

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

10th April 2021

Dear Sir or Madam,

Application for variation (Major) 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 with front private gardens immediately adjacent to The Bute Piper entrance area. 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 island neighbourhood rooted within the Rothesay Conservation Area, with limited transport links and street parking limited to one side of the narrow seafront road.

This application will directly impact on the private amenity space for residents, their quality of life and wellbeing, and the character as described above of this peaceful residential neighbourhood.

Before setting out the objections to this application specifically the below sets out a short background for the board which details the specific issues that have occurred in the past, and still ongoing, between the neighbouring residents and the licensee.

- Poor management of premises leading to neighbours calling police to control noise, patrons drinking outside and off premises and damage/littering to adjacent properties.
- Inadequate management of events which have led to the occupation of the point which is an open space protection area, including overnight camping, parking etc.
- Parking issues blocking pavements and neighbouring driveways.
- Abuse in person and via social media.
- Poor maintenance of kitchen fans so fryer smell is polluting surrounding gardens.

The neighbours to each side at 22 and 24 have previously undergone a long mediation process relating to the running of the premises, ultimately to try and resolve the issues listed above and improve relations between the residents and the proprietor. However despite a checklist being agreed detailing how both residents and the licensee should behave, there has been no attempt to adhere to these by the licensee.

Details of Variation Applied for;

- 1) **Amend the seasonal variation.**
- 2) **To include outdoor drinking facilities during core licensed hours.**
- 3) **To increase sales capacity.**
- 4) **Proposed new layout plan to incorporate additional external space**
- 5) **The change to name of premises to Cadillac Kustomz.**

We wish to express our concerns and make an objection to the following aspects;

1 - Amend the seasonal variation

No objection.

2 - To include outdoor drinking facilities during core licensed hours.

The proposals to add seating to the front of the premises will have a direct and adverse impact on the dwellings one either side, of which there are 4. All the residential units immediately adjacent to the premises have occupied bedrooms facing Marine Place on the ground and first floors. There are 6 bedrooms within 10m of the proposed seating area.

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

Previously 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 have often gathered with drinks, after 10pm, immediately in front of the entrance which creates continuous noise and disturbance to local residents, right through until closing time – way beyond the venues curfew for outdoor drinking. 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 issues.

There is also some concern about parking designation, as this area is currently a driveway which has room for 3 car parking spaces. 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 their driveways and access due to the lack of parking in the area. There have been issues with access for ambulances and carers to elderly neighbours due to patrons and events organised by the premises parking across both sides of the narrow road and blocking pedestrian and vehicle access (see appendix).

The public amenity green space across from The Bute Piper and surrounding homes is an Open Space Protection Area within both the existing and the proposed Local Development Plan. This area has been compromised and used for vehicles for both visitors to establishment and for large vehicle rallies.

Finally in relation to the plans submitted, what isn't clear is;

- a) How social distancing to to be achieved in this plan arrangement.
- b) How parking for 3 cars is maintained with outdoor seating.
- c) How a safe, designated external smoking area is arranged around seating but away from entrance.
- d) How all of these can be achieved with care to maintain the private amenity of the surrounding gardens.

3 – To increase sales capacity

The increase in the capacity of the premises from 80 to 130 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, I would also query the area within the premises in relation to these numbers. The plan that has been made available for this application highlights that only 5 WCs for staff, guests and public visitors to the restaurant and bar. Is it proposed staff and customers share WC facilities? Is there adequate accessible facilities?

It also appears that the size of the spaces are not large enough for 130 people. The current diner is a seated restaurant and not part of the licenced premises, which suggests that the capacity is being sought for the bar area only, which surely isn't large enough to host that many people?

From our perspective, a hotel with restaurant and bar with a 130 persons capacity in a quiet island community, in an entirely residential area, with private garden space immediately adjacent, seems grossly out of proportion. Why is this required?

4 - Proposed new layout plan to incorporate additional external space

We strongly believe outdoor seating for 24 people will have a direct and adverse impact on the dwellings immediately on either side. All the residential homes and private gardens immediately adjacent to the premises have occupied bedrooms facing Marine Place on the ground and first floors, some less than 5meters away from the proposed outdoor seating area.

The lax management in the past has allowed for outdoor drinking to overspill from these areas, which is what effects the neighbouring gardens. In the summer months the residents along the front here often sit out and enjoy the view in their front gardens - there is a quiet and neighbourly atmosphere. What is basically the addition of a beer garden seems excessive with the main concern is that a designated seating area at the front of the premises would only encourage the loitering of patrons outside of any permitted hours.

There is also concern about parking designation, as this area is currently a driveway which has room for 3 car parking spaces. The proposals to add seating to the front of the premises for 6 tables and 24 people within the first 3.5 meters for the property looks to be very difficult to maintain the off street parking spaces and maintain safe pedestrian entrance access. In addition the premises contains a 3bed private residential dwelling and two 1bed flats – presumably these require a parking allocation as well?

The level of noise and capacity numbers and late night licences all mean that this premises is now no longer a hotel but and events venue that causes a nuisance to its neighbours. The proprietor has clearly presented this ambition for the premisses publicly through advertising and online on social media. The premises is currently listed for sale where the permissions being sought now are advertised as in place and existing.

Taxis arrive late into the evening, with groups of drunk people waiting outside, causing a lot of noise and disturbance. People outside drinking and smoking throughout the opening hours. People leaving and shouting and dancing in the street. The character of this neighbourhood where the background level of noise is very low means that having a party venue on the street is a nuisance to its neighbourhoods in an entirely residential area.

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.

5 - The change the name of the premises to Cadillac Kustomz.

No objection.

In writing this letter and reflecting on the past 5 or 6 years of issues we and other residents in the local area have had with the licensee and the operations of the premises, we realised there was too much information to condense into this particular objection. We have tried to refine the relevant information in this letter and then elaborate on certain issues via an appendix.

A very significant aspect relating to this application is the complete lack of professionalism from the licensee. As intimated previously, after writing an objection back in 2018 to a proposal for outdoor seating, (worth noting we originally expressed concerns in person believing there was a more neighbourly resolution available) we became the subjects of a constant stream of abuse in person and online. In seeking to resolve these issues via mediation, the mediator specifically pulled up the licensee on their inappropriate behaviour and unsubstantiated complaints.

The important aspect of this is that we, as residents, members of the public, laymen – we're all of these - are being forced into a constant, ongoing conflict with a licensee entirely because of that licensee's behaviour. Is that not in itself grounds for considering if he is fit to carry a license?

Even during the lock-down when the premises have been closed we've not had respite from this. Posts on social media containing derogatory comments towards us occurred when the licensee realised one of the local residents as moving home.

Finally, to bring this back to the application, 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 however have not received a letter to comment on.

Yours faithfully,

Nicola McLachlan