
Byelaw: Avon Place, Salisbury

Purpose of Report

1. To clarify the matter concerning the byelaw for Avon Place, Salisbury

Background

2. This matter was considered at the area board meeting on the 16th July 2015, when members were of the understanding that a new byelaw was being requested.
3. Since that meeting, information has been sourced to provide fuller background to this matter, i.e. that the byelaw was being requested by a resident whose residential amenity was being affected by regular social gatherings on the green, and who was seeking a means to ensure that action could be taken to respond and address her concerns. At the time of the July meeting, it was believed that no such byelaw existed and therefore the suggestion was that the board should recommend that the process be started to bring about a new byelaw.
4. Wiltshire Council's Legal Department has since confirmed that a byelaw is already in existence to cover these concerns

Update

5. Wiltshire Council's Legal Department has since confirmed that a byelaw is already in existence to cover these concerns, which was made on the 23rd January 1998 (see attached). Legal advice confirms that this byelaw covers Avon Place which has been developed since 1998.
6. Additionally, legal advice clarifies that alternative action could be taken by way of a Noise Abatement Notice under the Environmental Protection Act 1998, or section 222 of the Local Government Act 1972 may assist, whereby the local authority could take civil proceedings and apply for an injunction in respect of the noise nuisance if it considers it expedient to promote or protect the interest of the inhabitants in their area.

Recommendation

7. That the board note this report.