

## Committee: Council

Date: 18 November 2015

## Subject: Petitions

Lead officer: Paul Evans, Assistant Director, Corporate Governance.

Lead member: Leader of the Council, Stephen Alambritis.

Contact officer: Democratic Services, [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

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### Recommendation: That Council

- 1) receives petitions (if any) in accordance with Part 4A, paragraph 18.1 of the Council's Constitution; and
  - 2) note the response given by officers in respect of the petitions presented to the 9 September 2015 Council meeting.
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## 1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report invites council to receive petitions in accordance with Part 4A, paragraph 18.1 of the Council's Constitution

## 2 DETAILS

- 2.1. At the meeting held on 9 September 2015, Council received the petition detailed below. Any petitions received by Council are referred to respective departments with responsible officers asked to advise the presenting member in each case of the way in which the petition is to be progressed.
- 2.2. Petition - '*On the noise nuisance from the Garden Shed Public House*' submitted by Councillor Abdul Latif.

In response to the petition received about noise from the Garden Shed Public House, I can confirm that I have spoken to the officers that have been dealing with this case to see where we are at this time, and what action can be taken, if possible.

Firstly it is important to note that the Pollution Team has a number of responsibilities surrounding noise from licenced premises. We generally deal with the issue of statutory nuisance, a 'statutory nuisance' is determined by a number of factors including; type of noise, time of day, volume, frequency, duration and reasonableness of the activity. The Pollution Team can also take action to review a premises licence where necessary, however it is important to note that as with any enforcement function of the local authority, we do need substantive evidence to formally pursue a case.

I note that Mr Spall has made complaints as far back as 2008, when the pub was called the Horse and Groom. I also note that in the past we have installed noise monitoring equipment within Mr Spall's property on a number of occasions, but unfortunately this did not show any actionable evidence.

Visits have also been made by officers during our night service, but unfortunately the level of noise from the pub did not warrant any enforcement action.

Recently officers visited on 5/9/15 during the evening and though the music was audible it was not considered to be a statutory nuisance, we have also recently written to the premises reminding them of the conditions on the licence and at the same time Mr Spall was asked to complete a diary of noise to provide us with evidence to help assess the problem.

I also note that officers have carried out random visits during recent Temporary Events, however there were no complaints received and no evidence for us to take action.

That said, I do understand the strength of feeling amongst residents and would suggest that a possible course of action would be for the residents to consider a licence review, the Licensing Act does provide residents with an embedded right to ask for a review of the premises, the process of which is quite straightforward.

We will continue to monitor the situation and respond to complaints and if we can gather evidence to take formal action we will do so.

### **3 ALTERNATIVE OPTIONS**

3.1. None for the purpose of this report.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. None for the purpose of this report.

### **5 TIMETABLE**

5.1. None for the purpose of this report.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. None for the purpose of this report.

### **7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. None for the purpose of this report.

### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. None for the purpose of this report.

### **9 CRIME AND DISORDER IMPLICATIONS**

9.1. None for the purpose of this report.

### **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

### **11 APPENDICES**

11.1. None.

### **12 BACKGROUND PAPERS**

12.1. None.