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**Report to Council**

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**Date of Meeting: 15 August 2013**

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**Subject: Variation of noise control period applied under Part 5 of Antisocial Behaviour etc. (Scotland) Act 2004**

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**Report by: Director of Services to Communities**

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**1.0 Purpose**

- 1.1. To approve a variation to the existing Noise Control Period specified in the Resolution made by the Council on 6 November, 2008, to align the periods within which the Council may issue fixed term penalty notices for noise nuisance with the reconfigured practices agreed by Council earlier this year.

**2.0 Recommendations**

- 2.1. It is recommended that Council makes the Resolution set out at paragraph 3.3 of this report.

**3.0 Considerations**

- 3.1. Further to the decision taken in February by the Council, there has been a re-configuration of the out of hours noise control service to incorporate work which was previously carried out by a Joint Noise Team into the work of the Community Wardens.
- 3.2. To reflect this operational change, the Council must formally vary the Noise Control Period set by the previous Resolution (ref - Council, 6 November, 2008) which gives the authority specific power to issue fixed penalty notices to deal with antisocial noise.
- 3.3. Accordingly, the Council is asked to resolve as follows:  
*"Clackmannanshire Council ("the Council") resolves in terms of Section 42(1)(c)(ii) of the Antisocial Behaviour etc (Scotland) Act 2004 that with effect from 01 November 2013 the noise control period for the purposes of the Resolution passed by the Council on 6 November 2008 shall be 0800 hours to 2359 hours Monday to Sunday for every week in the year."*
- 3.4. The revised noise control period set by this Resolution covers the times of the week that the Community Wardens provide a service in relation to noise nuisance. Incidents involving antisocial noise nuisance arising outwith the noise control period can be dealt with by the Police.

- 3.5 The proposed date for commencement of the varied Resolution is 1 November 2013 as the legislation requires a two month period to elapse between the passing of the variation and its commencement.

#### **4.0 Sustainability Implications**

- 4.1. N/A

#### **5.0 Resource Implications**

- 5.1. *Financial* - None.

- 5.2 *Staffing* - None

#### **6.0 Exempt Reports**

- 6.1. Is this report exempt? No

#### **7.0 Declarations**

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box ☒)

The Council is effective, efficient and recognised for excellence ☒

- (2) **Council Policies** (Please detail)

None

#### **8.0 Equalities Impact**

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☐ No ☒

#### **9.0 Legality**

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

#### **10.0 Appendices**

- 10.1 None

#### **11.0 Background Papers**

- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

1 - Minute of meeting of Council of 6 November, 2008

**Author(s)**

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**Approved by**

NAME	DESIGNATION	SIGNATURE
Elaine McPherson	Chief Executive	Signed: E McPherson
Garry Dallas	Director	Signed: G Dallas

