



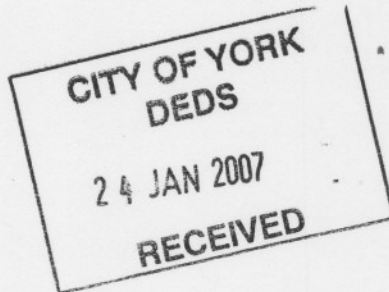
Guest Walker & Co.

City of York Council
(Neighbourhood Services)
9 St. Leonards Place
York
YO1 7ET

Our ref RB/GL/Milner

Your ref LC/CYC008949

Date 23rd January 2007



Dear Sirs

Licensing Act 2003
Review of Premises Licence
The Bay Horse, 105 Main Street, Fulford, York, YO10 4PN

We write in relation to the above matter and enclose herewith Mr Milner's replies to the representations made by Mr and Mrs Stanton.

We look forward to hearing from you in due course.

Yours faithfully
GUEST WALKER & CO

Guest Walker & Co. Solicitors | 12a The Shambles York YO1 7LZ
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Conveyancing Assistants | Helen Howard Pauline Lees Vicky Middleton

Consultant | (non-practising) John Guest LL.B

Regulated by The Law Society



THE CITY OF YORK COUNCIL

APPLICATION TO REVIEW PREMISES LICENCE

MR NICK MILNER

RESPONDENT

LICENSING ACT 2003

IN RESPECT OF THE BAY HORSE, MAIN STREET, FULFORD, YORK

REPLIES ON BEHALF OF THE RESPONDENT TO REPRESENTATIONS MADE

We Guest Walker & Co Solicitors of 12a The Shambles, York, YO1 7LZ are the Instructed Solicitors acting on behalf of Mr Nick Milner who is the Premises Licence Holder for The Bay Horse Public House, Main Street, Fulford, York, in connection with an application to review his Premises Licence issued by Mr and Mrs Clive Stanton of 2 Glen Close, Main Street, Fulford, York, YO10 4PW.

In relation to the grounds for review as detailed by Mrs Stanton at paragraph C of the City of York Council's application for a review of a premises licence or club premises certificate under the Licensing Act 2003 form, we would respond as follows :-

1. Noise, i.e. PA Systems, Parties

Our client informs us that he does the utmost to ensure that noise from within the pub does not filter into the vicinity. All windows in the pub are double glazed and kept shut at all times. Curtains are drawn in the early evening and have been since September 2006. Our client advises us that even the old extractor fan, that at one

time faced towards the Stanton's property, has now been bricked up and a new system installed. This does not face their property.

Our client would also respond by saying that all music ends at midnight and that it is kept at a moderate level at all times, especially the base. He ensures that this is the case as his two children, aged 6 years and 10 years, sleep directly above the bar with their bedroom window facing the Stanton's property.

Our client has a juke box which is switched on at lunchtime. This is kept low when people are eating so as not to spoil their dining experience. When dining finishes at 9pm the juke box is turned up slightly but our client never exceeds the markers and always keeps within the levels. If he went beyond these then customers would not be able to hear one another and it would ruin their drinking time.

In order that the music is constantly kept at a moderate level our client's partner/wife goes outside approximately every 20 to 30 minutes to check that it cannot be heard. If the music can be heard then she will go back inside and turn it down. This applies constantly and our client is even more vigilant when karaoke nights are being held. Songs and loudness are both monitored so they constantly at a moderate level.

On 26th August 2006 Mr and Mrs Stanton called out the Noise Abatement Team to the Bay Horse Public House. On the day in question our client had booked a D.J. who was positioned at the back of the pub. As it was a warm summer evening and extremely hot in the pub, the D.J. had opened two small windows to let some air in. The Noise Abatement Team asked our client to close the windows which he did straight away. They also said that although it was noisy inside the pub it was not outside and that there was no problem.

2. Noisy Guests Kicking Door to Get Let In In the Early Hours

Our client informs us that all guests staying at the Bay Horse Public House are told on arrival to use the back entrance to the pub which is constantly open. They are told not to use the front door unless it is before 11.30 -11.45 when it is shut and locked. Any friends that come to visit would also know not to use the front entrance and use the back entrance instead. If they could not enter via the front they would ring our client to be let in, they certainly would not bang on the door.

3. Fighting in the Car Park, Car Stereos On Loudly

Our client advises us that there have only been two fights in 2006, one in March and one in November. The fight in March was in the pub itself and the fight in November sorted itself out quickly.

