

The licensing department of City of York Council has asked the environmental protection unit (EPU), as a responsible authority on licensing applications, to comment on the recent representation made by Mr Stanton regarding the Bay Horse Public House, 105 Main Street, Fulford. EPU has recently investigated the Bay Horse in relation to allegations of statutory noise nuisance; our actions in this investigation and outcomes are documented below.

Saturday 16 July 2006

A complaint was received by the noise patrol (this service operates from 9pm Friday to 3am Saturday and 9pm Saturday to 3am Sunday and responds mainly to noise complaints). Elizabeth MacDonald and James Clay, Environmental Protection Officers made a visit at 1.05am No noise nuisance from the Bay Horse was witnessed by either officer.

Tuesday 26 July 2006

A complaint was received by EPU. The complaint was allocated to James Clay for investigation. A warning letter was sent to The Bay Horse and copied to the Licensing Unit of the City of York Council. The letter stated that an allegation of noise nuisance had been made against the public house and that the matter was to be investigated. This investigation would involve monitoring the noise emitted. The letter also invited the Bay Horse to actively work with the EPU team to resolve any noise problems before any further action was taken.

Saturday 26 August 2006

A complaint of loud music was received by the noise patrol at 9.33 pm. A visit was made by Fiona Davies, Environmental Protection Officer and Andy Wilcock at about 10pm. Fiona stated that loud amplified music was audible from the Bay Horse; if this occurred on a frequent basis it would be a statutory noise nuisance. They visited the Bay Horse and asked that the music was turned down and to close windows; this was done. The complainant contacted the Noise Patrol again at 11.40pm and said that the music had been turned up again, but did not want a visit by the Noise Patrol. Fiona contacted the Bay Horse to discuss the matter further the same evening.

Saturday 2 September 2006

James Clay made a visit at 00.33am as part of the investigation into the allegations of noise nuisance and Mr Clay listened from outside the property. No noise nuisance from the Bay Horse was witnessed.

Friday 8 September 2006

The Noise Patrol received a complaint at 11.45, Liz Bates, Principal Environmental Protection Officer, and James Bailey visited at 12.33am on Saturday 9 September; neither officer witnessed a noise nuisance from the Bay Horse.

Friday 13 October 2006

A Norsonic (sound recording equipment) was installed for 1 week at Mr Stanton's address, 2 Glen Close. The purpose of the installation was to allow complainants to make recordings of what they were experiencing from the Bay Horse. No recordings were made.

Thursday 26 October 2006

A letter was sent by James Clay to Mr Stanton confirming that after three Noise Patrol visits, one other visit and a Norsonic installation, no further action could be taken, based upon the evidence collected. What noise had been witnessed on one visit had been resolved on the evening of the complaint with no further evidence to support the allegation.

Saturday 5 November 2006

A complaint made to the Noise Patrol at 12.05am. Helen Howlett, Senior Environmental Protection Officer and Fiona Davies visited the complainant's property between 012.15 and 12.21 am. Both officers confirmed that the music was just audible and it was mainly drowned out by traffic noise from Fulford Road. This level of noise would not constitute a statutory nuisance.

Saturday 11 November 2006

A call received on the Noise Patrol by Elizabeth Macdonald and Craig Delorenzo, environmental protection officer. A visit was made to the complainant's property. Both officers have confirmed that music could just be heard in the property; they both agreed that the level of noise was not sufficient to be a statutory nuisance.

Monday 20 November 2006

James Clay replied to a letter from Mr Stanton explaining that the Noise Patrol had made 4 visits and recording equipment had been installed with no statutory nuisance witnessed. The figure is actually 5 visits by the noise patrol team, 1 other night time visit and installation of noise recording equipment for 7 days.

Conclusion

Six visits have been made and equipment also installed into a complainants property for 7 days. Aside from the visit on the 26 August 2006, where music was audible in Mr Stanton's property but was resolved by the actions of the Noise Patrol, there is no evidence to support the allegation that the Bay Horse is regularly causing a statutory nuisance to neighbouring properties.

We can however confirm that on the 4 November 2006, the Bay Horse, between 12.15 and 12.21am breached its licensing condition restricting its use of music, live or recorded until midnight. This was witnessed by Fiona Davies and Helen Howlett on the Noise Patrol and reported to the licensing unit at the time.

Regards

James Clay
Environmental Protection Officer