

Public Document Pack

THE ARGYLL AND BUTE LICENSING BOARD

Tel. (01546) 604128

Kilmory
Lochgilphead

10 November 2023

Dear Sir/Madam

LICENSING (SCOTLAND) ACT 2005

A meeting of the **ARGYLL AND BUTE LICENSING BOARD** will be held **BY SKYPE** on **TUESDAY, 14 NOVEMBER 2023 at 2:00 PM**, which you are requested to attend.

Yours faithfully

DAVID LOGAN

Clerk to the Board

To: All Members of the Licensing Board

BUSINESS

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **APPLICATION FOR REVIEW OF A PREMISES LICENCE IN TERMS OF SECTION 36(1) OF THE LICENSING (SCOTLAND) ACT 2005** (Pages 3 - 54)

Hearing in relation to an application for a review of a premises licence in respect of the Ardview Inn, 67 Frederick Crescent, Port Ellen, Isle of Islay PA42 7BD.

The following papers are enclosed:-

Report by Depute Clerk (pages 3-5)

Application for a review of a premises licence by Dr. Patrick McGrann (pages 7-10)

Noise Logs x 10 covering the period 27/05/22 to 05/11/23 (pages 11-32)

Letter dated 11/08/23 from Andy McClements, Environmental Health Officer to Angela Smith, Ardview Inn (pages 33-34)

Log of calls made to Police Scotland 101 (pages 35-39)

Emails dated 12/08/22 to and from Islay Community Council (pages 41-43)

Report by Licensing Standards Officer dated 24/10/23 pages (45-46)

Letter dated 06/11/23 from Police Scotland (pages 47-48)

Statement by Andy McClements, Environmental Health Officer received 07/11/23 (pages 49-53)

Argyll and Bute Licensing Board

Councillor Jan Brown

Councillor Kieron Green (Chair)

Councillor Graham Hardie

Councillor Paul Donald Kennedy

Councillor Liz McCabe

Councillor Audrey Forrest

Councillor Amanda Hampsey

Councillor Mark Irvine (Vice-Chair)

Councillor Luna Martin

Councillor Dougie Philand

Contact: Margaret MacLean Tel: 01546 604128

ARGYLL AND BUTE LICENSING BOARD

14 NOVEMBER 2023

REPORT BY DEPUTE CLERK

APPLICATION FOR REVIEW OF A PREMISES LICENCE

ARDVIEW INN, 67 FREDERICK CRESCENT, PORT ELLEN, ISLE OF ISLAY PA42 7BD (PREMISES LICENCE NUMBER: AR/234)

1. BACKGROUND

1.1 An application has been received from Dr Patrick McGrann of Ardview House, 67 Frederick Crescent, Port Ellen, Isle of Islay PA42 7BD seeking a review of the premises licence in respect of the Ardview Inn, 67 Frederick Crescent, Port Ellen, Isle of Islay PA42 7BD.

1.2 The licence holder for the premises is Eilean Properties Limited, 6th Floor, Gordon Chambers, 90 Mitchell Street, Glasgow G1 3NQ. The sole director of the company is Archibald Norman McArthur and the designated premises manager is Angela Small. Formal notification of the hearing has been sent to the licence holder and to Mr McArthur.

1.3 The premises is a public house situated in a mix of residential and commercial properties. Its licensed hours are as follows:-

On-sales: 11a.m. to 1a.m. Monday to Saturday and 12.30p.m. to 1a.m. on a Sunday

Off-sales: 11a.m. to 10p.m. Monday to Saturday and 12.30p.m. to 10p.m. on a Sunday

1.4 The activities listed in the Operating Plan are bar meals, receptions, club or other group meetings, recorded music, live performances, indoor/outdoor sports and televised sport. Additional activities listed are quiz nights, karaoke and the sale of hot and cold snacks.

There is no outdoor drinking area.

Children and young persons are permitted access to the lounge area only to 8p.m. and must be accompanied by an adult.

The capacity of the premises is 135 persons.

2. RELEVANT STATUTORY PROVISIONS

2.1 Section 36(1) of the Licensing (Scotland) Act 2005 provides that any person may apply to the Licensing Board for a review of a premises licence on any of the grounds for review.

2.2 The grounds for review are-

- (a) that one or more of the conditions to which the premises licence is subject has been breached, or
- (b) any other ground relevant to one or more of the licensing objectives.

2.3 The licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

2.4 Where a Licensing Board receives a premises licence review application, they must hold a hearing for the purposes of considering and determining the application unless they have rejected it on the basis that it is vexatious or frivolous or it does not disclose any matter relevant to any ground for review.

2.5 On receipt of a premises review application, the Licensing Standards Officer must prepare and submit a report to the Board and the Board must take the report into account at the hearing.

2.6 For the purposes of the review hearing, the Board may obtain further information from such persons, and in such manner, as the Board thinks fit and take the information into account. In particular, the Board may-

- (a) request-
 - (i) the attendance at the review hearing of any person for the purpose of providing information, and
 - (ii) the production at the review hearing by any person of any documents in that person's possession or under that person's control, and
- (f) take into account any information relevant to any ground for review even though it is not relevant to any circumstances alleged in the review proposal or application under consideration.

2.7 If the Board are satisfied that a ground for review is established then they may take such of the steps as are set out in section 39(2) of the 2005 Act as they consider necessary or appropriate for the purposes of any of the licensing objectives. Those steps are-

- (a) to issue a written warning to the licence holder,
- (b) to make a variation of the licence
- (c) to suspend the licence for such period as the Board may determine,
- (d) to revoke the licence

3. LIST OF BACKGROUND PAPERS

1. Application for review of premises licence by Dr. Patrick McGrann
2. Noise Logs x 10 covering the period 27/05/22 to 05/11/23
3. Letter dated 11/08/23 from Andy McClements, Environmental Health Officer to Angela Smith, Ardview Inn
4. Log of calls made to Police Scotland 101
5. Emails dated 12/08/22 to and from Islay Community Council
6. Report by Licensing Standards Officer dated 24/10/23

7. Letter dated 06/11/23 from Police Scotland

8. Statement by Andy McClements, Environmental Health Officer received 07/11/23

4. RECOMMENDATION

Members are invited to consider and determine the application for a review of the premises licence in respect of the Ardview Inn.

Susan Mair
Depute Clerk to the Board
9th November, 2023

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**LICENSING (SCOTLAND) ACT 2005 - -SECTION36:
APPLICATION FOR REVIEW OF PREMISES LICENCE**

**PREMISES; THE ARDVIEW INN, 67 FREDERICK CRESCENT, PORT ELLEN, ISLE OF ISLAY,
PA42 7BD**

I refer to the above and after consultation with Eric Dearie, I submit this application for a review of premises licence.

The details of this application for a review are as follows:-

1. Music noise and vibration (Intolerable interference) - emanating from jukebox, live music, karaoke sessions, disco sessions, and quiz nights.
2. Ardview Inn internal fabric noise - High pitched hand drier, clatter/ banging of Inn front door, table tapping, foot stamping. Vocal noise from shouting and arguments of patrons, quiz night compere speech increase above background patron noise.
3. Offensive public behaviour - external patron noise in the immediate vicinity of the front door of the Inn on pavement and road extending the the front of my house. Vocal noise particularly noticeable with singing and arguments. Raucous unruly gatherings of folk often well into the early hours of the morning. This is particularly disturbing to our two dogs. The congregations of up to 10 folk on patent can be quite intimidating to other pedestrians going about their business.
4. Drinking of alcohol outside the Inn - observed and exemplified by empty and partially filled beer glasses and bottles often let on our windowsills. This within an area designated for no alcohol drinking. [photo]
5. Litter - whole and broken glasses left in street. [photo] Vomit on pavement in front of our house. Nocturnal accumulation of cigarette ends can at times remain uncleared. No attempt made to clear those in front of my house.
6. Disturbance from the noise of motor vehicles - there has been an increase private cars and taxis manoeuvring to park and drop off folk in an area of limited parking. Access to road at front of my house some times denied as a result. Making it difficult to unload car. This is particularly a problem during "Friday night disco sessions " at the Inn.
7. Concentrated clusters of folk smoking cigarettes and vapes. The triple glazed windows and trickle vents have to be closed to block ingress of these harmful gasses into my house. This was particular problem during the warm weather in late summer this year when windows were open in attempt to cool interior down with fresh air.

It is my opinion the all the above are attributable to activities related the Ardview Inn, 67 Frederick Crescent, Port Ellen. Islay. PA42 7BD

This application relates to a time interval from 28/05/22 and ongoing. To date the last 101 complaint call was made 16/09/23.

Evidence accrued

1. Noise log presented to Mr Andy McClements of Argyll & Bute Council Environmental Health
2. Report of Mr Andy McClements 11/08/23 afters site visit 28/02/23
3. Contemporaneous noise log (attached)
4. 101 call log.(attached)
5. Library of email correspondence sent to Eric Dearie and Andy McClements
6. Visit by police 24/08/23
7. Report to Islay Community Council 15/08/23
8. Contact with Mr Douglas MacFadzean Argyll & Bute Councillor

Contact with premises licence holder or manager

1. Face to face harangue on the street outside the Inn by Mr A MacArthur 28/05/23 (previously reported)
2. 3 short and convivial visits in August by myself to the Ardview Inn (after 23.00hrs) when I sought reduction in the volume of jukebox music - all adhered too within a 10 minutes. I visited on 06/09/23 at 22.45 hrs when I was greeted by the manager Angela Smith. I asked her if the music was unusually loud that evening? She retorted "no". (It was the day of completion of installation of extensive sound proofing to our house and I was very concerned it was ineffectual). In order to have a conversation in the area contiguous to our house , one zone of the speaker system, she asked her staff to switch off the jukebox music to enable us to speak and hear each other. She then explained she was acting as a messenger for the owner Mr. A MacArthur, in that the next time I appeared in the Inn I was to be 'barred'.I was surprised, but accepted this without retort.
3. A discussion 04/011/23 with Angela Smith, in the street, near the Inn, A chance meeting when I mentioned there might be a water ingress to the back of the Inn and she might wish to explore.She offered that Mr A MaArthur gets very agitated when matters concerning myself are discussed. I suggested written letters by way of communication between the two of us.She replied this would provide a record.At the end offer meeting I expressed that there were no "hard feelings" between the two of us.We have met in the village at several times since and this remains the same.
4. Letters to Angela Smith (attached):-
22/10/22 reply 27/10/22
14/11/23 no reply
18/09/23 no reply
6. Enclosed is a copy of a Facebook placement by Mr A McArthur

Support from Neighbours / residents

I understand Mr Stuart Anderson may present his concerns to the hearing. Living centrally in the village of Port Ellen and having a high profile being chairperson of local community group, South Islay Development, representations continue to be made to me in "day to day conversations". This was particularly so when the news of my being barred from The Ardview Inn became known. However,

Mr Eric Dearie, Licensing Standards Officer informs me that if these folk are reticent to provide statements I cannot name/ mention them.”

Advice given by Licensing Standards Officer

Excellent and timely advice on procedural matters. He advised the notion of local resolution of my concerns. This failed as I was ‘barred’ in no uncertain terms from The Inn by Mr A. McArthur on 06/09/22 . Together with this and his attitude at our meeting on 28/05/23 and failure to respond to my letters to his manager I feel denies a constructive dialogue.

Additional Matters

Professionally designed and fitted soundproofing was undertaken from 31/08/22 to 06/09/23 to my house. This in addition to other sound mitigation measures:-

- A. Triple glazing throughout
- B. Heavy curtains throughout
- C. Carpets with heavy duty underlay throughout. Floor membranes to first story bedroom.
- D. New heavy fencing at rear of house with the aim of reducing sound transference from the back the Inn [photo]

The above have been measures undertaken by myself at considerable cost to mitigate intolerable interference with the health and well being of my household from the activities of the Ardview Inn.

Whilst the sound proofing was installed we slept in our garden summer house. We then became aware of the excessive sound (music and strident voices) emanating from the back of the Inn into our garden. There is simple flat roofing [photo] with single glazing windows to this structure. The sounds hit the rock face behind the Inn and reverberate round into our land hence the need for a heavy fence. These were factors recognised when visited by Sgt Maginnis and PC Turner on 24/9/23 at 23.15 hrs

Since 2000, when we bought our house, I have been mindful of probable noise nuisance from the Inn which was part of the same structural building as our house. The two acted as an hotel and have since been divided into two dwellings [photo]. The owner from whom we bought the house also ran the Inn was quite honest about this and always tried to mitigate the disturbance to his household - next door. Since 2000 we have been neighbours to two Ardview Inn managers/ owners and have maintained an affable and constructive relationship with them. It has only been since the reopening of the Inn with new management and ownership in April 2022 have we had significant problems.

I proffer that Mr A McArthur as owner and Angela Smith as manager of the Ardview inn are lacking in regards to their acceptance, consideration and responsibilities to our concerns in running a licensed premises. A situation which is more than be reasonably tolerated by any ordinary decent person within my household.

I request that consideration is given to:-

1. An Ardview Inn noise management plan whereby:-

- noise nuisance and vibration cease at 23.00hrs daily
- Statutory and acceptable to actual and recurring levels of noise are maintained throughout the day. It is not reasonable to drown out one sound with another by increasing my entertainment media to unusually loud levels to mitigate disturbance.

2. Disposal of patrons:-

- Door stewarding be implemented to mitigate the actual and recurring nuisance from gatherings of folk within the area for which the Inn is responsible. Noise nuisance and raucous gatherings outside the Inn are mostly at weekends and associated with events which attract greater patronage i.e. Discos44, quiz nights etc.
- Apply reasonable and practicable methods to mitigate disturbance real and recurring noise nuisance from music, loud human voices, hand dryers and door banging.

On the occasions my household is disturbed by activities associated with the Ardview Inn it is no longer a place for conviviality and recreation as the local community pub (wee Scottish traditional pub) but a raucous and disturbing "All Island Night Club" in our residential area.

A handwritten signature in black ink, appearing to be 'Dr. P.J. McGrann', written over a horizontal line.

Signed Dr.P.J.McGrann 22/10/23

ARGYLL AND BUTE COUNCIL  NOISE LOG TO BE COMPLETED BY COMPLAINANT

Name: Dr Pat Mcgrann

Service Request Reference:22/03044/NOICOM

Premises: The Ardview Inn 67 Frederick Crescent Isle of Islay

Case Officer: Andy McClements

| Date | Time | Noise Level (Tick appropriate column) | | | Describe the noise you heard | Other observations * |
|----------|----------------|--|------|-----------|-----------------------------------|---|
| | | Audible | Loud | Very Loud | | |
| 27.05.22 | 19.00 to 00.30 | √ | √ | √ | Jukebox; revellers; hand dryer | |
| 28.5.22 | 19.00 to 01.00 | √ | √ | √ | Ditto | Songs New shoes-Paul Nutini; spaceman-Sam Ryder; I love rock'nroll-Jean-Fel |
| 17.07.22 | 19.00 to 23.10 | √ | √ | √ | Ditto | |
| 06.08.22 | 19.00 to 23.15 | √ | √ | √ | Jukebox ; hand dryer | |
| 11.08.22 | 22.00 to 23.00 | | √ | √ | Ditto | |
| 19.08.22 | 19.00 to 11.19 | | √ | √ | Ditto | Oasis song |
| 20.08.22 | 20.00 to 23.19 | √ | √ | √ | Juke box ; hand dryer ; revellers | |
| 26.08.22 | 20.00 to 23.30 | √ | √ | √ | Ditto | |

| | | | | | | |
|----------|---------------|--|--|---|-----------|--|
| 26.08.22 | 23.30to 01.45 | | | √ | Revellers | |
|----------|---------------|--|--|---|-----------|--|

Please return within 28 days to Nicole Hamilton, Environmental Health, Wee Manse Brae, Lochgilphead, Argyll, PA31 8QU or email to andy.mcclements@argyll-bute.gov.uk

*** Comments and observations on, e.g. weather conditions, traffic, machinery, music or any other noise generating activity and suspected noise complaint source.**

27.08.22. 20.00 to 23.07 √ √ Jukebox; hand dryer Request to reduce sound

31.8.22. Removed to sleep in Summer House in garden. Sound proof engineers begin installation

02.09.22 01.10 to 01.20 √ √ Female loud chatter/screams

04.09. 22 21.00 to 23.00 √ Jukebox; hand drier Music head on Green

06.09.22 19.00 to 22.50 √+ √+ Jukebox; hand drier **Sound proofing complete;**
request to reduce sound.
Noise in Garden Room

08.09.22 20.30 to 23.00 √ √ Jukebox; hand drier

09.09.22 13.00 to 17.00 √ √ Jukebox; hand drier Post purvey

10.09.22 20.00 to 23.00 √ √ Jukebox; hand drier

10.09.22 23.00 to 01.00 √ Jukebox; hand drier Revellers Police visited 24.03 [witnessed]

11.09.22 19.00 to 23.00 √ Hand drier [intermittent use]

12.09.22 20.00 to 23.00 √ Hand drier ditto Quiet otherwise

13.09.22 19.00 to 23.00 √ Hand drier ditto Quiet otherwise

| | | | | | |
|--------------------------|---|---|---|--------------------------------|--|
| 14.09.22 19.00 to 23.00 | √ | | | Hand drier ditto | Quiet otherwise |
| 15.09.22 19.00 to 23.00 | √ | | | Hand drier ditto | Quiet otherwise |
| 16.09.22 19.00 to 23.00 | √ | | | Hand drier ditto | Quiet otherwise |
| 17/09.22 19.00 to 23.00 | √ | | | Hand drier ditto | Quiet otherwise |
| 18.09.22. 22.30 to 23.15 | | √ | | jukebox; hand drier | Noise extending to Summer house. |
| 19.09.22 19.00 to 23.00 | √ | | | Hand drier ditto | Quiet otherwise |
| 20.09.22 19.00 to 23.00 | √ | | | Hand drier ditto | Quiet otherwise |
| 21.09.22 19.00 to 23.00 | √ | | | Hand drier ditto customers | return to house for sleeping |
| 22.09.22 19.00 to 23.30 | √ | | | Hand drier ditto customers | |
| 23.09.22 19.00 to 23.50 | √ | | | Hand drier ditto customers | |
| 24.09.22 19.50 to 23.16 | √ | √ | √ | Jukebox; hand drier ;customers | 101 contacted , police attended, recognised excessive noise. Visited the pub 23.35 noise subdued until 00.20. Police recognised that soundproofing to walls very effective but noise emanating from rear of pub probably from inadequately insulated walls and single pane windows. This concurs with our observations over the last 3 weeks when we have been sleeping in summer house in garden. |
| 24.09.22 00.20 to 00.50 | √ | √ | √ | [as above] | |
| 25.09.22 19.00 to 01.00 | √ | | | Hand drier | |

ARGYLL AND BUTE COUNCIL  NOISE LOG TO BE COMPLETED BY COMPLAINANT

Name: Dr Pat Mcgrann

Service Request Reference:22/03044/NOICOM

Premises: The Ardview Inn 67 Frederick Crescent Isle of Islay

Case Officer: Andy McClements

| Date | Time | Noise Level (Tick appropriate column) | | | Describe the noise you heard | Other observations * |
|----------|----------------|--|------|-----------|---|--|
| | | Audible | Loud | Very Loud | | |
| 18.10.22 | 20.15 to 23.15 | | x | X | Music and recurring banging [new] ? Cause | Julke box |
| 19.10.22 | 21.00 to 23.20 | x | x | x | Banging noise due to door all evening. High pitched female laughter 23.10 - 23.20 | Juke box; hand dryer |
| 20.10.22 | 20.00 to 01.56 | x | x | x | Juke box ;hand dryer ;door | Last door bang 01.56 h |
| 21.10.22 | 19.00 to 00.44 | x | x | x | “ “ | Door bang > 50 throughout evening |
| 22.10.22 | 18.00 to 23.20 | x | x | x | Juke box; hand dryer, door ;chatter | Noise level of door banging in lounge 80dB |
| 23.10.22 | 18.00 to 23.00 | x | | | “Quiet “night little back ground chatter | Door bang ;hand dryer |
| 24.10.22 | 8.00 to 23.00 | | | | “Quiet” night little back ground chatter | Door bang; hand dryer |

| | | | | | | |
|----------|---------------|--|--|--|---|-----------------------|
| | | | | | | |
| 25.10.22 | 8.00 to 23.00 | | | | Quiet" night little back ground chatter | Door bang; hand dryer |
| 26.10.22 | 8.00 to 23.00 | | | | Quiet" night little back ground chatter | Door bang; hand dryer |

Please return within 28 days to Nicole Hamilton, Environmental Health, Wee Manse Brae, Lochgilphead, Argyll, PA31 8QU or email to andy.mcclements@argyll-bute.gov.uk

*** Comments and observations on, e.g. weather conditions, traffic, machinery, music or any other noise generating activity and suspected noise complaint source.**

ARGYLL AND BUTE COUNCIL 11 SEP NOISE LOG TO BE COMPLETED BY COMPLAINANT

Name: Dr Pat Mcgrann

Service Request Reference: 22/03044/NOICOM

Premises: The Ardview Inn 67 Frederick Crescent Isle of Islay

Case Officer: Andy McClements

| Date | Time | Noise Level (Tick appropriate column) | | | Describe the noise you heard | Other observations * |
|-----------------------------|----------------|--|------|-----------|---|-------------------------|
| | | Audible | Loud | Very Loud | | |
| 27.10.22 | 20.00 to 23.00 | | x | | Door banging ; hand dryer | |
| 28.10.22 | 20.00 to 23.30 | | x | x | DJ and music early evening then followed by jukebox | |
| 29.10.22 | 19.00 to 23.00 | | | | "Quiet night" | Door banging |
| 30.10.22 to 4.11.222 | 18.00 to 23.0 | | | | "Quiet night" | Door banging |
| 5.11.22 | 20.00 to 00.03 | xx | xxx | xxx | Music singing loud chatter +++ | Door banging; handdryer |
| 6.11.12 | 19.00 to 23.00 | | | | Juke box | Door banging |
| 7.11.22 | 19.00 to 23.00 | | | | "Quiet night" | |
| | to | | | | | |
| | to | | | | | |

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*** Comments and observations on, e.g. weather conditions, traffic, machinery, music or any other noise generating activity and suspected noise complaint source.**

ARGYLL AND BUTE COUNCIL 11 SEP NOISE LOG TO BE COMPLETED BY COMPLAINANT

Name: Dr Pat Mcgrann

Service Request Reference:22/03044/NOICOM

Premises: The Ardview Inn 67 Frederick Crescent Isle of Islay

Case Officer: Andy McClements

| Date | Time | Noise Level (Tick appropriate column) | | | Describe the noise you heard | Other observations * |
|-------------|-----------------|--|------|-----------|--|--|
| | | Audible | Loud | Very Loud | | |
| 8.11.22 | 18.00 to 01.00 | | | | Silent | |
| 9.11.22 | 20.00 to 22.00 | | x | | Door Banging; hand drier | |
| 10.11.22 | 23.34. to 00.35 | | | X | Jukebox, | Door banging all evening |
| 12.11.22 | 20.00 to 00.40 | x | x | | Door banging , hand drier | Chatter ; laughing shouting 21.00 to 22-40 |
| 13.11.22 | 18.00 to22.00 | | x | | Door banging ; hand drier | |
| 14-17.11.22 | to | | | | Slient. | |
| 18.11.22 | 20.00 to 00.15 | x | | x | Door banging ; hand drier Juke box intermittent | Woken from sleep 23.30 Singing "Happy birthday to U". 00/05 hrs |
| 19.11.22 | 19.00 to 23.20 | | | x | Door banging ; hand | Thumping table, stamping feet 20.20 to |

| | | | | | | |
|----------|-------------------|--|---|---|---|----------------------------------|
| | | | | | drier | 20.32 Chanting/ singing 23.20 |
| 20.11.22 | 20.00 to 23.50 | | x | x | Door banging ; hand drier Juke box intermittent Drunken discussion /shouting 00.35 to 00.40 | Woken from sleep 23.3 |

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*** Comments and observations on, e.g. weather conditions, traffic, machinery, music or any other noise generating activity and suspected noise complaint source.**

ARGYLL AND BUTE COUNCIL 11 SEP NOISE LOG TO BE COMPLETED BY COMPLAINANT

Name: Dr Pat Mcgrann

Service Request Reference: 22/03044/NOICOM

Premises: The Ardview Inn 67 Frederick Crescent Isle of Islay

Case Officer: Andy McClements

| Date | Time | Noise Level (Tick appropriate column) | | | Describe the noise you heard | Other observations * |
|------------------|-------------------|--|------|-----------|--|---------------------------------|
| | | Audible | Loud | Very Loud | | |
| 21 - 24.11.22 | to | | | | Silent | |
| 25.11.22 | to | | | X | Silent until door banging , woken from sleep 01.04 | |
| 26.11.22 | 19.00 to 23.00 | X | | | Door banging | Good voice singing at times. |
| 27.11.22 | to | | | | Silent | |
| 28.11.22 | to | X | | | Quiet | Background chatter |
| 29 + 30.11.22 | to | | | | Silent | |
| 1+2.12.22 | to | | | | Silent | |
| 3.12.22 | to | X | | | Quirt unto burst of. Jukebox at 23.11hrs | |
| 4+5.12.22 | to | X | | | Background chatter | |

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Please return within 28 days to Nicole Hamilton, Environmental Health, Wee Manse Brae, Lochgilphead, Argyll, PA31 8QU or email to

andy.mcclements@argyll-bute.gov.uk

* **Comments and observations on, e.g. weather conditions, traffic, machinery, music or any other noise generating activity and suspected noise complaint source.**

**ARGYLL AND BUTE COUNCIL
NOISE LOG TO BE COMPLETED BY COMPLAINANT**

Log 6

Name: Dr Pat McGrann

Premises: The Ardview Inn 67 Frederick Crescent Isle of Islay

Service Request Reference: 22/03044/NOICOM

Case Officer: Andy McClements

| Date | Time | Noise Level (Tick appropriate column) | | Describe the noise you heard | | Other observations * |
|-----------------|----------------|--|------|-------------------------------|--|--|
| | | Audible | Loud | | | |
| 07/02/23 | to | + | | | | |
| 08/02/23 | to | + | | | | Return to Islay. Opening s hours 16.00 to 23.00hrs |
| 09/02/23 | 10.03 to 11.05 | + | | Verbal argument /harsh voices | High pitched hand drier | |
| 10/02/23 | 23.35 to 00.45 | | + | Jukebox | High pitched hand drier | |
| 11/02/23 | 15.00 to 23.00 | | | | High pitched hand drier | |
| 12/02/23 | to | | | All quiet | | |
| 13.14.15./02/23 | to | | | Pub quiet | | Noise rowdy gathering outside pub 24.30 hrs |
| 16.17/02/23 | to | | | All quiet | | |
| 18/02/23 | 23.16 to 24.00 | | + | Juke box | Very rowdy crowd outside pub 23.30 until 24.45 | 101 notified 23.35 hrs |

Please return within 28 days to Nicole Hamilton, Environmental Health, Wee Manse Brae, Lochgilphead, Argyll, PA31 8QU or email to andy.mcclements@argyll-bute.gov.uk

* Comments and observations on, e.g. weather conditions, traffic, machinery, music or any other noise generating activity and suspected noise complaint source.

ARGYLL AND BUTE COUNCIL  NOISE LOG TO BE COMPLETED BY COMPLAINANT

Name: Dr Pat Mcgrann

Service Request Reference:22/03044/NOICOM

Premises: The Ardview Inn 67 Frederick Crescent Isle of Islay

Case Officer: Andy McClements

| Date | Time | Noise Level (Tick appropriate column) | Describe the noise you heard | | | Other observations * |
|--------------------|----------------|--|------------------------------|------------------|--|---|
| | | Audible | Loud | Very Loud | | |
| 19.20.21/ 02.23 | to | | | | | No music Hand drier |
| 22.02.23 | to | | | | | No music ;Hand drier |
| 24.02.23 | 19.30 to 11.30 | | + | | | Intermittent music Good natured chatter. Hand drier +++ |
| 25.02.23 | 20.00 to 01.00 | | + | + | | Chatter all evening |
| 26.02.23 | 20.00 to 11.00 | | | | | No music,some chatter |
| 27.02.23 | to | | | | | Quiet with chatter No music disturbance |
| 28.02.23 | to | | | | | Quiet with chatter No music disturbance |

| | | | | | | |
|----------------|----|--|--|--|--------------------|----------------------------------|
| | | | | | | |
| 01-02/03/ 2 | to | | | | Quiet with chatter | No music disturbance |
| 03/03/23 | to | | | | Quiet with chatter | 00.26 loud voices ? Argument. |

Please return within 28 days to Nicole Hamilton, Environmental Health, Wee Manse Brae, Lochgilphead, Argyll, PA31 8QU or email to andy.mcclements@argyll-bute.gov.uk

*** Comments and observations on, e.g. weather conditions, traffic, machinery, music or any other noise generating activity and suspected noise complaint source.**

ARGYLL AND BUTE COUNCIL  NOISE LOG TO BE COMPLETED BY COMPLAINANT

Name: Dr Pat Mcgrann

Service Request Reference: 22/03044/NOICOM

Premises: The Ardview Inn 67 Frederick Crescent Isle of Islay

Case Officer: Andy McClements

| Date | Time | Noise Level (Tick appropriate column) | | | Describe the noise you heard | Other observations * |
|------------|--------------------|--|------|-----------|------------------------------|-------------------------------------|
| | | Audible | Loud | Very Loud | | |
| 4/3/23 | to | | | | | |
| 5/3/23 | to | | | X | | Hand dryer 00.24 hrs |
| 6-10/3/23 | to | | | | | |
| 11/3/23 | 23.05 to 23.52 hrs | | | X | Juke box from 23.05 hrs | |
| 12-18/3/23 | 20.30 to 12.00 | | | X | | Hand dryer intermittent all evening |
| 19/3/23 | to | | | | | |
| 20/3/23 | to | | | | | |
| 13-15/4/23 | to | | | | | |
| 16-20/4/23 | to | | | | | |

Page 5 of 5

Please return within 28 days to Nicole Hamilton, Environmental Health, Wee Manse Brae, Lochgilphead, Argyll, PA31 8QU or email to andy.mcclements@argyll-bute.gov.uk

* **Comments and observations on, e.g. weather conditions, traffic, machinery, music or any other noise generating activity and suspected noise**

complaint source.

Table 1

| ARDVIEW INN SOUND LOG | AUDIBLE | LOUD | VERY LOUD | | | |
|--------------------------|-------------------------------|---|---|--------------------------------------|---|------------------------------------|
| 21/4/23 | | | Hand dryer intermittent all night | Hand dryer intermittent all night | | |
| 22-23/4/23 | | | | | Quiet | |
| 24/3/23 | | Repetitive Hand dryer | Juke box | | | |
| 25-27/4/23 | | | | | Quiet | |
| 28/04/2023 | Quiz night compère | Hand dryer | Juke box | | 20.00 - 00.42hrs | 101 called |
| 29/3 -3/5/23 | | Repetitive door banging | | Hand dryer intermittent all night | All evening. | |
| 4/5/23 | | Repetitive door banging | Intermittent Juke box 17.38 to 19.37 hrs then 20.28 to 23.10 hrs | Hand dryer intermittent all night | | 101 called |
| 5/5/23 | | | Repetitive door banging | | Quiet except door | |
| 6/5/23 | | | Repetitive door banging | | Quiet except door | |
| 7/5/23 | Juke box 22.55 - 23.40 hrs | | | | | Lower volume than usual |
| 08-11/05/2023 | | | | | Quiet all round | |
| 12/5/73 | | | | | Noisy patrons | |
| 13/5/23 | | Repetitive hand dryer /door banging | Intermittent Juke box 14.35 - 22.35 hrs | | | Noisy crowd outside Inn |
| 14-18/5/23 | | | | | | |
| 19/3/23 | | Repetitive Hand dryer/ door banging | Intermittent Jukebox drum beat 16/50 - 21.35 | | | |
| 20/5/23 | | | | | Quiet all round | |
| 21/5/23 | | Repetitive Hand dryer/ door banging | Intermittent jule boc 15.30 - 19.00hrs | | | |
| 22/5/23 | | | | | Quiet all round | |
| 23/5/23 | | Repetitive Hand dryer/ door banging | Intermittent juke box 22/00 23.15 hrs | Base drumming ++ + | | 101 called |
| 24-25/5/23 | | | | | Quiet all round | |
| 26/5/23 | | | | | | Departed Islay |
| 2/6/23 | | Repetitive Hand dryer/ door banging | | | Drinking outside | Feis week |
| 3/6/23 | | Repetitive Hand dryer/ door banging | | | | |
| 4-8-23 | | Repetitive Hand dryer/ door banging | | | | |
| 9/6/23 | Quiz night compere | Repetitive Hand dryer/ door banging | Quiz night compere later on | | Table tapping Happy birthday @23.40 hrs | Compere easily heard in street. |
| 10-15/6/23 | | Repetitive Hand dryer/ door banging | | | Glass into recycling bins | |
| 16/6/23 | Audible patron chatter | Repetitive Hand dryer/ door banging | Chatter ++ until 22/00hrs | | | |
| 17/6/23 | | Repetitive Hand dryer/ door banging | Raucous chatter unit 22.00hrs | | | |
| 18/-20/6/23 | | | | | Quiet all round | |

| ARDVIEW INN SOUND LOG | | | | | | |
|--------------------------|--|--|---|---|-----------------------------|--|
| 21/6/23 | | Repetitive Hand dryer/ door banging | | | | |
| 22/6/23 | | Repetitive Hand dryer/ door banging | | | | |
| 23/6/23 | | Repetitive hand dryer.door banging Noisy female voices+ | | | | |
| 24/6/23 | | Repetitive hand dryer.door banging Noisy female voices+++ | | | Large group | |
| 25-26/6/23 | | | | | Quiet all round | |
| 27-29/6/23 | | Repetitive Hand dryer/ door banging | | | | |
| 30/6/23 | | Repetitive Hand dryer/ door banging | | | Raucous outside > 24.00 hrs | |
| 1/7/23 | | Repetitive Hand dryer/ door banging | Juke box 17.30 to 23.22 | | | 101 called |
| 2-8/7/23 | | Repetitive Hand dryer/ door banging | | | | Door much louder |
| 9/7/23 | | Repetitive Hand dryer/ door banging | Table tapping and foot stamping 00.18 to 00.40hrs | | | Door much louder |
| 10-15/7/23 | | Repetitive Hand dryer/ door banging | | | | Door much louder |
| 16/7/23 | | shouting and table tapping 21.30 - midnight | | | | Door much louder.Increasing tendency for rowdy outside smoking after 20.30hrs |
| 17/7/23 | | | | | | Departed Islay |
| 1/8/23 | | Repetitive Hand dryer/ door banging | | Singing and catcalling whistling | | Return Islay |
| 2/8/23 | | Repetitive Hand dryer/ door banging | | Music base guitar Singing started 20.25 hrs until 23.00hrs catcalling ;whistling ; applause | | Music night "Wee Toon"Very loud.All windows closed.TV sound very loud to mask singing 101 called @ 10.35 hrs |
| 1/3/23 | | Repetitive Hand dryer/ door banging | | | | Awoken from sleep at 01.13 by door bang |
| 4/8/23 | | Repetitive Hand dryer/ door banging | Shouting and lively chatter | | | |
| 5/8/23 | | Repetitive Hand dryer/ door banging | | | | |
| 6/8/23 | | Repetitive Hand dryer/ door banging | | Juke box 22.40. -23.10 hrs | | |
| 7-9/8/23 | | Repetitive Hand dryer/ door banging | | | | |
| 10/8/23 | | Repetitive Hand dryer/ door banging | | Juke box from 22.45hrs | | Awoken from sleep 23.30 hrs Disco GG |
| 11-14/8/23 | | Repetitive Hand dryer/ door banging | | | | Door banging remains much louder ? Needs re setting of spring hinge |
| 15/8/23 | | Repetitive Hand dryer/ door banging | | | | Guest awoken by handvddryer 23.03hrs |
| 16/8/23 | | Repetitive Hand dryer/ door banging | | | | Guest awoken by hand dryer. 22.59 & 23.57 hrs |
| 17/8/23 | | | | | | |

| ARDVIEW INN SOUND LOG | | | | | | |
|--------------------------|--|---|--------------------|--|--|---|
| 18/8/23 | | Repetitive Hand dryer/ door banging | | | | Guest disturbed unable to sleep 21.55;22.37;22.46;23.13.23.27;00.15 hrs by hand dryer |
| 19/8/23 | | Repetitive Hand dryer/ door banging jukebox less volume | | | | |
| 20/8/21 | | Repetitive Hand dryer/ door banging | | | | Guest woken from sleep 23.37 & 0070 hrs |
| 21/8/23 | | Repetitive Hand dryer/ door banging | | | | Guest disturbed unable to sleep 22.58 hrs Hand dryer |
| 22-23/8/23 | | Repetitive Hand dryer/ door banging | | | | |
| 25/8/23 | | Repetitive Hand dryer/ door banging quiz night compere easily audible louder as evening wore on | | | | Guest particularly disturbed by hand dryer 23.19;23.21;23.30.23.33;23.56 hrs 101 called |
| 26/8/23 | | Repetitive Hand dryer/ door banging | Bust raucous night | | | Broken her glass on road /pavement noted |
| 27/8/23 | | Repetitive Hand dryer/ door banging | | | | Last door bang 00.16hrs awoken from sleep |
| 28/8/23 | | | | | | |
| 29/8/23 | | Repetitive Hand dryer/ door banging | | | | Last hand dryer 00.14 hrs. Last door bang 00.34 hrs |
| 30/8/23 | | Repetitive Hand dryer/ door banging | | | | |
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Table 1

