

Committee(s)	Dated:
Port Health and Environmental Services	29 November 2022
Subject: Noise Control on the Tidal Thames	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1, 2, 4
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Juliemma McLoughlin, Executive Director Environment	For Information
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Summary

An information report has been requested in relation to the control of unwanted sound from hospitality vessels or 'party boats' operating on the tidal Thames which disturb riparian residents, this report aims to outline the scale of the disturbance, the roles of the various regulators, provide the current industry guidance, detail available regulatory controls and outline the most effective regulatory power, the Licensing Act 2003.

The report also explains how the regulatory partners use an intelligence led approach to work strategically in targeting resource to balance the needs of the riparian residents with the need for the river to be in operation as a working commercial river, vital to London's success.

Recommendation(s)

Members are asked to note the report.

Main Report

Background

1. The Port of London's (PLA) Thames Vision 2050 aspires that the Thames will be a destination and place to live, play and enjoy. The aim is for more people from diverse backgrounds enjoying sport and leisure opportunities on the Thames.

2. With greater river use and enlivenment brings the potential for additional disturbance from these sources. There has been an increased interest in the control of noise from river boats, in part caused by the return of the trade following the Covid 19 restrictions, and in part due to a high-profile licensing application for a new vessel intending to supply a hospitality venue for the River Thames, the Ocean Diva (details in appendix 2).
3. There are currently approximately fifty five vessels that operate on the tidal Thames which provide event space for hospitality, from corporate dinners to promoted events, of which approximately twenty have noise complaints made in relation to their activities. The City is the Licensing Authority for just one vessel which moors within the City of London, the Dutch Master. The Golden Sunrise was historically licenced by the City but has recently moved moorings to Westminster and is subject to a licence application with Westminster City Council.
4. The City is the London Port Health Authority (LPHA) for the tidal Thames and its River Division receive approximately 450 noise complaints about party boats per year from riparian residents, in particular residents of Southwark and Tower Hamlets. City residents very rarely complain about noise from the river or party boats. Whilst each individual pass-by of a party boat may only take a few minutes, if a number of vessels are operating on the same evening, then cumulatively there is potential for more frequent disturbance over the course of an evening. Riparian residents across London routinely raise issues of inconsistency in relation to how Boroughs respond to noise complaints about river boats.

Current Position

5. London Port Health Authority has regulatory powers under the Environmental Protection Act 1990 and is able to investigate noise complaints about a number of issues within their jurisdiction such as high-speed ribs, pontoons and party boats. River Division officers undertake river patrols to act as a deterrent for excessive noise on the river but also to monitor and inspect vessels, at present there are six night patrols per year between April & September either on Friday or Saturday evenings. The cost for crew is approximately £1,000 per patrol without fuel. The decision to deploy a river night patrol sits with the Director of Port Health and Public Protection and is intelligence and risk based dependent on the number and type of events on the river, the number of river patrols can be increased at the discretion of the Director if there is a demonstrable need. Officers from the Riparian Boroughs and Police are invited to join City and LPHA officers on the launch and this approach assists with building relationships and collaborative follow up work.
6. The LPHA collates intelligence received and complaint data in relation to all noise sources including party boats which is used to target river patrols and interventions with river boat operators alongside Riparian Boroughs and Licensing Authorities.

