

Public Document Pack



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21 November 2017

Dear Councillor

NOTICE OF DELEGATED DECISION – (DD16 17) SERVICE OF NOISE ABATEMENT NOTICE IN RESPECT OF BELLS AT ST PETER’S CHURCH, SANDWICH

Please find attached details of a decision taken by Diane Croucher, Head of Regulatory Services, to serve a noise abatement notice under Section 80 of the Environmental Protection Act 1990 in respect of church bells at St Peter’s Church, St Peter’s Street, Sandwich.

As a non-Key Officer Decision, call-in does not apply (paragraph 18(a) of Part 4 (Rules of Procedure) of the Constitution).

Members of the public who require further information are asked to contact Kate Batty-Smith on 01304 872303 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely

A handwritten signature in cursive script that reads 'Kate Batty-Smith'.

Democratic Support Officer

ENCL

1 **NOTICE OF DELEGATED DECISION - (DD16 17) SERVICE OF ABATEMENT NOTICE UNDER SECTION 80 OF ENVIRONMENTAL PROTECTION ACT 1990 - ST PETER'S CHURCH BELLS, ST PETER'S STREET, SANDWICH** (Pages 2-4)

Decision Notice

Delegated Decision

Decision No:	DD16
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Subject:	SERVICE OF A NOISE ABATEMENT NOTICE UNDER SECTION 80 OF THE ENVIRONMENTAL PROTECTION ACT 1990 IN RESPECT OF CHURCH BELLS AT ST PETER'S CHURCH, ST PETER'S STREET, SANDWICH
Notification Date:	21 November 2017
Decision taken by:	Diane Croucher, Head of Regulatory Services
Delegated Authority:	Delegation 103 of Section 6C (Scheme of Officer Delegations) of Part 3 (Responsibility for Functions) of the Constitution
Decision Type:	Executive Non-Key Decision
Call-In to Apply?	No (Call-in does not apply to Non-Key Officer Decisions)
Classification:	Unrestricted

Reason for the Decision:	Recording decision made with regard to statutory duties under Section 79 (1) (g) of the Environmental Protection Act 1990.
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Decision:	To serve an abatement notice under Section 80(1) of the Environmental Protection Act 1990.
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1. **Consideration and Alternatives** (*if applicable*)
 - 1.1 See attached report.
2. **Any Conflicts of Interest Declared?**
 - 2.1 None.
3. Supporting Information (*as applicable*)
 - 3.1 See attached report.

Subject:	SERVICE OF A NOISE ABATEMENT NOTICE UNDER SECTION 80 OF THE ENVIRONMENTAL PROTECTION ACT 1990 IN RESPECT OF CHURCH BELLS AT ST PETER'S CHURCH, ST PETER'S STREET, SANDWICH
Decision to be taken by	Diane Croucher, Head of Regulatory Services
Report of:	Paul Neagle, Environmental Protection Manager
Portfolio Holder:	Councillor Trevor Bartlett, Portfolio Holder for Property Management and Environmental Health
Decision Type:	Executive Non-Key Decision
Call-in to be suspended:	No (<i>Call-in does not apply to Non-Key Officer Decisions</i>)
Classification:	Unrestricted
Delegated authority:	Delegation 103 of Section 6C (Scheme of Officer Delegations) of Part 3 (Responsibility for Functions) of the Constitution
Purpose of the report	Following noise nuisance being witnessed by investigating officers on 12 July 2017, to consider the enforcement options with regards to church bells at St Peter's Church, Sandwich.
Recommendation:	That an abatement notice be served under Section 80 of the Environmental Protection Act 1990.

1. Summary

The Environmental Protection Team has received complaints regarding the bells of St Peter's Church, Sandwich. Officers are of the opinion that this constitutes a statutory nuisance as defined under section 79 of the Environmental Protection Act 1990. As such there is a statutory duty to serve an abatement notice under the above Act.

2. Introduction and Background

- 2.1 Over the years there have been a number of complaints regarding the sounding of the bells. In particular this has caused a problem overnight with the Westminster Chimes ringing every 15 minutes (4 chimes on the quarter hour, 8 on the half hour, 12 at quarter to the hour, 16 on the hour followed by the hour strokes). These complaints did not progress because people moved away or did not pursue the matter further to an initial query.
- 2.2 As a result of the current complaint which was first raised in March 2015, Officers contacted the owners of St Peter's, i.e. the Churches Conservation Trust (CCT). In-depth discussions were held on the problem and the Council's duties under the Environmental Protection Act 1990.
- 2.3 Officers have made visits to the area at different times of day and night to make subjective and objective assessments. The chimes are clearly audible in the complainant's property with windows open and closed. Officers are of the opinion this would interfere with sleep. Contact with CCT has been maintained throughout the investigation.

- 2.4 In January 2017 a request was made to the CCT to silence the bells between 11pm and 7am. Technical information was provided on how this could be done.
- 2.5 Officers have also taken noise readings and compared them against World Health Organisation figures which have a guideline limit value inside bedrooms at night from individual noise events. The readings were repeatedly in excess of those laid down in the guidance.
- 2.6 A meeting was held with the CCT and the Mayor of Sandwich in May 2017 when the Council's position was explained.
- 2.7 In July 2017 letters were sent to all trustees of the CCT explaining the situation, the likelihood of a notice and asking again for the bells to be silenced between 11pm and 7am.
- 2.8 The CCT responded in August 2017 advising they would comply with any notice served.
- 2.9 Later in August 2017 a public meeting was held with Sandwich residents, Councillors, the Mayor, Nadeem Aziz, Paul Neagle and a representative from CCT. The aim of the meeting was to advise residents and Councillors of the situation. The majority of residents were against the silencing of the bells.
- 2.10 Further contact was made with the CCT to try and reach a solution without the need for formal action on behalf of the Council. Nothing has been heard from them since 15 August 2017 and the problem persists.

3. Identification of Options

- 3.1 Follow the Council's legal duty and serve a noise abatement notice on CCT.
- 3.2 Take no further action.

4. Evaluation of Options

- 4.1 The Council is under a statutory duty to serve notice. Failure to do so could lead to complaints to, and censure from, the Local Government Ombudsman. It may also lead to the complainant seeking an order of mandamus requiring the Council to take action.

5. Corporate Implications

- 5.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (SB).
- 5.2 Comment from the Solicitor to the Council: The Head of Legal Services has been consulted on this report and has no further comments to make.
- 5.3 Comment from the Equalities Officer: 'This report does not specifically highlight any equalities implications, however, in discharging their responsibilities, Members are required to comply with the public sector duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>'

Contact Officer: Paul Neagle - Extension 42291.