



27th April 2008

Mr David Bower
Environmental Health Officer
Tunbridge Wells Borough Council
Town Hall
Royal Tunbridge Wells
Kent TN1 1RS

Dear Mr Bower

Environmental Protection Service Standards

We wish respond to your consultation and have the following comments to raise concerning intended Service Standards.

In general the Service Levels as stated are clear and comprehensive and do set out with the intention of providing high standards, however, the following comments are made, which we trust will be viewed with importance.

Service's Aims

For the avoidance of doubt where you state individual privacy it would be expected that confidentiality be complied. Should you need to release the complainant's details then this must be done in agreement with the complainant AND in writing.

Under We can receive a service request, enquiry or complaint via..... you state "we try to ensure that there is always an officer present to give advice and information, but this cannot be guaranteed after 1.00pm.

In response to this statement we strongly oppose such an end time. Personal experience of suffering noise dictates that noise, which both disturbs and is anti-social affects people at times well after 1.00pm. Indeed we face noises during the day, but at night the noise is ten-fold due to much reduced background noise. The Town Forum would suggest that an officer can always be available on a mobile telephone during office hours.

Matters which Environmental Protection can investigate or provide more information on **include**

We note the word "include". This is a word which should be placed in the bin when describing service standards. We would expect a full definitive list of what you can act upon and investigate. Those areas which you can give information upon should be, at the least, stated on your website while bearing in mind not all people are on the internet.

The Town Forum, while acknowledging the concept of using a mediation service can be useful, would expect that mediation service only to be used as a pre-cursor to formal proceedings through a court of law. The Town Forum expects a pro-active approach to handling noise complaints by officers in the Environmental Health Department. We do not expect a simpering approach of saying to a complainant have you tried a mediation service, especially when the complainant is being constantly disturbed by anti-social activity.

Matters which the service cannot investigate

We note the service cannot investigate complaints where the source address of the noise is unknown. The Town Forum objects to this notion. Invariably you find that noise is generated out of a block of flats or a multi-tenanted converted house/bedsit. In this instance you do not know where the noise is coming from as you do not know the specific flat number set up within that property. Furthermore, if you live in a block of flats or converted house quite often you do not know where the noise is coming from within as noise travels down and across.

Once again we note that one-off parties cannot be investigated until you have five complainants. We would suggest that if that be the case you are placing people who may live in rural locations at a detriment to those who live on top of each other. We would also suggest that where you have a complainant who feels threatened by such conduct that this should be taken into account, especially if they live in that block of flats. In these days, by law, you now have to state if you are affected by your neighbour's noise/anti-social behaviour if you are forced to sell and move out otherwise you face being sued. Through process of the law of equity that person should be protected by law.

We note that you classify a person who works in a commercial premise as a person who cannot complain. We do not agree. A person who works should have the same right to appropriate levels of noise as anyone else. What happens if the other premises are not insulated for noise that they create? Why should a worker not be able to complain about loud mouthed drunks?

The references made to Housing Standards and housing services is not clear. Currently, there is no proactive activity between housing associations and the Environmental Health Department to stop noisy tenants from disturbing law abiding residents. This needs to be radically improved! This is further compounded by not wanting to show what the standards are for the Private Sector Housing Team, which must and we insist, as a matter of course, be included in your standards. Why treat this area identified in your detailed information any differently?

What happens to my request next?

We approve of the fact the most suitable officer will handle the complaint.

Complainants should be acknowledged within five working days and a method of approach should be provided within ten working days. If this deadline is missed then a letter should be sent giving a clear and understandable reason why not.

Letters should be replied to within ten working days.

Will I get immediate action?

A complainant who suffers due to a repeat offender should not have to wait five working days – it should be immediate, as the actions of your staff would have been ignored.

Where the complaint surrounds a housing association tenant there could be a conflict interest, as the housing association is required to house tenants that the Council requires to be housed, a prime example being York Road in Royal Tunbridge Wells. Little action has been taken to enforce the housing association to act. Why not?

Will I be kept informed?

We agree to this, except in emergency there should be a mobile telephone number to call.

What will be the outcome?

This paragraph is not precise. The Council should make it quite clear what legal action can be taken otherwise that underlines a total lack of pro-activity as is indeed the case with noisy and anti-social neighbours.

Will my request be kept confidential?

We approve and suggest this should be included under our service's aims.

What if I am not satisfied?

An exact reporting deadline should be stated under complaint processes for both complainant and service. One assumes the Corporate Complaints Procedures are in line with standard guidance.

Whereas we note the standards you outline are reactive what are your pro-active standards? What do you do to ensure certain areas of town are monitored? How do you interact with the Police? What consultations do you plan to have in areas which are affected by anti-social tenants?

Unfortunately your service level standards only relate to reaction. You therefore must include what pro-activity you intend to undertake, which should include working with the Planning Department to avoid many complaints being raised in the first place i.e. no places for large refuse bins which now festoon the pavements, odours emanating from new restaurants which should never happen if equipment was insisted upon in the first place and, by way of variety, how do you intend to act alongside Police Community Support Officers and the newly empowered traffic wardens to be aware of and clear rubbish and litter dumped on the streets

– example: look behind Noakes and you will see a regular dumping ground of a variety of rubbish being disposed of by the tenants who live above. You will also note a total irreverence towards parking standards.

Finally, please confirm you have a graffiti hotline for complaints to be made as there are two odious items of graffiti on the Crescent Road car park just past the toilets going towards the bins – two handguns sprayed on.

I trust the above will be seriously considered in your consultation, as residents require pro-activity just as much as reactivity. Please confirm receipt of this letter which I am sending by email and post.

Yours sincerely

Christopher Thomas
Chairman
Royal Tunbridge Wells Town Forum