

NOISE NUISANCE RECORDER DEPLOYMENT PROCEDURE

1.0 INTRODUCTION

1.1 The purpose of this procedure is to provide a framework for enforcement officers to follow to achieve a consistent approach to the installation of Noise nuisance recording equipment and privacy impact assessments prior to installation.

2.0 PRELIMINARIES

2.1 Detailed guidance on Noise nuisance and Community Protection notices is available to officers.

2.2 In accordance with standard operating procedures for noise investigations, nuisance recorders may be deployed to establish if a complaint of noise nuisance is indeed justified or not and to gather appropriate evidence for either service of a Statutory noise nuisance notice or Community protection notice under current legislation.

2.3 Officers will have access to the following documentation prior to deployment:

- Previous history of complaints and details of any previous notices issued.
- Completed Privacy impact assessment.
- Deployment forms for the aggrieved party to sign on installation of noise nuisance recording equipment (detailing that the recorders use a pre trigger that records sound for 20 seconds prior to the start/record button being pressed).

2.5 Regard should be had to any previous investigation and the necessity to deploy recording equipment, thought should also be given to placing the case on the Out of Hours referral register following discussion with the Lead officer for Environmental Protection.

3.0 DEPLOYMENT PROCEDURE

3.1 Following receipt of a completed noise diary officers should consider the installation of a noise nuisance recorder (NNR) or entry on to the Out of Hours register, this being to further the investigation with a view to either serving a formal Noise abatement notice under S79/80 EPA 1990 or closing the case.

3.2 Prior to deployment a short Privacy impact assessment will be undertaken, whilst the use of noise nuisance recorders is not considered surveillance under RIPA, there are Article 8 of the Human Rights Act implications regarding privacy.

3.3 The Privacy impact assessment will detail the requirement to install the NNR and what findings the installation of the NNR hopes to obtain. It should also note the potential for collecting private or sensitive material and if considered that there is the potential for such, approval from a supervisory officer.

- 3.4 The privacy of those subject of an investigation, especially in relation to the potential for recordings containing private information obtained as part of an investigation must be considered. However, it should be noted that this should not preclude the installation of equipment as the service of a notice or potential prosecution for breach of a notice under criminal legislation will in most cases outweigh the potential privacy implications.
- 3.5 Prior to the use of any noise recording equipment the person(s) being investigated will have been informed that the use of such equipment or visits to the complainant's premises may be made, this will be in the form of either an initial Noise nuisance warning letter or Community protection notice warning letter. Any warnings made verbally shall be recorded on the current HBC complaints system, as will any letters sent. A copy of the Privacy Impact Assessment (PIA) will also be held on file.
- 3.6 It is considered that any initial Noise nuisance warning letter or Community Protection Warning sent notifying a person being investigated that recording equipment may be deployed will expire after three months. After this period has expired a new Noise nuisance warning letter or Community protection Warning will be issued.

4.0 ASSESSMENT OF INFORMATION (RECORDINGS)

- 4.1 Once collected, the NNR should be downloaded without delay using the dedicated software, the recordings made should then be stored on the council's secure server.
- 4.2 Following download, careful attention should be taken when listening to any downloaded recordings, should at any time any conversation or what could be deemed as private information be observed, then this should be noted on file and the case referred to either the Environmental Health Manager or Lead officers. At this point the senior officer shall make a decision (notarised on the case file) authorising the storage and use of the recording (subject to the necessity of the recordings to prove noise nuisance over any potential privacy impact).
- 4.3 If it is deemed that the impact on the privacy of the subject of the investigation outweighs the requirements of the investigation, then the files will be deleted. A further note to this effect shall be placed on file.
- 4.4 Any enhancement to recordings such as enhancement to volume shall be on the authorisation of the Environmental Health manager or Lead Officers.

5.0 STORAGE / RETENTION AND DELETION OF MATERIAL

- 5.1 Recordings authorised for use shall be stored on the council's secure server. Recordings shall be held for the duration of the investigation and retained for 6 months, in the event of a notice being served and for a further 6 months should any prosecution follow to allow for the appeals procedure to any prosecution to pass
- 5.2 In the event of no action being taken then the recordings shall be deleted upon conclusion of the investigation.