

ANNEX 5

Public Protection Representation

Environmental Protection are making representation against the premises licence variation application for York Racecourse, Knavesmire Road, York, YO23 1EX on the grounds of the prevention of public nuisance.

The premises and application: The premises is the racecourse at York, which already has a premises licence and can have 2 outdoor show case events per year and live and recorded music indoors from 10:00 hours to 04:00 hours each day.

This application seeks to allow boxing and wrestling indoors from 10:00 hours to 04:00 hours each day, (to which we have no objections) , outdoor film screenings, live and recorded music and the performance of dance 10:00 hours to 22:30 hours each day and from the end of permitted hours new year's eve to the start of permitted hours new year's day, albeit they have proposed that the live music outdoors on a maximum of 4 days per year between 10:00 hours and 22:30 hours each day.

The application also seeks a licence to screen outdoor films every day of the week from 10:00 hours – 22:30 hours, 52 weeks of the year with no mitigation offered for controlling noise. Environmental Protection initially objected to this element of the application; however, we have agreed the following with the applicants and our objections to this element of the application is withdrawn so long as these conditions are attached:

Section B: screening of films

Conditions

1. The screening of films outdoors shall only be permissible on a maximum of 12 days per year.
2. Whilst outdoor films are being screened the sound of the films shall only be broadcast to customers via either headphones or via FM radio to customer's car stereo systems.
3. A written noise management plan, specifically for the screening of films, shall be submitted to the Local Authority for approval by the City of York Council's Environmental Protection team within 3 months of the licence variation being granted and once approved the Premises Management shall ensure compliance with all aspects of the approved Noise Management Plan.

Concerns

The applicant proposes that recorded music be allowed to be played outdoors 7 days a week, 52 weeks of the year from 10:00 hours – 22:30 hours with no restrictions. They have also applied for live and recorded music and the performance of dance to be allowed outdoors from the end of permitted hours on new year's eve until the start of new year's day. No conditions for controlling such noise have been

ANNEX 5

offered and the current noise management plan is specifically for show case events and would not cover this recorded music. This would, therefore, allow the applicants to have DJ's playing loud amplified music during these hours with no respite for local residents and on new year's eve all the way through the night and into the following morning. The site is surrounded by residential areas, the closest of which is at The Residence, directly adjacent to the site.

Environmental Protection already receive many complaints from local residents about music from the 2-day show case events and on other days, about smaller bands who were playing ancillary to the race events as well as complaints about tannoy noise and complaints about people at the racecourse events.

Based upon the proximity to these residents and the history of noise complaints it is impossible to see how without any controls, this escalation in noisy events will do anything other than result in noise complaints and a public nuisance.

During mediation with the applicant, we did offer the following condition to tie the number of events involving both live and recorded music to a maximum of 4 days per year:

Sections E,F and G: Live and recorded music and the performance of dance

Condition

1. Live and recorded music and performance of dance outdoors which meet the definition of regulated entertainment (inclusive of the music showcase events) shall only be permissible on a maximum of 4 days per year.

This would limit the number of days noisy events were allowed to take place, therefore limiting their impact and assumes that the recorded music element is classified as a show case event which would allow the venue to use the current noise management plan with a few minor alterations such as monitoring locations.

Unfortunately we have not been able to reach an agreement with the applicants about this condition and owing to the excessive hours requested in this variation, the close proximity of nearby residents, the number of complaints we receive about loud music events at the race course and the lack of any offered conditions to adequately control noise from these, Environmental Protection are therefore obliged to make representation against the application on the ground of the prevention of public nuisance.

Regards

Michael Golightly
Technical Officer