7. City Licensing and Pollution Control teams now work with the Riparian Licensing and Environmental Health Authorities to try and ensure a more consistent approach, and to help clarify actions that need to be taken as a result of any complaints received. City officers attend a regular interborough meetings with officers of all Riparian Authorities and have collated and shared copies of all party boat licences operating on the tidal Thames, detailing the conditions attached to each. Evidence of any breaches identified during river patrols has also been shared with the Licensing Authority for that vessel for follow up action to be taken. City Environmental Health provides technical noise advice to minimise noise break out and control sound levels from the vessels.
8. City officers take all opportunities to engage with affected residents on this matter and regularly attend resident's meetings to speak and listen such as the PLA's series of public meetings.
9. The Riparian Noise Steering Group brings together partners involved in noise control on the tidal Thames with the aim of providing a strategic and consistent approach to the provision of guidance, consistency of response, collating data and direction of resource. The core group is formed from the Riparian Boroughs, LPHA, PLA, TfL and Metropolitan Police. The industry is also represented. The group meeting frequency was disrupted by Covid but from 2023 aims to meet bi-annually.
10. In 2014 the Riparian Noise Steering Group worked with the Passenger Boat Association to launch the first Guidance for the Control of Charter Cruise Noise on the Tidal River Thames, see Appendix 1. The Guidance set out for the first time in one place the background to the problem, details of the regulatory noise controls, provision of technical noise control advice for vessels and importantly consistent details of how to complain about river boat noise and to which authority. The Steering Group will review the Guidance in 2023.
11. In the first instance if justified complaints are received, to date an effective approach has been to hold a meeting with the licence holder and agree amendments to their operation and management plans. The licence holders have been very receptive, and adjustments have resulted in vessels ceasing to receive complaints.
12. There are two applicable regulatory regimes available for the control of noise from party boats. The first being statutory nuisance powers under the Environmental Protection Act 1990, this regime does have investigatory challenges and limitations as the passing by of the vessel is fleeting it is difficult for the noise to be witnessed, the transient nature of the noise may not constitute a statutory nuisance. Investigation and enforcement using this power is a statutory duty of the Borough where the resident resides as this is where the nuisance occurs, any investigation could be supported by LPHA.
13. The second and more effective regime in this context is the Licensing Act 2003. Each vessel operates under a premises licence which specifies operating hours and will have conditions attached which may relate to noise

control. Breach of licence is an offence and can be followed up robustly by the Licensing Authority. A licence review can be taken at any time by anyone, as long as there is sufficient evidence to do so, this enables residents to gather their own evidence e.g., Noise logs, reports, videos etc. and all could be submitted to support a licence review. The relevant Licensing Sub-Committee would then consider the available evidence and have a number of case specific options available to them including revocation or additional noise control conditions that could be applied.

14. In 2019 a full licence review hearing was held by Lambeth's Licensing Sub Committee for the Hurlingham, it was brought by the Metropolitan Police and was supported by twenty-two other representations. The Sub-Committee was close to revoking the licence, but the decision was made instead to impose a number of conditions in relation to noise and crime and disorder. The issues that triggered the hearing have not recurred.
15. City residents very rarely complain about noise from the river or party boats, and complaints received from those outside the City are referred to the relevant Riparian Borough for actioning. As part of the referral, advice will be given as outlined above and we will liaise with other Riparian Boroughs to promote a consistent approach.

Implications

16. Corporate & Strategic Implications: None

Conclusion

17. There is a strategic and intelligence lead approach to the control of noise from party boats on the tidal Thames. LPHA, City Environmental Health and City Licensing teams work collaboratively with partners towards balancing the needs of residents with the needs of the working river Thames.
18. The Riparian Noise Control Steering Group brings together partner agencies from across London involved in the control of noise to share intelligence, guidance and co-ordinate the work of those regulators. To date a collaborative and advisory approach with the party boat operators has been effective however, there are regulatory powers to control excessive noise from party boats if it is causing a public or statutory nuisance, the most appropriate being those available under the licensing regime, the most severe being licence review but also enforcement in relation to existing licence conditions.
19. There is still work to be done to ensure consistency of approach to receiving and actioning noise complaints about party boats for the riparian Boroughs, this will be taken forward by the Riparian Noise Control Steering Group in 2023.
20. LPHA and the City teams will continue to work collaboratively with riparian residents, Boroughs, river boat operators and the PLA in support of the Thames Vision 2050 whilst minimising disturbance.

Appendices

- Appendix 1 – Passenger Boat Association, Guidance for the Control of Charter Cruise Noise on the Tidal Thames, May 2014
- Appendix 2 – Briefing note – Ocean Diva Licensing Application and City of London Implications.

Background Papers

None

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