



## DEVELOPMENT AND ECONOMIC GROWTH - LICENSING STANDARDS

## LICENSING (SCOTLAND) ACT 2005 SECTION 38 REPORT FOR REVIEW HEARING OF PREMISES LICENCE

Where a Licensing Standards Officer receives from the Licensing Board a copy of a premises licence review proposal or application – the officer must, before the review hearing, prepare and submit to the Licensing Board a report on the proposal or application (Section 38 (4) )

## DETAILS OF PREMISES

Name and Address of Premises:	The Ardview Inn, 67 Frederick Crescent, Port Ellen, Isle of Islay, PA42 7BD	
Premises Licence Number:	AR/234	
Premises Licence Holder and/or Premises Manager	<u>Licence Holder</u> Eilean Properties Ltd 6th Floor Gordon Chambers 90 Mitchell Street Glasgow G1 3NQ (Partner/Director Grant McArthur)	<u>Premises Manager</u> Angela Small C/O The Ardview Inn Frederick Crescent Port Ellen Isle of Islay PA42 7BD

## PERSON(S) REQUESTING REVIEW

Name, Address & Contact Details of Person(s) Requesting Review	Dr Patrick McGrann, 67 Frederick Crescent, Port Ellen, Isle of Islay, PA42 7BD	
	<b>TEL:</b>	<b>E-MAIL:</b>
	Tel 01496 302122 Mob 07876168707	<a href="mailto:Pat.mcgrann@btinternet.com">Pat.mcgrann@btinternet.com</a>

## GROUNDS FOR REVIEW

## DETAILS

<b>Section 36(3)(a):</b> <i>One or more of the conditions to which the premises licence is subject has been breached</i>	N/A
<b>Section 36(3)(b):</b> <i>Any other ground relevant to one or more of the licensing objectives</i>	<u>Licensing Objectives</u> <i>Preventing Crime &amp; Disorder; Securing Public Safety; and Preventing Public Nuisance</i>  Full narrative in complainant's statement

## BACKGROUND TO REVIEW &amp; RECOMMENDATIONS

**Introduction**

The Ardview Inn is a long established traditional public house situated in the residential area of Frederick Crescent, Port Ellen, Isle of Islay. The Current premises licence holder, Mr Grant McArthur, took over the business, by transfer of premises licence, on 22<sup>nd</sup> July 2022. The current Designated Premises Manager (DPM), Angela Small, was appointed to the role on 3<sup>rd</sup> August 2022. Since that time, the complainant Dr McGrann, who is an immediate neighbour of the premises (through the wall), has complained of noise nuisance and disorder, as recorded in his statement.

**Licensing Standards Officer (LSO) Involvement**

The role of the LSO in relation to disputes between licensed premises and others (e.g. neighbours) is to facilitate dialogue between both parties so as to reach resolution and to act in a central role by bringing all information together should there be a request for a review of licence hearing.

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On 17<sup>th</sup> August 2022, Councillor Douglas McFadzean raised the issue of complaints via the Council's Member Zone and the LSO made contact with Councillor McFadzean and the complainant Dr McGrann.

On 17<sup>th</sup> August 2022, the LSO made the DPM aware of the complaints by e-mail and premises licence holder was later contacted by e-mail and telephone. Both have been made aware of this review of premises licence by the Licensing Board.

The LSO has liaised with the complainants (Dr McGrann and Stuart Anderson); Sergeant Wendy Maginnis, Police Sergeant; Andy McClements; and Douglas McFadzean, Councillor. All have submitted statements describing their involvement.

### **Corroborative Evidence of Complaints**

Andy McClements, Environmental Health Officer, has submitted a noise investigation report.

The LSO has amassed an e-mail library of correspondence which will be made available to the Clerk to the Board.



Complainant - Noise-  
Complaint Ardvie Inr

Licensing Standards Officer (Print Name)	Signature	Date Received	Date Returned
Eric Dearie		17/08/2022	24/10/2023

This report should be completed by the Licensing Standards Officer and returned to the Licensing Section for the attention of the Clerk to the Licensing Board