

THE LICENSING (SCOTLAND) ACT 2005

Application for Variation of Premises Licences

Objection & Representations

Ref: WDLBPREM/0255.

Name and Address of Premises: Ardoch House, Gartocharn, Alexandria G83 8ND

Applicant/Licence Holder: TLT Solicitors / Ardoch Loch Lomond Limited.

Type of Premises: On & Off Sales.

Proposed Application:

Amendment to wording at Q 5(f) to include reference to pop-up bars and marquees, and activities that may take place within the outdoor areas/marquees.

Amendment to wording at 6(b) relating to access by children and young persons.

Addition of outdoor events area.

Amendment to description of premises, to the following:-

“Originally a farm, set in an estate of 133 acres, the premises have a charming blend of traditional style and modern facilities. The premises include guest houses, meeting rooms, outside terrace and courtyard for guests and visitors to use, as well as outdoor areas for events within which marquees may be used. There is no fixed bar within the premises but pop-up bars may be used.

Police Authority Comments: No comment.

Licensing Standards Comments: The Licensing Board are advised to consider paragraphs 18.9 and 18.11 of their Statement of Licensing Policy which state;

18.9 The Licensing Board will expect applicants to demonstrate their intention to put in place effective management controls, supervision and other measures to ensure the use of such outdoor areas by patrons does not have an adverse impact on the locality, particularly to occupiers of premises in the vicinity of the premises. In relation to noise control and in pursuance of the licensing objective of preventing

public nuisance generally, the Licensing Board will not permit amplified sound or music to be played within, or relayed to, outdoor drinking areas nor live music to be played within these areas.

18.11 The Board is of the view that unless outside drinking areas are out-with earshot range of neighbouring premises that there should be no sale or consumption of alcohol in outside areas after 10 p.m. Glasses and other receptacles must be cleared away by 10.15 p.m. A condition to this effect will be included in Premises Licences.

Finally the Licensing Board may wish to seek clarification from as to the extent of the variation to the access to the premises by Children and Young Persons.

Fire Authority Comments:

No comment.

Regulatory Services Comments:

Environmental Health:- Representation

With regard to the application which includes use of marquees for outdoor events, the Environmental and Public Protection Group of Environmental Health would be concerned that noise issues may arise from this proposed use and impact amenity of nearby properties.

No specific noise assessment or details of proposed mitigation measures has been provided for review to allow Environmental Health to provide our full and final comments on the proposal.

Various factors may affect noise propagation from this proposed use in that area, including but not limited to:-

- Sound power level of speakers
- Different band/DJs using any equipment
- Type of music
- Number of speakers / speaker orientation
- Wind /weather conditions etc.
- Number of events

Further information on noise mitigation proposed / noise impact assessment was requested from the applicant on 9 December 2022. The response provided by the Applicant's Agent stated that no specific noise mitigation measures were proposed and did not contain sufficient details to address our concerns.

Building Standards – Objection

Building Standards has not received a Building Warrant application for the marquee. It would only meet the definition of a temporary building that does not require a building warrant if it meets the following criteria:

Temporary buildings	16.	A building which, during any period of 12 months, is either erected or used on a site – a. for a period not exceeding 28 consecutive days or b. for a number of days not exceeding 60 and any alterations to such buildings.
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There is not adequate information provided to clarify if this is intended to be a temporary, limited life or permanent structure. However, I note in the operating plan the statement “For a number of weeks each year, no alcohol will be sold in the premises at all.....”, which would lead me to believe it will be either limited life or a permanent structure. As such, a Building Warrant should be sought and approved before work on site commences. A completion certificate should be accepted by WDC before the occupation of this structure.

In summary, unless it can be demonstrated that the proposal is a temporary structure as per the definition, Building Standards would object to a licence being granted for use of a structure that is unauthorised works.

Community Council Comments:	No objection.
Health Board Comments:	No comment.
Access Panel:	No comments received.
Additional Comments:	None.
Section 50 Certificates:	Not required.

Decision: