



Zoe Sinclair <zoe@ambiente-tapas.co.uk>

RE: Alleged Noise Nuisance, 59-61 Walmgate

1 message

Gray, Ian <ian.gray@york.gov.uk>
To: Zoe Sinclair <zoe@ambiente-tapas.co.uk>

23 June 2021 at 10:46

Hi Zoe,

Many thanks for your detailed reply to the letter. Clearly as you understand, our procedure is such that we have to send out a standard letter following such a complaint. We have just received the 1 complaint relating to this issue.

I shall save your email to our records and the complaint will be closed for now anyway.

Regards

Ian Gray | Environmental Health Officer

t: 01904 551567 | f: 01904 553239 | e: ian.gray@york.gov.uk**City of York Council** | Public Protection

Hazel Court Eco Depot, James Street, York, YO10 3DS

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From: Zoe Sinclair <zoe@ambiente-tapas.co.uk>**Sent:** 22 June 2021 16:00

To: Gray, Ian <ian.gray@york.gov.uk>
Cc: Cllr. F. Fitzpatrick <Cllr.ffitzpatrick@york.gov.uk>
Subject: Alleged Noise Nuisance, [59-61 Walmgate](#)

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Dear Mr Gray

In response to your letter dated 9th June that was received by us on 19th June we would respond as follows.

In respect of the Licensing Act 2003

Ever mindful of the condition of our Premises Licence bottles are never disposed of in outside bins outside the hours of 10am & 9pm.

We fail to see how the use of the other bins in our courtyard could ever constitute a public nuisance as they have no impact on the public at large.

In respect of the Environmental Protection Act 1990

We understand that statutory noise nuisance is defined as noise that may affect the health or materially interfere with the use & enjoyment of a neighbouring property. It is our opinion that we can not be held to have caused a statutory noise nuisance from late night bin noise for the following reasons:

In accordance with Covid Regulations our premises were closed from 30th December 2020 to 11th April 2021.

We reopened the courtyard for external dining only on 12th April and the operating hours meant that no staff were on the premises any later than 8:30pm until after we reopened fully on 17th May.

We can only infer then that the complaint relates to the time period between 17th May & 8th June, a period of two and a half weeks. During this time we have operated in accordance with our own rules, being no bottles to be disposed of in the courtyard bins after 9pm and no staff entry to the courtyard after 10pm unless we still have customers in the premises. In this case we will spend in the region of 30 seconds disposing of the final bin bag of the day in the courtyard bin. By looking at the timesheets for the two and a half week period and the time that the last customer left on each day it is estimated that we have only used the bins twice after 11pm in this time frame. For health & hygiene reasons I am sure that you can appreciate that refuse, that includes food waste should not be left in the restaurant overnight.

We always pay the utmost respect to our neighbours, not least as we know that we are situated opposite a serial complainer and don't want to jeopardize our business.

We would also ask you to note that to the best of our knowledge no noise complaints have been made from the residents of the flats above our premises that overlook the bin store.

We have now started to keep a daily log of the times that we use the bins along with the name of the member of staff & the duty manager. Please can I ask that if you have any further complaints that this is reported to us immediately by email. This way we can submit evidence in the form of the log, time sheets & cctv footage.

Kind regards

Zoe Sinclair (nee Plummer)

Ambiente Tapas Limited

Green Lane Trading Estate

Clifton Moor

York

YO30 5PY

Restaurants at:

14 Goodramgate York YO1 7LQ 01904 689784

31 Fossgate York YO1 9TA 01904 638252

36-38 The Calls Leeds LS2 7EW 0113 246 1848

5 Humber Street Hull HU1 1TG 01482 426 126

<http://www.ambiente-tapas.co.uk/>



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