

**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