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# ARGYLL AND BUTE LICENSING BOARD

14 NOVEMBER 2023

REPORT BY DEPUTE CLERK

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## APPLICATION FOR REVIEW OF A PREMISES LICENCE

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

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### 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, 6<sup>th</sup> 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

9<sup>th</sup> November, 2023