| ARDVIW INN SOUND LOG | | | | | | |
|-------------------------|----------------|---|---|--|---|--|
| | AUDIBLE | LOUD | VERY LOUD | | | |
| 31/8/23 | | | | | All quiet | |
| 1/9/23 | | | Repetitive hand dryer; door banging | | | |
| 2/8/23 | | | Repetitive hand dryer; door banging | | | |
| 3/8/23 | | ? Drum beat? TV11.38 to 14.00 hrs | | | | |
| 4/8/23 | | Door banging | | | | |
| 5/8/23 | | Repetitive hand dryer; door banging | | | | |
| 6/8/23 | | Repetitive hand dryer; door banging noisy crowd in Inn | | | | Very warm night 22.3 degrees C windows open |
| 7/8/23 | | | Repetitive hand dryer; door banging | | | |
| 8/8/23 | | | Hand dryer 8 times from 00.45 to 01.27 hrs Empties placed in recycle bin 21.10 hrs | | | Bedroom temp 23.1 degree C windows open |
| 9/8/23 | ? TV 23.33 hrs | | | | | |
| 10/8/23 | | Hand dryer | Live music? Jukebox? | | Stuart Anderson verbally reported his concerns to me raucous behaviour 2-3 times per week continues which disturbs his household | Ardview flooding |
| 11-12/8 23 | | Hand dryer Door banging | Door banging at 23.37 | | | |
| 13-15/8/23 | | | Door banging | | | |
| 16/8/23 | | | Empty glass bottles deposited in recycled bin 22.55.hrs | | | Disco for > 18 yr olds 101 called @ 2325hrs |
| 17/8/23 | | Hand dryer | Door banging | | | |
| | | | | | | Break in diary due to Covid infection |
| 17-21/9/23 | | Door banging | Door banging | | | Noise depends on method of door shutting by individuals? |
| 22/09/2023 | | Door banging | Door banging | | 14 times 23-35 to 00.10 hrs | |
| 9 | | | Empty glass bottles deposited in recycled bin at 22.55hrs | | | |
| 24/09/2023 | | Door banging | Door banging | | Last heard at 23.37 | |
| 25/9/23 | | | | | | All quiet |
| 26-28/9/23 | | Door banging | Door banging | | Last hear 28/9/23 at 23.43 woken from sleep | |
| 29/9/23 | Compere | Compere | Door banging | | As evening progress compere louder with increasing patron noise | |

| ARDVIW INN SOUND LOG | | | | | | |
|----------------------|------------------------|--------------|--|--|--|------------------------------------|
| 30-31/9/23 | | Door banging | Door banging | | | |
| | | | | | | All quiet |
| 1/10/23 | | | | | | Depart Islay |
| 2/10/23 | | | | | | Return Islay |
| 19/19/23 | Door bang at 23.32 hrs | | | | | All quiet except door at 23.32 hrs |
| 20/10/23 | | | | | | All quiet |
| 21/10/23 | | | Door banging 01.17hrs | | | |
| 22-26/10/23 | | | | | | All quiet |
| 27/10/23 | Quiz Compere | Quiz compere | Recycle bin 22.50 hrs. Raucous crowd outside Inn until 23.30 hrs | | | |
| 28/10/23 | | | Music 23.37 to 23.50hrs | | | 101 contact |
| 29-31/10/23 | | | | | | All quiet |
| | | | | | | |
| 01-03/11/23 | | | | | | All quiet |
| 04/11/23 | | | | | | Quiet, busy but orderly |
| 5/11/23 | | | | | | All quiet |
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Development and Infrastructure Services
Acting Executive Director: Kirsty Flannigan

Angela Smith
Ardview Inn
67 Frederick Crescent
Port Ellen
Isle of Islay
PA42 7BD

Development and Infrastructure Services
Kilmory Lochgilphead Argyll PA31 8RT
Tel: 01546 604745
e mail : andy.mcclements@argyll-bute.gov.uk
Website: www.argyll-bute.gov.uk

Ask For: Mr Andy McClements
Our Ref:
Your Ref:
Date: 11th August 2023

Dear Angela Smith

ENVIRONMENTAL PROTECTION ACT 1990

RE: Noise from Ardview Inn 67 Frederick Crescent Port Ellen Isle of Islay PA42 7BD

Following a complaint regarding loud music from the jukebox, a high pitched noise when the toilet hand dryers were used and the front door banging loudly when patrons left Ardview Inn, an investigation was undertaken by the Environmental Health Department. A site investigation was undertaken and this is outlined below:

**Ardview Inn & Ardview House – noise investigation site visit – 28 February 2023
14.00pm by Nicole Hamilton EHO and Andy McClements EHO**

Nicole Hamilton stayed with Angela Small (Manager) at Ardview Inn whilst Andy McClements went to Ardview House where Dr P. McGrann & Mrs P. McGrann reside. It was noted that the Hand dryers were still to be fitted with rubber washers. The juke box was played on full volume with all speakers on at 14:20pm. Andy McClements clearly heard "Guns & Roses song – Knockin' On Heaven's Door - Mama put my guns in the ground, I can't shoot them anymore" whilst standing in the bedroom with Dr P. McGrann & Mrs P. McGrann. At 14.25pm Andy McClements phoned Nicole Hamilton to ask for the volume of the Juke Box to be turned down to its normal setting. At 14.29pm this was the case and no music was heard. Dr P. McGrann & Mrs P. McGrann both stated this was not how it normally was as they could usually still hear the music. At 14.30pm the juke box was turned off. At 14.33pm the hand dryers in the ladies toilet was turned on. Andy McClements could clearly hear the hand dryers in the bedroom, a high pitched whirring noise. At approximately 14.35pm Andy McClements entered Ardview Inn with Dr P. McGrann and Nicole Hamilton accompanied by Dr P. McGrann left Ardview Inn and went next door to Ardview House. Nicole Hamilton and Dr P. McGrann then went to the complainant's bedroom. The juke box was played on full volume with all speakers on at 14:39pm. Nicole Hamilton clearly heard "Guns & Roses song – Knockin' On Heaven's Door" whilst standing in the bedroom with Dr P. McGrann. At 14.41pm the volume of the Juke Box was turned down to its normal setting. No music was heard by Nicole Hamilton. Dr P. McGrann stated that "this is not usually normal setting." Andy McClements advised by phone that the juke



box was turned off at 14.44pm. Nicol (Nicole) Hamilton stated that the Gents hand dryers at 14.46 pm could be heard in the bedroom. At 14.47pm the Women's Hand dryer was turned on and could be heard but not as clearly as the Gents hand dryer. Nicole Hamilton returned to Ardview Inn.

The loudness of the Hand dryers in the Gentlemen's Toilets and Ladies Toilets was discussed with Angela Small before both Andy McClements and Nicole Hamilton left the premises at approximately 14.55pm.

On the 18 march 2023 Angela Small notified Andy McClements by email that "I've had the shock absorbers fitted..." to the toilet hand dryers.

On the 18 July 2023 Angela Small notified Andy McClements by email that Ardview Inn would be purchasing quieter hand dryers for the Ladies toilets and Disabled toilet.
<https://www.washroomhub.co.uk/heavy-duty-nozzle-hand-dryer>

<https://www.washroomhub.co.uk/hand-dryers/quiet-hand-dryers>

Conclusion

No Statutory Nuisance was witnessed at the time of the visit on the 28 February 2023 between 14.00pm and 14.50pm regarding the use of the Juke box when played under normal settings both witnessed by Nicole Hamilton EHO and Andy McClements EHO. The use of the hand dryers in the Gentleman's and Ladies Toilets could be heard and this was discussed with Angela Small who stated that rubber washers were to be fitted to all hand dryers and also that patrons would be asked to use the provided hand paper towels. These measures have proved to be inadequate as Dr P. McGrann & Mrs P. McGrann are still experiencing the hand dryer's high pitched noise when in use. The Licensee Mr Archie McArthur has made enquiries about installing quieter Hand dryers. These have now been sourced and will be installed in the Ladies and the Disabled toilet in due course. Once the installation of the quieter hand dryers in the Ladies toilets and Disabled toilet have been completed a visit will be made to Ardview Inn, 67 Fredrick Crescent, Port Ellen, PA42 7 BD, to determine if this mitigation measure has been effective with regard to the hand dryers high pitch noise experienced by Dr P. McGrann & Mrs P. McGrann when in use.

However, should the complaints continue regarding music from the jukebox an unannounced visit will be made to assess whether a Statutory Nuisance exist or is likely to exist.

If we are satisfied that a statutory nuisance exists an Abatement Notice will be served. However, we may take informal action to try to solve the problem first. If the notice is ignored, prosecution may follow with a fine of up to £5,000 for nuisance arising from domestic properties, or up to £20,000 where commercial or industrial premises are involved.

