

# Communities Scrutiny Commission

## 8 February 2021

### Public Forum



#### Questions

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Q1	Andrew Waller - Attending	4 – Minutes (HMO's and Licensing)
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#### Statements

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S1	Andrew Waller - Attending	4 – Minutes (HMO's and Licensing)
S2	David Redgewell – Attending	N/A – Community Toilets and 8 - Waste



## **Public Forum Questions**

### **Andrew Waller – Minutes (HMOs and Licensing)**

#### **Question 1:**

The Environmental Protection Act 1990 imposes on the council a duty "to cause its area to be inspected from time to time to detect any statutory nuisances ..."

In respect of statutory nuisances that relate to "noise emitted from premises" (as defined by the Act), when did the council last carry out an inspection, and what methodology was used? Or, when will the council next inspect, and how? (It is noted that the Act doesn't specify when or how inspections should be held.)

#### **Answer, Team Leader – Neighbourhood Enforcement:**

Bristol City Council does not carry out a specific inspection of the district. Officers carry out investigations based on reactive reporting and proactive observations. Proactive observations, or "inspections", generally relate to observable nuisances such as accumulations of waste, dust or smoke that officers come across as part of their everyday duties or when on working late shifts on a weekend.

#### **Question 2:**

How much use does the council make of the Environmental Protection Act, not just for noise but for all forms of statutory nuisance defined in the Act? (It appears the Neighbourhood Enforcement Team uses the EPA to deal with noise complaints; do the NET or other departments use the EPA to deal with other forms of nuisance? Could the council provide figures from a recent year to illustrate the range of uses of the EPA?)

#### **Answer, Team Leader – Neighbourhood Enforcement:**

Statutory Nuisance is most commonly used to tackle noise complaints but is also used by NET in dealing with odour, smoke and light pollution cases. Environmental Health Teams, such as Private Housing, also take action under Statutory Nuisance under their appropriate remit. I would advise that it is not uncommon for there to be overlaps in legislation, where a number of types of legal powers could be used, for example an accumulation of waste that could be considered a statutory nuisance could also be dealt with under Prevention of Damage by Pests Act 1949, Anti-Social Behaviour, Crime and Policing Act 2014 or Town & Country Planning Act 1990. I would suggest that Andrew Waller submits a Freedom of Information request if he would like to know the full range of circumstances that the power has been used by complaint type and department.

#### **Question 3:**

How does the council coordinate its enforcement activities with the police? There are several areas related to noise enforcement in which the council's responsibilities under the Environmental Protection Act may overlap with investigation by the police of matters covered by the Anti-Social Behaviour, Crime and Policing Act 2014 and other legislation. Does the council have a partnership agreement with Avon & Somerset Constabulary that determines which agency, council or police, is regarded as the primary responder to certain kinds of incidents and, equally, seeks to ensure that no incidents fall through the cracks—that is, are not responded to by either? (If there is such an

agreement, is it publicly available, or can the council make it so? If there is no agreement as such, are there other arrangements that seek to coordinate activities?)

**Answer, Team Leader – Neighbourhood Enforcement:**

There is a range of Tasking and Multi Agency Meetings that NET feeds into and is tasked, from regular Tasking meetings focussing on licenced premises, ASB Multi-Agency Meetings around specific individuals and then specific local Problem Solving Plans such as the one linked to Operation Beech. In terms of formal agreements, on a council wide scale there is the Keeping Bristol Safe Partnership.

**Question 4:**

NET has an agreement with the city's two universities covering responses to noise complaints. This has a planned review date of April 2021. Does NET plan to renew the agreement and what changes, if any, will it be seeking?

**Answer, Team Leader – Neighbourhood Enforcement:**

NET hopes to renew the agreement and the review will include a discussion on any changes. The purpose of the agreement is to set out clearly the role of each organisation for both students & the general public, so that it is clear to all the responsibilities of each party and the appropriate action that can be taken.

## **Public Forum Statements**

### **Statement 1: Andrew Waller – Minutes (HMOs and Licensing)**

I just wanted to comment on the discussion you had in December with regard to noise and waste enforcement around HMOs.

Members may recall I made a statement to the meeting, urging a review of how the Neighbourhood Enforcement Team operates. I chiefly cited concerns about how it handles noise complaints.

I listened carefully to the discussion that followed, particularly the officer's explanation of how NET interprets its statutory duty on noise. I have to say the explanation reinforced my view that the council is not following the law, and that many complaints are being wrongly turned away—not investigated, not even recorded.

I also note several members, including the Chair, spoke in favour of a review (for a range of reasons, not just noise).

