



ADUR & WORTHING
COUNCILS

Executive Members for
Health & Wellbeing
11 February 2021

Decision to be taken on or after
19 February 2021

Key Decision: Yes

Ward(s) Affected: All

Out of Hours Noise/Nuisance Contract renewal

Report by the Director for Communities

Executive Summary

1. Purpose

- Adur & Worthing Councils currently operate an out of hours noise service delivered through a private sector partner 'Inside Housing Solutions', in partnership with Arun District Council. This report looks at the limited options available to provide an out of hours noise and nuisance service.

2. Recommendations

2.1 Recommendation One

- To consider the report and note the lack of suitable alternative providers of an out of hours noise service.
- To approve the decision to award an out of hours noise contract to Inside Housing Solutions for up to four years (2 years with options to extend for 2 additional twelve month periods).

3. Context

- 3.1 The Councils currently operate a service with Arun District Council for the provision of an out of hours nuisance response. The current contract commenced in April 2017 and is due to expire on 31 March 2021.

- 3.2 The service has been operated jointly with Arun DC for over 10 years and is well thought of and judged to be of high quality, with other authorities viewing it as an extremely efficient and effective service.
- 3.3 This service is currently contracted to a company called Inside Housing Solutions Ltd.
- 3.4 The contract provides that staff are available to receive complaints, enquiries and undertake monitoring during duty hours that are referred to them by the Councils out of hours duty officers, the Police, or any other agency authorised by us.
- 3.5 The type of work includes certain complaints of alleged nuisance in respect of both domestic and commercial premises, including audible alarms, noise from vehicles, equipment and machinery in the street, noise from commercial and licensed premises, light nuisance, smoke from bonfires on commercial or domestic premises, or an emergency likely to have a significant impact on public health. Daytime officers can also arrange pre programmed visits to monitor ongoing nuisance cases. In addition it includes the monitoring of events and premises including conditions relating to premises and events regulated by the Licensing Act 2003.
- 3.6 The service is provided from 6pm to 8am the following morning Monday to Thursday and 5pm Friday through to 8am Monday morning throughout the year. For public and bank holidays the service operates 24 hours.
- 3.7 The contract is to the value of £120,000 over the four year period, with 55% payable by Adur & Worthing Councils and 45% by Arun. This difference reflects the amount of work generated in Adur & Worthing versus that generated in Arun.
- 3.8 The contract is issued by Worthing Borough Council for a contract to cover both Adur and Worthing Districts.
- 3.9 In 2018 the service received just under 100 calls and made 59 visits, in 2019 it was 108 calls and 64 visits. Final data for 2020 is currently being sought.
- 3.10 The service was extended last year for a further 12 months under the conditions of the current contract. This contract expires on 31 March 2021.
- 3.11 Therefore Worthing Borough Council needs to enter into a new contract with a provider in order to continue to provide such a service.

3.12 Failure to provide this service will result in prolonged nuisance to residents and businesses, particularly from noise being allowed to continue unabated for prolonged periods of time, for example audible alarms. The knock on effect on the workload of the Public Health & Regulation Team will be excessive, resulting in many noise and other nuisance issues being unable to be investigated properly due to lack of personnel and equipment at times when people are being affected. It is also likely to result in reputational damage to the Council.

4. Issues for consideration

4.1 Both Arun DC and A&W Councils have provision for call taking, but require available resources to attend sites within the relevant district boundaries to monitor and assess nuisance and to take action as required, for example the service of notices and the silencing of audible alarms.

4.2 Arun DC are ready to proceed and have their contract drafted. As this is a joint contract failure to proceed on our part would jeopardise their out of hours service.

4.3 As you will see from section 5, no other contractor can currently provide the service we are requesting.

4.4 Officers are aware from the previous tendering exercise that there is very limited provision of such services due to their specialism. The only other previous party to tender no longer operates and internet searches have not yielded any further suppliers.

4.5 We have looked into providing the service in house using existing officers. However this is not a viable option as it will require significant changes to working patterns and is likely to be significantly more expensive over the contract period.