Yours sincerely

AMClements

**Andy McClements
ENVIRONMENTAL HEALTH OFFICER
MID ARGYLL AND THE ISLES**



ARVIEW INN HEARING
Accrued list contact with Police Scotland's -

PS - 20220924-4196

PS - 20221105-4872

PS - 20221112-0115

PS - 20221119-0051

PS - 20221120-3676

PS - 20221210-3949

PS - 20230218-3976

PS - 20230310-4431

PS - 20230428-4586

PS - 20230523-4215

PS - 20230701-4553

PS - 20230802-4489

PS - 20230616-4330

101

From: Contactus Contactus@scotland.police.uk
Subject: RE: Police Contact Us Form - 4f8-dbae8f6c033e
Date: 7 September 2022 at 16:44
To: pat.mcgrann@btinternet.com

Good Afternoon

Thank you for your email.

I would advise that you report the loud music to Police Scotland when it is ongoing. An incident would be raised for a noise complaint and Officers would attend to speak with staff regarding the noise.

Regards

Service Advisor 26014
Police Scotland/Poileas Alba

Tel: 101

Email: contactus@scotland.police.uk
Website: www.scotland.police.uk
Twitter: @policescotland
Facebook: facebook.com/policescotland



BSL users can contact us via [contactSCOTLAND-BSL](https://www.contactscotland-bsl.org/), the on-line British Sign Language interpreting service.

Find out more at the [contactSCOTLAND BSL website](https://www.contactscotland-bsl.org/);
www.contactscotland-bsl.org/

-----Original Message-----

From: Police Contact Us auto sender [<mailto:noreply@scotland.police.uk>]
Sent: 07 September 2022 15:37
To: Contactus <Contactus@scotland.police.uk>
Subject: Police Contact Us Form - 4f8-dbae8f6c033e

Police Scotland Contact Us submission

Name: Patrick John McGrann

Address: Ardview House

67 Frederick Crescent

Port Ellen, Isle of Islay

Postcode: PA42 7BD

Telephone number: 07876168707

Email address: pat.mcgrann@btinternet.com

Subject: Ongoing noise nuisance from next door public house

Details of query: An ongoing problem with nuisance noise from The Ardview Inn, Islay previously reported via 101 is showing no signs of improvement. Loud music transmitted to our house , next door, from 21.00 hrs onwards. Yesterday saw the completion of professional sound proofing to walls contiguous to the pub but the noise was still markedly noising and distressing.

I politely approached the pub manger at 22.45 hrs asking if the sound was of increased volume.The response that it was as usual and that I was barred from the pub on the instruction of the owner.[No reason given] In order to have this conversation the manager asked her staff to switch off the volume of sound in the zone area where we were standing.

I await reply from Environmental Health which has already been contacted

As I am now barred from the pub the opportunity for ongoing personal contact is halted. I need advice and help on how to deal with this problem please.

Did you try and contact the police on 101: Yes

ID = a305d12b-778f-4e48-84f8-dbae8f6c033e



From: Contactus Contactus@scotland.police.uk
Subject: RE: f4a-9b2658225384
Date: 12 November 2022 at 00:39
To: pat.mcgrann@btinternet.com

Thank you for your email.

Our incident PS-20221112-0115 refers to your report.

Regards

Service Advisor 20079
Police Scotland/Poileas Alba

Tel: 101

Email: contactus@scotland.police.uk
Website: www.scotland.police.uk
Twitter: @policescotland
Facebook: facebook.com/policescotland



BSL users can contact us via [contactSCOTLAND-BSL](https://contactscotland-bsl.org/), the on-line British Sign Language interpreting service.

Find out more at the [contactSCOTLAND BSL website](https://contactscotland-bsl.org/);
www.contactscotland-bsl.org/

-----Original Message-----

From: Police Contact Us auto sender [mailto:noreply@scotland.police.uk]
Sent: 12 November 2022 00:09
To: Contactus <Contactus@scotland.police.uk>
Subject: f4a-9b2658225384

Police Scotland Contact Us submission

Name: Patrick McGrann

Address: Noise nuisance from next door The Ardview Inn Port Ellen Islay

Postcode: PA42 7BD

Telephone number: 01496 302122

Email address: pat.mcgrann@btinternet.com

Subject: Noise nuisance

Details of query: Excessive noise nuisance from Ardview Inn. Started 23.34 hrs ongoing at 00.10 hour's

Did you try and contact the police on 101: Yes

ID = 2980174c-13b2-4577-af4a-9b2658225384

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From: Patrick McGrann <pat.mcgrann@btinternet.com>

Sent: 12 August 2022 10:45

To: Jim Porteous <jimporteur@outlook.com>

Cc: Frazer Campbell <campbellsofislays@gmail.com>; Dougie McFadzean <dougiemcfadzean@hotmail.com>

Subject: Ardview Inn local concerns - need to know

Morning both,

I write to you in your roll of Community Councillor as a resident of Frederick Crescent to relate my observations of increasing unrest in the locality and those reported by local folk.

Two significant problems:-

1. Drinking of alcohol outside the premises of the Ardview Inn an area designated with byelaw against such activity [I enclosed schematic view gleaned from A & B Council website]. Last noted by me Saturday evening 06/08/22 at 11.16 pm. When folk were milling around on the pavement and into the road causing passage through their midst testing. On the morning of 07/08/22 glass debris was observed on the pavement and road outside the Ardview. I remember when there used to be signs on The Green similar to that attached. None are obvious now.
2. Drunkenness, increasing noise, disturbance involving obscene language, fighting, micturating in public areas and probable under age drinking both within and without premises. Indeed the owner/ licence informed me on 29/05/22 after the initial opening he had caught 5 men "peeing" in the passage twist Ardview Inn and Blue Box. [Others have already taken action involving the police. CCTV recordings being made available]. This occurs late in the evening until close of play. Ardview has a license until 01.00 hours. Attached also photo of glass left on window sill, at least it is not broken! I understand the the Licensee has a responsibility for: [-Dispersal policy – effective dispersal of patrons at end of trading](#) . No evidence of a door keeper in attendance since the opening night. [I quote from Licensing (Scotland) Act 2005. -see below]
3. There is an increased volume of traffic at these times as people make their way home or are collected by third parties. [Again recorded and reported to the police by another].

These events are most unfortunate, to say the least. The re-opening of the Ardview was anticipated with enthusiasm and welcomed. The impact has been detrimental the environment.

I recognise that grievances are the responsibility of individuals to make necessary representations to Authorities i.e, Polices via tel 101 as they think fit.

I implore the Islay Community Council to heed this report and take steps to reconstitute signage against drinking alcohol in the designated area.

Regards

Pat.

Pleased to speak tel; 302122

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Jim Porteous

 Ardview 12 August 2022 at 12:14

Re: Ardview Inn local concerns - need to know 

To: Patrick McGrann, Cc: Frazer Campbell, douglas mcfadzean, Islay Mcchearcen & 1 more

[Details](#)

Good morning Pat and thanks for copying this very disturbing information to us.

I am copying also to Islay and Garry in their roles of CC Convenor and Vice Convenor and we will certainly raise at our CC meeting next Thu. Hopefully the police will be attending, along with our 2 councillors. There's also a possibility that a senior Oban Times reporter will be there.

We will put forward your proposal to retribute signage.

As you know, licenses can be revoked in the event of broaches and the police have responsibility to enforce the law.

Will let you know of any actions from our meeting.

I trust you have no problem with our sharing your message with all members.

Regards/Jim

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DEVELOPMENT AND ECONOMIC GROWTH - LICENSING STANDARDS

LICENSING (SCOTLAND) ACT 2005 SECTION 38

REPORT FOR REVIEW HEARING OF PREMISES LICENCE

Where a Licensing Standards Officer receives from the Licensing Board a copy of a premises licence review proposal or application – the officer must, before the review hearing, prepare and submit to the Licensing Board a report on the proposal or application (Section 38 (4))

DETAILS OF PREMISES

| | | |
|---|--|---|
| Name and Address of Premises: | The Ardview Inn, 67 Frederick Crescent, Port Ellen, Isle of Islay, PA42 7BD | |
| Premises Licence Number: | AR/234 | |
| Premises Licence Holder and/or Premises Manager | <u>Licence Holder</u> Eilean Properties Ltd 6th Floor Gordon Chambers 90 Mitchell Street Glasgow G1 3NQ (Partner/Director Grant McArthur) | <u>Premises Manager</u> Angela Small C/O The Ardview Inn Frederick Crescent Port Ellen Isle of Islay PA42 7BD |

PERSON(S) REQUESTING REVIEW

| | | |
|--|--|--|
| Name, Address & Contact Details of Person(s) Requesting Review | Dr Patrick McGrann, 67 Frederick Crescent, Port Ellen, Isle of Islay, PA42 7BD | |
| | TEL: | E-MAIL: |
| | Tel 01496 302122 Mob 07876168707 | Pat.mcgrann@btinternet.com |

GROUNDS FOR REVIEW

DETAILS

| | |
|---|--|
| Section 36(3)(a): <i>One or more of the conditions to which the premises licence is subject has been breached</i> | N/A |
| Section 36(3)(b): <i>Any other ground relevant to one or more of the licensing objectives</i> | <u>Licensing Objectives</u> <i>Preventing Crime & Disorder; Securing Public Safety; and Preventing Public Nuisance</i> Full narrative in complainant's statement |

BACKGROUND TO REVIEW & RECOMMENDATIONS

Introduction

The Ardview Inn is a long established traditional public house situated in the residential area of Frederick Crescent, Port Ellen, Isle of Islay. The Current premises licence holder, Mr Grant McArthur, took over the business, by transfer of premises licence, on 22nd July 2022. The current Designated Premises Manager (DPM), Angela Small, was appointed to the role on 3rd August 2022. Since that time, the complainant Dr McGrann, who is an immediate neighbour of the premises (through the wall), has complained of noise nuisance and disorder, as recorded in his statement.