With that in mind, I submitted a paper to the Chair in January, detailing the noise issues a review might examine. Most important are the council's refusal to deal with so-called "one-off" events such as loud late-night parties. The police also refuse to respond to these events—101 tells callers it's the council's responsibility. So neither agency acts and residents are left to endure sleepless nights. Communities are being poorly served.

A review of these issues is badly needed. However, I understand your meeting today is the last before the May elections. For the moment, therefore, I can only ask you not to let this subject disappear from sight.

The paper I mentioned explains in some detail why I think the council is potentially in breach of its statutory duty on noise. The Chair and two other members have seen versions of it. I can forward it to other members if you wish, or it can be downloaded as a PDF file from my website, [www.thenoisepages.com](http://www.thenoisepages.com).

I also submitted questions to today's meeting, which are also in the pack.

In conclusion, the noise problems I'm raising have existed for many years and affect very many residents. There is a strong association between noise complaints and HMOs, which your last meeting heard are spreading rapidly in Bristol. The demands for better enforcement are only going to grow, and I suggest the council needs to ensure its noise policies are fit for purpose.

### **Statement 2: David Redgewell, Bristol Disability Equality Forum and South west transport network and Railfuture Severnside – Community Toilets and Graffiti removal**

#### **Community Toilets**

Dear Councillors,

We are concerned about the provision of public toilets and disabled public toilets in the city and county of Bristol. As most of the Community Toilets were closed during lockdown last summer this resulted in the Mayor and Bristol City Council putting temporary toilets in Queen Square and the Harbour, which we welcomed.

It is very, very important that we have a good network of public toilets in Bristol especially in the city centre, the Harbour, the Downs and the city's parks.

Bristol is a major tourist city in South West of England with a £1.4 million tourism economy and 600,000 jobs. Details from Destination Bristol and Visit Bath no visit west.

With Covid-19 hand washing is very important and the Government passed an order in the House of Commons to remove rates from Public Toilets. The community toilets scheme is to be welcomed from the Mayor, but this with modern public toilets will improve the city.

South Gloucestershire Disability Equalities Network has worked on Can't Wait cards for Disabled people in South Gloucestershire Council, with shop keeper and owners, and also in parts of Bristol.

North Somerset Council, South Gloucestershire and North Somerset have a modernisation policy for public toilets with private contractors, as does Wiltshire Council, Mendip District Council and in places like Wells, Glastonbury, Street, Frome and Gloucester City Council and Cheltenham Borough council.

We would like to know if capital receipts from Public Toilets block sold off by the council are reinvested in new public toilets facilities. Some old Victorian Blocks can be rebuilt as cafes and shops which fit well with retaining a modern public Toilet with full Disabled Facilities. Such facilities exist at Bridgwater bus station, Wells bus station and on Weston super mare on the sea front with a small charge.

At present the city provides only 2 changing places at Temple street offices. But such facilities in Broadmead or Cabot Circus or the Harbour. These facilities exist at Cribbs Causeway shopping centre next to the bus station and in market town of Dursey in May Lane bus station. There are no changing places at Temple Meads station or Bristol Parkway station or Bristol bus and coach station.

We think like other combined Transport authorities the WECA mayoral transport authority should invest in public toilets and cafe and kiosks at public Transport interchanges.

We would like to know what is policy and programme for providing fully accessible public toilets in the city and county of Bristol, and what budget exist for Public and community toilets.

Many older people, disabled people, and bus drivers and public transport users have asked these questions, and will the community scrutiny commission please look into this matter.

### Graffiti Removal

On graffiti removal can we ask what targets are being set to the Bristol Waste Company Ltd to remove graffiti from historic buildings monuments and statues in the city centre.

How many tickets and fines and prosecutions have been taken by Bristol City Council and the Avon and Somerset Police, British Transport Police.

What work is taking place in the Lawrence Hill Station, Stapleton Road station and the track sides on the Filton line and the Severn beach line to remove graffiti with network rail western routes in view of the clean up our railways campaign by Grants Shapps, the Secretary of State for Transport.

What action is Bristol Waste Company taking to remove graffiti in and around Stapleton Road and Lawrence Hill, Bedminster, Southville and Gloucester Road. We are talking about tagging and graffiti and not street art.

Whilst we welcome the progress on Cleaner Streets and fly tipping we feel there is still a lot more work on Graffiti removal and cleaning is required.

Gordon Richardson – Chair, Bristol Disability Equality Forum.

David Redgewell trustee of Bristol Disability Equality Forum and South Gloucestershire Disability Forum.

Ian Beckey - South West Transport Network and Railfuture Severnside.