

## Community and Protective Services Committee, June 5, 2017

My name is Catherine Charlton, and I live at 7 Picton Street.

I am a member of the Downtown London Noise Committee representing concerned residents at: 7 and 22 Picton Street, Blackfriars, 460 Wellington, 280 Queens Ave., and 275- 285 Wellington.

We have concerns regarding the wisdom of allowing amplified music on private patios, so I am glad to participate this evening.

1. **First**, thank you to the staff , whose efforts since March 20<sup>th</sup>, have brought about a more balanced proposal for noise on patios. In regard to **Special Events on Public Land** - We are glad that Parks and Recreation will continue to administer special events having a clear deadline of 11 p.m. The challenge will be to ensure that extensions for reasons of a crescendo, or bad weather, will not be abused.

**With regard to the new draft by-law, I have five points :**

2. **Decibel limits** - 90 decibels continues to be the top end of London's rating system, although the Music Report itself asserts that the general practice in Ontario municipalities identifies 60-85 decibels of noise permitted at night, and 70-85 decibels permitted during the day (p. 65). I ask that Council take note that the trend among municipalities, is to review noise by-laws with the intention of reducing noise levels.
3. **Temporary Noise Permits** – The proposal is for the Chief By-law officer to issue temporary permits to any community group or for a commercial patio, specifying certain conditions including the noise level and time deadline. The chief by-law officer will both negotiate and enforce this contract.

However, it is not clear what decibel level will be acceptable at the point of reception (or property of the complainant). At the low end, 70 decibels appears to be the general limit, but I believe that there may be a range of possible levels. I suggest that clear conditions be set out to clarify what will be allowable. Otherwise, it will appear arbitrary and unfair, and become more a controversy than solution.

4. **New deadline from 11 p.m. to midnight** - The time limit proposed is to change from 11 p.m. to 12 midnight for community events (not in parks) and private patios. The Report tells us that 11 p.m. is the usual cut-off for event noise in Ontario municipalities, so this is an exception, which we do not want to become the rule. Council if this by-law is approved, please ensure that for the next year we do not experience add-ons to the proposed 12 midnight deadline, and that it will be subject to review.
  
5. **Enforcement** - The number of pub patios potentially playing amplified music is not known. There could be 5, 10 or 20 across the City; most in downtown. No one knows. But the number will increase, and so we need to know that there are enough by-law enforcement officers to deal with any issues. Councillors, it is essential to ensure there will be budgeted funding for the additional by-law officers needed.
  
6. **Finally**, circumstances have really not changed since the Planning and Environment meeting in July, 2016. At that time, the chairman said that “no proof of any kind” had been produced, to show that music on pub patios would add to a more vibrant downtown. Today, we have no factual information as to the impact of these changes on London.

The Music Entertainment and Culture report offers eight examples of cities offering on-street music - some with success, others not. The two cities closest in size and similarity to London are Hamilton and Kitchener. Hamilton’s Hess Village has been shrinking since 2012 and it has developed a reputation for being too loud and violent. Between 2002 -12 Kitchener’s noise complaints grew by 220%.

Over the coming season, I understand that the new Music director, along with Planning and By-law Enforcement Staff, will be collecting statistics. So we look forward to receiving the results, to making resident input on the report, and to Council’s acting to balance all parties interests.

Thank you.

Catherine Charlton , 7 Picton Street, London