Licensing Standards Officer (LSO) Involvement

The role of the LSO in relation to disputes between licensed premises and others (e.g. neighbours) is to facilitate dialogue between both parties so as to reach resolution and to act in a central role by bringing all information together should there be a request for a review of licence hearing.

On 17th August 2022, Councillor Douglas McFadzean raised the issue of complaints via the Council’s Member Zone and the LSO made contact with Councillor McFadzean and the complainant Dr McGrann.

On 17th August 2022, the LSO made the DPM aware of the complaints by e-mail and premises licence holder was later contacted by e-mail and telephone. Both have been made aware of this review of premises licence by the Licensing Board.

The LSO has liaised with the complainants (Dr McGrann and Stuart Anderson); Sergeant Wendy Maginnis, Police Sergeant; Andy McClements; and Douglas McFadzean, Councillor. All have submitted statements describing their involvement.

Corroborative Evidence of Complaints

Andy McClements, Environmental Health Officer, has submitted a noise investigation report.
The LSO has amassed an e-mail library of correspondence which will be made available to the Clerk to the Board.



Complainant - Noise-
Complaint Ardvie Inr

| Licensing Standards Officer (Print Name) | Signature | Date Received | Date Returned |
|---|-----------|------------------|------------------|
| Eric Dearie | | 17/08/2022 | 24/10/2023 |

This report should be completed by the Licensing Standards Officer and returned to the Licensing Section for the attention of the Clerk to the Licensing Board

6 November 2023

Your Ref:

Our Ref: L/LIC/JW

Eric Dearie
Licensing Standards Officer
Argyll & Bute Licensing Board
Kilmory
DX 599700
LOCHGILPHEAD



Argyll & West Dunbartonshire
'L' Division Headquarters
Stirling Road
DUMBARTON
G82 3PT

Tel: 01389 822033

Dear Sir

**LICENSING (SCOTLAND) ACT 2005: SECTION 36
REVIEW BY DR MCGRANN IN RELATION TO THE ARDVIEW INN,
FREDERICK CRESCENT, PORT ELLEN, ISLE OF ISLAY**

I refer to the above premises licence review to the Licensing Board by Dr McGrann and to your request in relation thereto.

I can confirm that Police Scotland are aware of complaints in relation to the premises and can advise of the following.

A search of our systems from 1 August 2022 to date, identifies that Dr McGrann has contacted Police Scotland on 16 occasions in relation to noise from the premises.

- On 1 occasion the complainer contacted Police Scotland the following day so noise couldn't be checked
- On 1 occasion, the complainer was looking for general advice
- On 4 occasions there was music on at the premises and officers asked premises to reduce music (it was not noted as excessive but could be heard outside)
- On 6 occasions where officers attended, there was no noise/not excessive
- On 4 occasions, officers were unable to attend

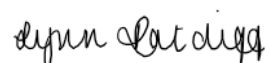
I can advise you that in the same time period, there has been no less than 26 visits to the premises.

- 23 of the visits are favourable for the premises
- 1 visit found a male being outside with a glass. He was returned to the premises and staff made aware
- 1 visit found 2 males outside however, one of the males, who was quite intoxicated, had been at a function at a distillery and his friend was taking him home
- 1 visit found persons outside smoking and chatting loudly and they were reminded to be mindful of residents nearby

The local Sergeant and officers have previously met with Dr McGrann at his property and also spoken to the premises manager and owner in relation to the complaints and have tried to assist by carrying out visits where possible.

I trust this information is of assistance to you.

Yours faithfully

A handwritten signature in cursive script, appearing to read "Lynn Ratcliff".

Lynn Ratcliff
Divisional Commander

Premise Licensing Review

Ardview Inn Noise Complaint Statement by Andy McClements EHO Argyll & Bute Council

Nature of the complaint

On the 29/8/2022 the Environmental Health Department received a complaint at 10:32 from Dr. P.J McGrann, Ardview House, 67 Frederick Crescent, Port Ellen Isle of Islay, PA42 concerning Ardview Inn, 67 Fredrick Crescent, Port Ellen, PA42 7 BD, *"I wish to report two incidents involving premises - Raucous, offensive noise and behaviour outside last evening 26th August until midnight. My household including 5 children under 11 years who were on holiday visiting were distressed, intimidated by noise and lewd language. Noise nuisance from music occurring within 2:30 hrs and transmitted to my house waking my household."*

On the 7/09/2022 the Environmental Health Department received a complaint at 16:12 from Dr. P.J McGrann. Ardview House, 67 Frederick Crescent, Port Ellen Isle Of Islay, PA42 7BD concerning Ardview Inn, 67 Fredrick Crescent, Port Ellen, PA42 7 BD, *"Disturbing noise coming from the premises especially in the evenings until 1am. Going on for a few month now. Can you please call customer back to discuss. Customer is registered severely deaf and can still hear noise and sound proofing done professionally to his property."*

On the 8/09/2022 Mr Andy McClements (Environmental Health Office –Argyll & Bute Council) spoke to Dr. Pat McGrann regarding the noise complaint explaining that to deal with the complaint a noise nuisance log would need to be completed and that the investigation could take 6 months or more. That various matters which may constitute a statutory nuisance are set down in section 79 of the Environmental Protection Act 1990. If the evidence obtained shows a statutory nuisance exists or is likely to recur, then the nuisance diary will be used to support any action taken by this Department. It is, therefore, essential that the information which is recorded is accurate and written at the time of the noise or shortly afterwards. Mr McClements also stated he would be contacting Ardview Inn and explain to the manager that a noise complaint has been logged against them and that it will be investigated.

Dr. McGrann also stated in an email *"as a result of ringing 101 on the evening 25.09.22 the local Police Sergeant and PC visited my house at 23.35 hrs and clearly recognised excessive noise of music. "How often do you have to put up with this"? They immediately visited the Inn and requested the music be reduced. It remained quiet and comfortable until 00.20hrs. I presume they duly made a report."*

On the 24/10/2022 Mr. McGrann emailed a new concern stated as follows *"I report a new and recent noise nuisance emanating from within the Ardview Inn which is disturbing my household. We returned to Islay the evening of 18.10.22 and noted a recurring sporadic door clattering [by which I mean sound and vibration] emanating from within the Ardview Inn throughout the opening hours."*

Dr. McGrann also complained about *"The high pitched hand dryer in the female toilets which I have mentioned in my log continues to resound throughout the opening hours and later as cleaners tidy up in the early hours."*

Ardview Inn, 67 Fredrick Crescent, Port Ellen, PA42 7 BD

Both the licensee, Mr Archie McArthur and the premises manager, Angela Small (Designated Premise Supervisor - A designated premises supervisor is the person who has day-to-day responsibility for the running of the business and is responsible for authorising the alcohol sale) were made aware of the noise complaint on the 9 September 2022. A scheduled visit to the complaint and complaineo on Thursday 30 September was cancelled due to adverse weather conditions. A rescheduled visit was undertaken on the 18th January 2023 with Angela Smith, Manager Ardview Inn, 67 Fredrick Crescent, Port Ellen, PA42 7BD. The complaint was not available as Mr. McGrann was off island. The manager of Ardview Inn Angela Smith demonstrated the operation of the Jukebox and reiterated her actions stated in the email dated 12 September 2022 following complaints from Dr. McGrann regarding noise from the juke box. Please refer to the email dated 12 September 2022 from Angela Smith below:

“Good afternoon Andy

Thank you I have received the link for future serving of food and will be in touch about this is due course. as discussed we are not serving food at present.

Regarding our conversation via telephone on Friday 9th September 2022, as requested I’m reiterating a few facts discussed regarding our juke box music and general operation of the premises.

Prior to opening Mr Archie McArthur, director of Eilean Properties Ltd, the premises owner engaged with Mr Pat McGrann regarding the operating procedures of the Ardview Inn.

Mr McGrann asked due to noise levels received in the past with previous operators, would we consider soundproofing when redecorating, Mr McArthur agreed to this, at his own cost, also offering identical works or Mr McGrann at cost price which he refused.

The director has vast experience with licenced premises within Argyll and Bute and from day one made it very clear when the Ardview Inn reopened there would be a zero tolerance approach. Mr McGrann was shown, on various visits to the property, pre reopening the signage used in other premises that show Challenge 25, respecting neighbours, no leaving the premises with drinks, etc. During these conversation it was agreed that the music in the the lounge area (adjacent to Pats house) would be a reduced volume by 11pm as a matter of courtesy should it prove to be an issue and it was made clear we are licenced til 1am, seven days a week.

From opening this is what I put into regular practice, I did forget on a few occasions however rectified immediately when Mr McGrann himself has popped in asking me to turn it down. This was at 11.10pm or thereabouts on each occasion.

Mr McGrann has told me when chatting on the street when I’ve been arriving at work that he can’t hear anything from the pub at night as he also has triple glazing, however his wife is more sensitive to sound.

