

# Equality Impact Assessment

Title:	<b>NOISE COMPLAINTS POLICY 2017- 2020</b>	
Version:	<b>1.0 draft</b>	
Date of draft:	<b>October 2017</b>	
Date approved by Equalities Group	<b>1.2.18</b>	

## Section 1A: Overview

Name of Policy, Procedure, Practice, Strategy or Service:	<b>Noise Complaints Policy</b>	
Service, Group, Team:	<b>Environmental Protection, Environment and Housing Services</b>	
Equality Assessment Lead Officer:	<b>Elizabeth Street</b>	<b>Environmental Health Manager</b>
Head of Service	<b>Nick Thurstan</b>	<b>Head of Environment and Housing Services</b>

<b>1B: Please state the intended outcomes of the policy</b>	<b>How will you know these have been achieved?</b> <i>What performance monitoring is in place?</i>
The Council has a statutory duty to investigate noise complaints to determine if they constitute a statutory noise nuisance. If the presence of a statutory noise nuisance is determined the council must serve a notice to address the problem.	Successful resolution of noise complaints reported.

<b>Section 2A: The policy. How will the policy/plan/strategy impact on residents, visitors, businesses or other agencies that we work with?</b> <i>What work has been undertaken to advise these groups about the changes planned in the policy/plan/strategy?</i>	
The council's Noise Policy sets out how we will undertake an investigation into alleged noise nuisance. It gives guidance on what a statutory nuisance actually is and explains the need to collect evidence which would be admissible in a court of law. This is a review of the existing policy.	

<b>2B: What needs is the policy/service designed to meet?</b> <i>You could also refer to your current Service Plans and how the policy/service fits into EBC's Corporate Plan Priorities. How does the policy, procedure, practice, strategy or service align with Corporate Priorities</i>	
<p>The Policy contributes to the following Council's Corporate Plan priorities:-</p> <ul style="list-style-type: none"> <li>CP1 A clean safe and welcoming Borough</li> <li>CP2 Improved access to services</li> <li>CP3 Delivering efficient and effective services that residents need</li> </ul>	

**2C: Is the service provided subject to any element of outsourcing? *Is the service delivered in part, or in its entirety by an outside company or organisation? If challenged about a service delivered on our behalf you must show that the organisation meets the expectations with regard to equalities in its customer service and recruitment and retention of staff.***

No

## **Section 3A: Gathering Information**

**What equality monitoring information do you gather and how is this information used to develop services, functions and policies at the current time. *You could look at the take up of services, customer satisfaction (complaints and compliments) and enforcement action.***

The Environmental Protection Team and Administration Team occasionally deal with customers who would have difficulty with all or part of the noise complaint procedure. Typical issues include the partially sighted who cannot fill in a diary, persons with poor literacy skills, persons whose first language is not English and disabled people who cannot write or operate the noise recording equipment due to their disability.

In each case the situation will be assessed to establish how a solution can be identified. It is important that any course of action maintains the quality of the evidence which ensures that Erewash Borough Council is not misled when deciding if the noise is a statutory nuisance and that the evidence is admissible in court should the need arise.

**3B: What does available data and the results of any consultations show about the take up of services? What is the impact on different groups? (qualitative and quantitative).** *You could look at previous community consultation exercises, customer reviews, census data, staff feedback etc. Does your consultation identify responses by protected characteristic or identify particular community and voluntary groups that you worked with.*

**Remember:** by law you are required to be able to demonstrate, through data analysis and evidence, that you have considered the impact of your service on **ALL** of the relevant protected groups. This document is just a short summary of this process and a tool to help you to check that you have taken the Equality Act 2010 and the Council’s equality objectives into consideration.

The investigation of noise complaints is undertaken into any complaint about noise – the service user is someone affected by noise.

The Team follow an established process and guidance on good practice “Neighbourhood Noise Policies and Practice for Local Authorities – A Management Guide”, a document jointly issued by Defra and the Chartered Institute of Environmental Health. It therefore follows nationally agreed best practice.

Requirement to fill in the noise diary (used as evidence in noise complaints and legal proceedings) requires literacy skills and may be an issue for the partially sighted, some with a physical disability and those residents whose first language is not English.

**Section 4: Impact Assessment** *Here you need to analyse the needs of different groups and the possible impacts the service may have on them. How is the policy or decision likely to affect the **promotion of equality** and the **elimination of discrimination** in each of the groups?*

