

The Argyll & Bute Licensing Board
Kilmory
Lochgilphead
Argyll
PA31 8RT

3rd February 2018

Dear Sir or Madam,

Application for Major variation to The Bute Piper, 23 Marine Place, Rothesay, PA20 0LF

This letter is in relation to the above application and should be filed as an objection to the alterations.

The guidance for Public Houses and Entertainment Venues is that in all locations these should not impinge on residential surroundings. The guidance also states that no extensions to venues in areas of restriction will be accepted if any adverse impact on the residential amenity is caused.

The surrounding area and specifically the immediate context of The Bute Piper is entirely residential. The entire mile or so length of Marine PI / Shore Rd is residential with the exception of The Bute Piper. It is a quiet, scenic neighbourhood within the Rothesay Conservation Area, with limited transport links and street parking.

The application to extend certain aspects of the license will severely impact the local area and we wish to express our concerns and make an objection to the following aspects;

1) Outdoor seating to be added to the front of the premises.

The proposals to add seating to the front of the premises will have a direct and adverse impact on the dwellings on either side. All the residential units immediately adjacent to the premises have occupied bedrooms facing Marine Place on the ground and first floors.

The proposals offer no screening and the objections are in relation to the noise and invasion of privacy that the external seating will cause.

Under the current conditions many patrons congregate in this area to smoke. Apart from this contravening revisions to The Smoking, Health and Social Care Act, which bans smoking within 20 feet of a public building, there is a wider issue of noise throughout the on-sales licensing hours. Patrons gather often with drinks, after 10pm, immediately in front of the entrance which creates continuous noise and disturbance to local residents, right through until closing time which is currently 12am Mon-Thu and 1am Fri-Sun. Whether it is due to being under-staffed, or a relaxed attitude to enforcing these regulations, despite persistent complaints from local residents, there has been no attempt to address the issue.

The main concern is that a designated seating area at the front of the premises would only encourage the loitering of patrons for longer periods.

There is also some concern about parking designation, as this area is currently a driveway which has room for 3 car parking spaces, however if this area were to be taken up with outdoor seating it would exacerbate current parking issues along Marine Place. At busy times for the premises, local residents have found patrons blocking driveways and access due to the lack of parking in the area.

2) To amend on-sales core hours.

As outlined above, the objection to the extension of hours is related to the noise and disturbance the current conditions create for the local residents.

Apart from continuous noise throughout opening hours cause by smokers congregating outside, there are major disturbances at closing time. Generally anti-social behaviour means that, depending on which day of the week it is, at 12-12.30am or 1-1.30am, there are often large groups of people loitering, shouting – often waiting on a taxi to pick them up – and in the past the police have had to deal with more serious incidents.

Due to the quiet residential nature of this neighbourhood these incidents are a constant disturbance to the residents immediately adjacent to the premises, but have also caused issues with residents further afield.

3) Addition of off-sales core hours.

No objection

4) Increase in capacity from 80 to 125 persons

The increase in the capacity of the premises furthers our concerns about noise, however there are some additional aspects which are of concern. The premises has limited sanitary facilities for guests and staff and due to the fact that food and drink are served (as a restaurant) in part of the premises, as well as being a licensed public house, have the applicants assured they have adequate facilities for these numbers?

The current staffing numbers are limited and we would assume that the numbers of staff would also need to increase, and therefore staff sanitary facilities, to cover the management of the additional capacity.

Having visited the premises, we also would query the area within the premises in relation to these numbers. As no plans have been made available to the public under the application it is impossible to assess whether or not the premises are to be extended, but if they remain as they are currently then 125 persons may be over capacity in terms of fire safety.

5) Addition of dancing as an activity

No objection

6) To amend the children and young persons conditions

No objection

Although not specifically related to aspects of this application, the general concern about the management of the premises is not without good cause.

Throughout the past year the properties immediately adjacent to the premises have had a continued invasion of privacy and have been exposed to a completely unreasonable level of anti-social behaviour. Patrons either leaving the premises, or smoking outside, discard empty bottles, glasses and rubbish into the surrounding gardens. On several occasions people have urinated on garden walls, fences, hedges and parked cars. There has been extensive damage to property, so much so that residents have had to install CCTV in order to be able to determine the perpetrators.

Police are regularly called out to deal with disturbances but there are limited resources on the island and often they are not able to reach the premises in time. For instance hit and runs have occurred due to overcrowded street parking and congestion, which has damaged residents vehicles and property.

Neighbours are unable to open windows and even air-vents are blocked up in the houses immediately surrounding the premises due to the level of noise that occurs during the evening and especially at anti-social hours like closing time.

The noise is often not restricted the outside of the premises. Often music and bands playing after hours mean that amplified bass causes a serious disturbance that cannot be blocked out at all as it permeates through the building fabric. Whilst the premises should be able to host entertainment, it is more and more frequently happening after 10pm and well into the night, which is incredibly unfair on the surrounding residents.

In addition to the above, as a separate manner, there seems to be an issue with ventilation from the kitchens in the premises. The current set-up does not seem to comply with the Building (Scotland) Regulations, particularly in regards to venting within the curtilage of residential properties and/or their recreational space. If the capacity and nature of the premises is being considered, we would sincerely hope that before any consideration was given to the expansion of the premises, that the compliance of the current situation be assessed and should it not be compliant, enforced to be so.

The purpose of regulating licensed premises within residential areas is to minimise the disturbance to the local residents. Even with the current opening hours there is a detrimental impact to residents, who are being disturbed at anti-social hours, with no support from the licensee of the premises at all.

The application to the licensing board does not make clear how the above issues will be addressed. Given the major impact that this application would have on the surrounding residences we do not feel that the application adequately addresses these issues and would at the very least expect further information on how this operation of this licence could be managed without detriment to the surrounding residences and wider neighbourhood.

It is our understanding that many of the neighbouring households feel similarly strongly about this.

Yours faithfully,

Alexander McLachlan & Fiona Campbell