On Saturday 27th August a complaint was made re loud music and noise from the previous evening. Police had in fact driven past The Ardview several times that evening - witnessing not many people outside smoking, no one with glasses, and on the last spin by at 12.45am the Ardview was in fact locked up and staff away home. No one at all outside. The noise was travelling from another establishment as they had a live band playing - further noise was people singing on their way home.

On the evening of Saturday 27th August, Mr McGrann came in and requested I put the music off in the lounge. On this occasion I walked with him to the lounge area informing him I could not do that as

there was no music on at all. The juke box in fact was not being used at that time, Pat then left the premises.

On Friday 2nd September Mr McGrann installed his own soundproofing at his property. On completion, the install team requested the staff of The Ardvie Inn put the juke box volume up full and switch on the hand dryers to enable them to return to Mr McGrann's premises to carry out a sound test. The install team and Mr McGrann agreed the sound proofing had been a success and couldn't hear anything. The juke box is never used at full volume.

On Tuesday 6th September Pat arrived on the premises at 10.40pm requesting the music be turned down, again I went into the lounge area so he could witness it was in fact at a very low volume and we could actually have a conversation no problem, he said that no he couldn't actually hear me talking as he is quite deaf, it's the beat of the music that is the problem now and he also fears the soundproofing has not been efficiently installed. On this occasion I had the low music tuned off completely in the lounge and informed Mr McGrann that he was barred from entering the premises in future as we now feel he is being a disruptive influence not only to staff but also customers, also taking into consideration, from day one he was given phone numbers and email addresses of the directors to contact them directly should he have and concerns they could assist with, since opening, there has been no direct contact. The barring of Mr McGrann was not a refusal to discuss any issues he may have but to encourage for record that all discussion should be carried out by email on a formal basis. He called the police the following day with another noise complaint informing the Police he was now barred from the premises and asking how he should make contact to discuss the matter.

As a matter of "good housekeeping", our daily cleaner has been asked to remove any litter, including cigarette ends that have not been placed in the external boxes provided from the front of the premises in parallel with the Argyll and Bute street sweeper. Pat was taking photos of the outside area yesterday morning before the cleaner arrived for her shift. He will have evidence of cigarette butts as sadly not everyone uses the cigarette bins and also 2 squashed alcoholic drink cans - neither of them sold on our premises.

Our frontage is always kept tidy, cigarette butts swept up every morning and throughout the day as required. I'm assuming complaints in this area will also be directed to environmental health?

Mr McArthur on a recent visit to The Ardvie with the sole purpose of addressing any allegations being made, spoke to a customer who arrived by taxi from the Bowmore area holding a branded beer glass of a product we do not stock, he was asked to place it in the glass bin before entering the premises, which he rejected and left the area. The following morning the glass was on a window sill 50 yards from the premises, unfortunately, a comment was made that this was by a patron on the premises after closing time. Photographic evidence of this is available.

Although Mr McGrann has stated the issue with noise is only since the recent reopening of the premises, we have discussed the matter with the two previous operators who could confirm he has in fact complained for many years including even having an issue with the noise of pool balls dropping in to the pockets of the pool table, I assume these previous complaints will be recorded.

On the various Police visits to the premises, due to neighbour complaints, both the licencing board and Police Scotland are satisfied with the standard and professionalism of the operation with all necessary procedures being in place.

We have had discussion with other neighbours who run holiday let businesses adjacent to the premises who are delighted the community model we have adopted, they feel it is an asset to Port Ellen and have no issue or complaint themselves or by their customers.

Could we also bring to your attention that Mr McGrann attended a zoom meeting with the community council and informed myself that he had raised a formal complaint at the meeting with the backing of councillor Dougie McFadzean who stated, confirmed by the recently released minutes of the meeting online that he had discussed the matter with management, to date I still await this discussion. Mr McFadzean's only visit to the premises was to have a couple of pints and subsequently leave a five star review online stating it was "a fantastic renovation and a great little pub."

Wendy Maginnis, Sergeant, Bowmore Police Station, Isle of Islay stated in an email dated 21 January 2023 "I believe Angela has done all she can to try and mitigate the noise emanating from the building, the front door has been fully repaired with soft closures etc, there are paper towels in the ladies as an alternative for customers to reduce the use of the hand dryers, it is my understanding the speaker on that side of the building has been switched off."

The Jukebox and sound system

The Juke Box (ICON Lite – 10199_UK NSM MUSIC Ltd) and associated speakers which are managed and operated by Sims Leisure who installed the system. The Juke Box has 4 zones: Zone 1 is the speaker (just by the Ladies toilet door) in the lounge area, Zone 2 is at the corner of the bar close to the Jukebox, Zones 3 and 4 at the back area near the fire place have only one speaker.

Ardview Inn & Ardview House – noise investigation site visit – 28 February 2023 14.00pm by Nicole Hamilton EHO and Andy McClements EHO

Nicole Hamilton stayed with Angela Small (Manager) at Ardview Inn whilst Andy McClements went to Ardview House where Dr P. McGrann & Mrs P. McGrann reside. It was noted that the Hand dryers were still to be fitted with rubber washers. The juke box was played on full volume with all speakers on at 14:20pm. Andy McClements clearly heard "Guns & Roses song – Knockin' On Heaven's Door - Mama put my guns in the ground, I can't shoot them anymore" whilst standing in the bedroom with Dr P. McGrann & Mrs P. McGrann. At 14.25pm Andy McClements phoned Nicole Hamilton to ask for the volume of the Juke Box to be turned down to its normal setting. At 14.29pm this was the case and no music was heard. Dr P. McGrann & Mrs P. McGrann both stated this was not how it normally was as they could usually still hear the music. At 14.30pm the juke box was turned off. At 14.33pm the hand dryer in the ladies toilet was turned on. Andy McClements could clearly hear the hand dryers in the bedroom, a high pitched whirring noise.

At approximately 14.35pm Andy McClements entered Ardview Inn with Dr P. McGrann and Nicole Hamilton accompanied by Dr P. McGrann left Ardview Inn and next door to Ardview House. Nicole Hamilton and Dr P. McGrann then went to the complainant's bedroom. The juke box was played on full volume with all speakers on at 14:39pm. Nicole Hamilton clearly heard "Guns & Roses song – Knockin' On Heaven's Door" whilst standing in the bedroom with Dr P. McGrann. At 14.41pm the volume of the Juke Box was turned down to its normal setting. No music was heard by Nicole Hamilton. Dr P. McGrann stated that "this is not usually normal setting." Andy McClements advised by phone that the juke box was turned off at 14.44pm. Nicole Hamilton stated that the Gents hand dryers at 14.46 pm could be heard in the bedroom. At 14.47pm the Women's Hand dryer was turned on and could be heard but not as clearly as the Gents hand dryer. Nicole Hamilton returned to Ardview Inn.

The loudness of the Hand dryers in the Gentlemen's Toilets and Ladies Toilets was discussed with Angela Small before both Andy McClements and Nicole Hamilton left the premises at approximately 14.55pm.

On the 18 March 2023 Angela Small notified Andy McClements by email that "I've had the shock absorbers fitted..." to the toilet hand dryers.

On the 18 July 2023 Angela Small notified Andy McClements by email that Ardview Inn would be purchasing quieter hand dryers for the Ladies toilets and Disabled toilet.
<https://www.washroomhub.co.uk/heavy-duty-nozzle-hand-dryer>

<https://www.washroomhub.co.uk/hand-dryers/quiet-hand-dryers>

Conclusion

No Statutory Nuisance was witnessed at the time of the visit on the 28 February 2023 between 14.00pm and 14.50pm regarding the use of the Juke box when played under normal settings both witnessed by Nicole Hamilton EHO and Andy McClements EHO. The use of the hand dryers in the Gentleman's and Ladies Toilets could be heard and this was discussed with Angela Small who stated that rubber washers were to be fitted to all hand dryers and also that patrons would be asked to use the provided hand paper towels. These measures have proved to be inadequate as Dr P. McGrann & Mrs P. McGrann are still experiencing the hand dryer's high pitched noise when in use. The Licensee Mr Archie McArthur has made enquiries about installing quieter Hand dryers. These have now been sourced and will be installed in the Ladies and the Disabled toilet in due course. Once the installation of the quieter hand dryers in the Ladies toilets and Disabled toilet has been completed. A visit will be made to Ardview Inn, 67 Fredrick Crescent, Port Ellen, PA42 7 BD, to determine if this mitigation measure has been effective with regard to the hand dryers high pitch noise experienced by Dr P. McGrann & Mrs P. McGrann when in use.

Andy McClements
Environmental Health Officer
Development and Economic Growth
Argyll and Bute Council
Kilmory Area Office
Lochgilphead
Mobile: 07827 369 784
W: www.argyll-bute.gov.uk

Updated 7th November 2023

As stated above, the email sent by Angela Smith the Manager at the Ardview Inn on the 18th July 2023 outlined that quieter hand dryers would be purchased and installed. It was confirmed that on Sunday 19th September 2023 that quieter hand dryers, the Blue Dry Junior Hand Dryer which generates 60dB when in use were installed in the ladies and disabled toilet cubicles. Patrons would be asked to use the provided hand paper towels in the first instance.

An unannounced visit will be undertaken by the Environmental Health service sometime in November or December 2023 subject to an event (Live music night, Quiz night) taking place. However, if a suitable event cannot be identified then it might be the case that a noise level meter in a tamper proof box is positioned in the living room or bedroom of the complainants house to record the level of noise they experience over a two week period.

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