is explored to close the Brus Tunnel to vehicles, utilising funds obtained in relation to the vandalised camera on the site	SCR-NS/14j/i Agencies will be involved in providing a permanent solution.	Chris Scaife	31-Oct-2011	31-Mar-2013	<p>16-Jan-2013 Whilst the demolition and reclamation works on the old Steeley site are either close to completion or have just been finished, this action cannot be taken further unsuitable alternative access arrangements have been put in place. The alternative access would only be built once development of the site, for housing, had been started. As yet this has not occurred. The Council awaits for a suitable planning application to be placed for consideration.</p> <p>12-Sep-2012 Due to concerns expressed by the Emergency Services this action cannot proceed until the current land reclamation works are completed and suitable alternative access arrangements are provided for emergency vehicles. Officers will continue to review the situation with a view to completing the action, however it is not known at present how long this could take as it is dependant on the works being undertaken by others.</p>	100% Completed	

## Year 2011/12

## Investigation Private Sector Housing Schemes

Recommendation	Action	Assigned To	Original Due Date	Due Date	Note	Progress	
SCR-NS/15e That communication with the public is improved to highlight the regeneration benefits that result from the	SCR-NS/15e Communications and publicity will be made available to promote existing schemes alongside the launch of new schemes to bring empty homes back into use.	Amy Waller	31-Dec-2012	31-Dec-2012	18-Jan-2013 Work is ongoing to publicise empty homes incentive schemes. All owners of empty homes over 6 months have been written to and refurbished properties advertised through	100% Completed	

Recommendation	Action	Assigned To	Original Due Date	Due Date	Note	Progress	
provision of loans and grants to private landlords to renovate properties in specific areas of the town					websites such as Gumtree. A series of press releases are planned over the coming 6 months to further promote the empty homes incentive and enforcement progress. NOTE: This action will continue throughout the implementation of the empty homes incentive schemes - new action needed for 2013/14.		
					12-Oct-2012 Work is ongoing to publicise properties being let through the empty homes scheme and a waiting list of potential tenants is emerging. A press release was issued for the Belle Vue area to promote regeneration work underway and further press releases are planned to publicise the empty homes project.		

### 3. REQUESTED REVISIONS TO ACTION DUE DATES

- 3.1 The Forum is requested to agree to a revision of the completion date for the action detailed in **Table 1** for the reasons outlined.

Table 1 Requested Due Date Revisions

Recommendation	Action	Original Due Date	Due Date	Note
SCR-NS/9b That the Council explores ways of publicising the reporting arrangements and points of contact for parking problems;	SCR-NS/9b  Publicity to be improved via website, Council A-Z services , and Hartlepool Connect scripted service provision.	01-Mar-2011	31-Dec-2012	NEW DATE CHANGE REQUEST - From 31.12.12 to 31.03.13. REASON: Permit information completed but further work on appeals and blue badges required before this can be added to website. This will now be completed by 31.3.13.

### 4. RECOMMENDATIONS

- 4.1 That Members:-

- (a) Note progress against the Neighbourhood Services Scrutiny Forum's agreed recommendations, since the 2005/06 Municipal Year, and explore further where appropriate;
- (b) Agree the proposed date change to the action included in paragraph 3.1.

**Contact Officer:-** Elaine Hind – Scrutiny Support Officer  
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### BACKGROUND PAPERS

No background papers were used in the preparation of this report.