In relation to the "Car Stereos on Loudly", our client would not stand for this as he has children living in the pub and residents staying who would be disturbed by it. Also our client's partner/wife makes regular checks outside and if anyone was playing car stereos loudly she would tell them to turn them down.

4. Woken by Friends Leaving In the Early Hours, i.e. 4.30am One Day

Our client informs us that his friends know that he runs a pub and they are quiet on leaving.

In relation to the Records of Nuisance (Environmental Protection Act 1990).

On the 4th August 2006 we would respond as follows :-

There is mention of "taxi hooting horns". Our client made it clear to us that there has only been one occasion when a taxi hooted its horn and he went outside and complained heavily explaining that he had children living at the pub and residents staying there.

Our client also informed us that on 18th August 2006 there was no Big Brother Final Party as his customers do not enjoy watching this sort of television.

Our client advises us that the entries on 24th August 2006 and 21st September 2006 fall on a Thursday night which is Quiz Night at the Bay Horse so no music is played. Even the juke box is switched off on a Thursday night.

He also advises that the entry on 30th August 2006 falls on a Wednesday. Wednesday night at the Bay Horse is "Pool Night" so again no loud music is played. The juke box is switched on but kept to a minimal level so as not to disturb the pool players.

In summing up, our client would like to bring certain points to the Council's attention

:-

1. Our client has regular customers of all ages and backgrounds who come in night after night who would not do so if there were such problems with noise and fighting.
2. Our client has regular staying guests who would hardly be likely to re-visit if there were these problems with too much noise.
3. James Clay at the City of York Council's Environmental Protection took away the sound equipment from Mr and Mrs Stanton's property telling our client that there was no cause for concern.
4. The Stanton's have never tried to mediate with our client and have never once been into the Bay Horse to ask for the music to be kept down.
5. There are fourteen flats alongside the Bay Horse and eight facing it, Mr and Mrs Stanton are the only couple who have complained about the noise. The other locals are extremely happy with the running of the pub and have never raised issue with the noise. They have even written letters to this effect (please see attached) to show their support for our client.

Dated this Twenty Third day of January Two Thousand and Seven

Signed *Guest Walker + Co*

Guest Walker and Co Solicitors

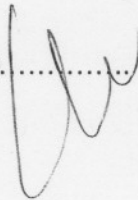
12a The Shambles

York

YO1 7LZ

Ref. RB/GL/Milner

Solicitors for the Respondent



To whom it may concern -

I live in Pasture Farm Close -
almost opposite the Bay Horse Hotel.
To my knowledge I have never heard
anyone complain about the noise from
there - & I certainly have never
heard any excess noise.

We hereby certify this to be a true
copy of the original.

Guest Walker & Co.
Guest Walker & Co. Solicitors
12a The Shambles, York YO1 2LZ

23rd January 2007 Date

██████ MAIN ST,
FULFORD.

YORK YO10 4PS

30/12/06.

TO WHOME IT MAY CONCERN

I have lived in FULFORD for 10 years,
for 5 years I lived at 103 Main St.
next door to the Bay House. In that
time I never had to complain about noise.
For the past 5 years I have lived
opposite the Bay and again never
had to complain once. As there is
no double glazing in my property
we can hear all noise in Main St
so if car doors had been slamming,
music blaring, and people shouting
I would certainly complain as it ~~has~~ is
this has never happened.

Yours
████████████████████

We hereby certify this to be a true
copy of the original.
Guest Walker & Co
Guest Walker & Co. Solicitors
12a The Shambles, York YO1 2LZ

23rd January 2007 Date

We, the Undersigned, as residents of Glen Close, Fulford, York, living in properties directly adjacent to The Bay Horse, Fulford, York, are unaware of any cause of public nuisance relating to the opening hours of the Public House, contrary to allegations lodged by Mr & Mrs.C.Stanton of Number 2 Glen Close who have applied for a Review of the Premises Licence.

I/We have signed this letter of our own free will and have been placed under no obligation to do so.

Name	Address	Date	Signature
[REDACTED]	Glen close	7 th JAN	[REDACTED]
[REDACTED]	GLEN CLOSE	9/11	[REDACTED]
[REDACTED]	GLEN CLOSE	11/11	[REDACTED]
[REDACTED]	Glen Close	13/	[REDACTED]
[REDACTED]	Glen Close	16/1/07	[REDACTED]

(sometimes I do hear noise, but it rarely disturbs me.)

We hereby certify this to be a true copy of the original.
 Guest Walker & Co.
 Guest Walker & Co. Solicitors
 12a The Shambles, York YO1 2LZ
 23rd January 2007 Date

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