Stake Holder Group	Is this group likely to be affected in a positive way?	In what way will they be affected?	Is this group likely to be affected in a negative way?	In what way will they be affected?
Age (older people, young people)	<b>No</b>	The policy is only applied when a resident reports they are being	<b>No</b>	No impact on this protected group positive or negative

		subjected to noise.		
People with Disabilities (Both physical and mental impairments)	<b>Yes</b>	People suffering from noise / musical hallucinations (e.g. musical tinnitus) have been identified and advised to visit GP.	<b>Yes</b>	Filling in a noise diary may not be possible for some residents with a disability.  Noise monitoring equipment could be difficult to operate for anyone with a physical disability.
Gender (Women, Men, Transgender, Transsexuals)	<b>No</b>	The policy is only applied when a resident reports they are being subjected to noise.	<b>No</b>	No impact on this protected group positive or negative
Race (Black, Asian, Minority Ethnic groups. Include people whose first language is not English)	<b>No</b>	The policy is only applied when a resident reports they are being subjected to noise.	<b>Yes</b>	Literature is only produced in English.  Filling in a noise diary may be difficult for those residents whose first language is not English
Sexual Orientation	<b>No</b>	No impact on this protected group positive or negative	<b>No</b>	No impact on this protected group positive or negative
Religion and belief	<b>No</b>	No impact on this protected group positive or negative	<b>No</b>	No impact on this protected group positive or negative
Dignity, Human Rights and Socio-economic disadvantage	<b>No</b>	The policy is only applied when a resident reports they are being subjected to noise.	<b>Yes</b>	Retaliation in some circumstances particularly where other antisocial behaviour may be a problem.
Marriage and Civil partnerships	<b>No</b>	The policy is only applied when a resident reports they are being subjected to noise.	<b>Yes</b>	The policy is only applied when a resident reports they are being subjected to noise.
Pregnancy and maternity/paternity	<b>No</b>	The policy is only applied when a resident reports they are being subjected to noise.	<b>Yes</b>	The policy is only applied when a resident reports they are being subjected to noise.

<b>Section 5A: Actions How will you monitor the ongoing effect of the policy/strategy/plan?</b>	<b>When will this be undertaken?</b>	<b>Expected outcomes / performance measures</b>	<b>Which Corporate Plan aim will this action meet?</b>
<p>The policy is only applied when a resident reports they are being subjected to noise. Investigations should come to a conclusion that the customer agrees has improved the situation.</p>	<p>Ongoing monitoring and review</p>	<p>Customer satisfaction at end of investigation process.</p>	<p>A clean safe and welcoming Borough Improved access to services Delivering efficient and effective services that residents need</p>

<b>5B: If you have identified any negative impacts on any of the groups in section 4 how will you mitigate the effect?</b>					
<b>Negative impact</b>	<b>Action required to mitigate any potential negative impact</b>	<b>Outcome / performance measure</b>	<b>Lead Officer – who will the monitoring of this action be reported to?</b>	<b>Date that the monitoring will be undertaken, how often will it be done?</b>	<b>Which of the current Equality Objectives does this action meet? (State number *)</b>
<p>Filling in a noise diary may not be possible for some residents with a disability.</p>	<p>A noise diary is an essential part of the investigation process however other options will be discussed to identify a suitable way to provide this initial evidence</p> <p>Others can fill in the diary on the complainant's behalf and greater reliance can be placed on the noise recording equipment and other types</p>	<p>Diary completed providing all the information needed to complete the service's enquiry</p>	<p>Case officer</p>	<p>A decision will be made for each relevant complaint</p>	<p>Outcome 1 and 2</p>

	of evidence.				
Noise monitoring equipment could be difficult to operate for anyone with a physical disability	<p>When noise monitoring equipment is required the officer will have already been in contact with the complainant a number of times. The officer will be aware of any difficulties and will discuss options / solutions with the complainant.</p> <p>The monitoring equipment can automatically record if the noise exceeds a pre-set level.</p>	The customer will be satisfied that the recording equipment is working to capture the information required by the service	Case officer	A decision will be made for each relevant complaint	
Literature is only produced in English	Documents can be produced in other languages if required	Information is understood by the customer.	Environmental Health Manager	A decision will be made for each relevant complaint	Outcome 1 and 2
Filling in a noise diary may be difficult for those residents whose first language is not English	<p>Additional support will be provided as needed.</p> <p>Others can fill in the diary on the complainant's behalf and greater reliance can be placed on the noise recording equipment and other types of evidence.</p>	The customer will be satisfied that the recording equipment is working to capture the information required by the service	Case officer	A decision will be made for each relevant complaint	Outcome 1 and 2
Retaliation in some circumstances particularly where other antisocial behaviour may	A noise complaint cannot be investigated without a complainant's name and address. The complainant's identity will be kept confidential until a case goes to court but this is very rare as actions before that point will most often stop the noise nuisance.	The customer is happy that the noise issue and any related matters are being dealt with by the council or one of	Case officer	A decision will be made for each relevant complaint	Outcome 1 and 2

be a problem.	The council is unable to help customers directly who fear retaliation if they make a complaint. However, often other issues of antisocial behaviour or criminality are involved and we would seek to liaise with Community Safety and the Police to resolve such issues.	its partners			
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\*The objectives are:

1. **Provide a welcoming and safe place for our communities, visitors and businesses which embraces equality and is free from discrimination.**
2. **Provide relevant services that are free from discrimination and delivered in a way that is responsive and accessible.**
3. **Understand and value the diversity of our communities through community engagement**
4. **Foster an accessible and inclusive working environment for all our staff and strive to achieve a workforce that is representative and diverse.**