

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
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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**

