

Appendix C – Barnet Council’s response to LGSCO recommendations for Case ID 17000409

LGSCO recommendations for Case ID 17000409	Barnet Council’s Response
<p>1. The Ombudsman asks that Barnet Council seeks legal advice on the procedure to follow to monitor any breaches of the lease at the site, and the standard of evidence required to be satisfied if conditions have been breached and formal action under the lease is justified.</p>	<p>Legal advice has been sought from the Chief Legal Advisor and Monitoring Officer and appropriate actions will be taken.</p> <p>Regular communication has taken place with the Community Centre and this will continue to ensure that the terms of the lease will be complied with in so far as is reasonably practicable.</p>
<p>2. The Ombudsman asks that Barnet Council undertakes unannounced planned visits to the community centre on five dates when scheduled events are taking place to assess whether any noise is in breach of the lease or is a statutory noise nuisance (if the Council is unable to identify five events during the next six months, it will ask us for a time extension)</p>	<p>In compliance with the Ombudsman’s recommendations, the council has undertaken five unannounced, planned visits and outcomes noted as below.</p> <p>Unplanned and unannounced visits were taken in 2018 on:</p> <ul style="list-style-type: none"> • 25/11/2018 (Noise from drums and microphone heard from outside centre noise audible. Unable to access complainant's property so could not assess as a statutory nuisance. Spoke to organisers and advised) - No statutory nuisance witnessed. • 02/12/2018 (Music heard but not audible over traffic noise - No further actions taken) - No statutory nuisance witnessed. • 09/12/2018 (Music only audible from directly outside premises and not audible at boundary fence) - No statutory nuisance witnessed. • 16/12/2018 (premises visited @ 14:20 - audible from o/s premises not barely audible from perimeter fence adjoining property) - No statutory nuisance witnessed. • 23/12/2018 (visit to site @ 13:18pm - no noise audible from o/s premises) - No statutory nuisance witnessed.

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<p>3. The Ombudsman asks that Barnet Council writes to Mr X after each visit to tell him the details of the visit and the result of the assessment; and</p>	<p>The Group Manager, Community Protection (Regulation) has contacted the complainant on two occasions (14/12/18 and 23/01/19), making him aware of the outcomes of the visits by the service. The officer also confirmed that they have not witnessed a statutory nuisance on any of these occasions.</p>
<p>4. The Ombudsman asks that Barnet Council writes to Mr X and us, after all five visits have taken place, a decision on whether there is evidence of a breach of the lease or a statutory noise nuisance, and any further action the Council intends to take.</p>	<p>The Ombudsman was written to on 21st March 2019.</p>
<p>5. The Ombudsman asks that within two months of the date of this report, the Council pays Mr X a financial remedy of £500 in recognition of his distress and uncertainty as a result of the Council's failure to comply with our previous recommendation and carry out the actions it had agreed.</p>	<p>Barnet Council made this payment to the complainant in December 2018.</p>
<p>6. The Ombudsman asks that Barnet Council pays Mr X an additional financial remedy of £100 in recognition of his time and trouble complaining to the Council and the LGSCO, about the same issues as his previous complaint.</p>	<p>Barnet Council made this payment to the complainant in December 2018.</p>