4.6 In addition daytime officers from Public Health & Regulation use the service to collate evidence in ongoing nuisance cases, by arranging visits by the service to monitor noise etc at unsociable hours, thereby removing the need for overtime/time off in lieu.

4.7 The current provider has given an excellent service over the past 3 years, often going the extra mile to assist residents, with feedback being overwhelmingly positive. For example, an officer stayed with a vulnerable

elderly resident until an ambulance arrived, after visiting them in response to a noise call and becoming concerned for their health.

- 4.8 The proposed new contract would be for two years with the option to extend for 2 periods of twelve months.

5. Engagement and Communication

- 5.1 Enquiries with neighbouring authorities revealed that no others are using a company that can deliver such a service.

Group or Authority	Date	Provision
Pollution Working Group (Sussex Wide)	09/07/2020	No responses
Hastings	17/06/2020	Use a company to handle their calls, but these are then passed to their officers. Very limited service.
Chichester	16/06/2020	Use their own officers with calls being dealt with by Chichester care line. Very limited service.
Lewes and Eastbourne	16/06/2020	Not currently providing a service
Crawley	15/06/2020	Use their own EHOs, very limited service.
Mid-Sussex		No service
Horsham		No response
Brighton		Operate through a field officer team, limited service.

6. Financial Implications

- 6.1 The revenue budget for the out of hours service is £17,500 (Adur District Council £2,260 and Worthing Borough Council £15,240 which is allocated on the basis of demand for the service).
- 6.2 The contract value will be £30,750 per annum for 4 years, totalling £123,000. 45% will be payable by Arun DC and 55% payable by Adur & Worthing Councils which is equivalent to £16,910 per year which is within the allocated budget.
- 6.3 The contract standing orders allow for a direct award when no viable alternative supplier can be found provided that the Head of Legal Services or Chief Financial Officer agree that this is an appropriate course of action. Authority was provided by the Chief Financial Officer.

7. Legal Implications

- 7.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 7.2 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation
- 7.3 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 7.4 s1 Local Government (Contracts) Act 1997 confers power on the Council to enter into a contract for the provision of making available assets or services for the purposes of, or in connection with, the discharge of the function by the Council.
- 7.5 When entering into a public contract, the authority is required to comply with the Councils' Contract Standing Orders found at Part 4 of the Councils' constitution.

Background Papers

None

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Sustainability & Risk Assessment

1. Economic

- The out of hours noise service provides a vital service to both residents and businesses within Adur and Worthing. Without the service problems can be left to continue unabated, causing distress to residents and business owners health and wellbeing. For example an alarm being allowed to continue sounding through the night results in impaired sleep, increased stress and ultimately impacts on productivity.

2. Social

2.1 Social Value

- Without the service problems can be left to continue, causing residents and business owners health and wellbeing to suffer. For example an alarm being allowed to continue sounding through the night leads to impaired sleep, increased stress and so on. It also allows communities to function with minimal friction by resolving issues before they become bigger issues that could affect larger sections of the community.

2.2 Equality Issues

- Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

- The service allows residents and businesses to call upon the Council to investigate nuisances, which are criminal acts if allowed to proceed unabated.

2.4 Human Rights Issues

- Matter considered and no issues identified.

3. Environmental

- Matter considered and no issues identified.

4. Governance

- An out of hours nuisance service aligns with Platform 2 of Platforms for Our Places, in particular
 - Fostering effective strategic partnerships for providing a joined up service with Arun District Council;
 - Prevention and early intervention where needed (intervening in nuisance issues before they become larger problems); and
 - Providing safer communities (allowing residents and businesses a platform to report and have witnessed nuisance issues).

- Failure to provide an out of hours response to severe nuisance issues risks reputational damage to the Council. The service is also used on occasions by tenants of Adur Homes and Worthing Homes, with whom Public Health & Regulation work closely.
- Failure to provide an out of hours response via a third party will place additional pressures on an already stretched Environmental Protection service. Furthermore, the costs associated with providing similar cover in house will greatly exceed the costs associated with this contract.