



NOTICE OF MEETING

9 July 2018

A MEETING of the CLACKMANNANSHIRE LICENSING BOARD will be held within the Council Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on TUESDAY 17 JULY 2018 at 9.30 am.

**LINDSAY THOMSON
Clerk to the Licensing Board**

	Page No
1. Apologies	--
2. Declarations of Interest	--
Elected Members are reminded of their obligation to declare any financial or non-financial interest which they may have in any item on this agenda in accordance with the Councillors' Code of Conduct. A Declaration of Interest Form should be completed and passed to the Committee Services Officer.	
3. Licensing (Scotland) Act 2005:	
(i) Hearing to Consider a Premises Licence Review Proposal in terms of Section 38 of the Licensing (Scotland) Act 2005 in respect of the Premises know as the County Bar, 1 Main Street Clackmannan, FK10 4JA (Papers attached)	05
4. AOCB	--

Clackmannanshire Licensing Board – Board Members 9 (Quorum 5)

Councillors

Wards

Councillor	Kenneth Earle (Convenor)	4	Clackmannanshire South	LAB
Councillor	Mike Watson (Vice Convenor)	3	Clackmannanshire Central	CONS
Councillor	Martha Benny	2	Clackmannanshire North	CONS
Councillor	Dave Clark	2	Clackmannanshire North	LAB
Councillor	Donald Balsillie*	2	Clackmannanshire North	SNP
Councillor	Helen Lewis	2	Clackmannanshire North	SNP
Councillor	George Matchett, QPM	1	Clackmannanshire West	LAB
Councillor	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	Les Sharp	1	Clackmannanshire West	SNP

The quorum for the Board by virtue of Schedule 1 paragraph 12(1) of the Licensing (Scotland) Act 2005 is 5 members

*On completion of training.

Development & Environment Services
Kilncraigs, Greenside Street, Alloa FK10 1EB
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**Clackmannanshire
Council**

www.clacks.gov.uk

Comhairle Siorrachd
Chlach Mhanann

**THIS PAPER RELATES TO
ITEM 03(i)
ON THE AGENDA**

Candleriggs Inns Limited
Lime Tree House
Castle Street
Alloa
FK10 1EX

Direct
contact: June Andison
Telephone: 01259 452093
Email: jandison@clacks.gov.uk
Our Ref: CC0082
Your Ref:
Date: 09 July 2018

Dear Sirs

Licensing (Scotland) Act 2005 (the "2005 Act")

Hearing to consider and determine Premises Licence Review Proposal in respect of the Premises Licence for the premises known as County Bar, 1 Main Street, Clackmannan, FK10 4JA

Hearing Date: Tuesday 17 July 2018 at 09:30am

Place of Hearing: Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 1EB

TAKE NOTICE that Clackmannanshire Licensing Board proposes to hold a Review Hearing in terms of Section 38 of the Licensing (Scotland) Act 2005 to consider and determine a Premises Licence Review Application in respect of the Premises County Bar, 1 Main Street, Clackmannan held by you, at **09:30am on Tuesday 17 July 2017 within the Council Offices, Kilncraigs, Greenside Street, Alloa.**

Grounds upon which Review of said licence is sought

Review of the above licence is sought on the ground specified in section 35(3)(b) of the Licensing (Scotland) Act 2005, as more specified in terms of the Premises Licence Review Application a copy of which is attached to this notice of hearing.

Clackmannanshire Licensing Board's Licensing Standards Officer and Environmental Health Department together with Police Scotland have been requested to provide additional information in terms of Section 38(5)(a) of the 2005 Act. These reports will be forwarded to you in due course.

Licensing Board's Powers on Review

If the Board is satisfied that a ground for review has been established, the Board may take any of the following steps as it considers necessary or appropriate for the purposes of any of the licensing objectives :

- (a) issue a written warning to the licence holder;
- (b) make a variation of the licence;
- (c) suspend the licence for such period as the Board may determine;
- (d) revoke the licence.

You are advised that it is in your best interests to appear at this hearing. You may be represented by a solicitor or any another person, and it is strongly advised that you seek legal advice prior to the hearing.

Yours faithfully

June Andison
Licensing Administrator

Lyn Hunter, [REDACTED]

The Clerk to the licensing Board

Clackmannanshire Council

Kilncraigs

Greenside Street

Alloa

FK10 1EB

Reference: The County Bar.

07 June 2018

Dear Sir/Madam, the Clerk of the licensing board.

I would like to make an application to review the premises licence relating to The County Bar, Main Street, Clackmannan on the following grounds:-

I have lived at [REDACTED] Port Street, Clackmannan for over 10 years, across from, The County Bar and have not experienced any problems until one year ago when new management took over the pub.

The residents in the street have had to suffer loud music from 19:30 until one o'clock in the morning at weekends, people outside sitting on the wall drinking, smoking, talking loudly and urinating on the street.

This is due to Karaoke nights, live bands and events when children as young as three are running around the street at ten at night.

Often the doors are left open which exacerbates the sound.

I have spoken with Craig- the manager- and he continues to say he will sort it and does not!

I have complained to the police on several occasions and have many reported incident numbers and to Susan McIntyre at the Environmental Health and Licensing department.

The council installed a noise recorder and visited my flat to listen to the noise which they found unacceptable. Every word of every song can be heard in my flat. This was on the 18th September 2017.

My partner will not stay at my flat at the weekend because of this. I cannot sleep and am now, one year later, very stressed, which is now affecting my business. I am self-employed.

I need resolutions soon, as I cannot go on like this! I have had to invest in noise challenging earplugs at a cost of £25 to help me sleep. This is not working so I have made an appointment with my doctor for sleeping pills.

I believe I have been very patient and tried to resolve this amicably with the Craig Jackson the landlord, the owner Mr Mulranny, Police and Environmental Health and Licensing Department.

I cannot do this anymore! I need help for my sanity and well-being. Can you please help? Can you have the music stop earlier? I do not want to stop people enjoying themselves.

Summary of complaints:-

31/7/17 Number 408984 County bar, karaoke, door of pub open and the noise is rid after midnight. Can this be looked into? EHO notes. Discussed matter with complainant. She lives in Port Street. The problem has arisen over the last few weeks. She only notices it on a Friday night as she is not in on a Saturday night. Karaoke coming from the County bar, noise is terrible when pub doors are opened. She hears the music all the time but it is bearable, only a problem when pub doors are open with people coming in and out. She phoned the bar and spoke to someone called Craig, he said he was just trying to run a business and asked her to pop in to discuss the matter - she has not had a chance.

28/8/17 Number 411345 County bar music karaoke is way too loud this is an on-going problem pub staff and managers are not addressing the problem yet again I am not able to sleep in my bedroom because of the noise. I have put a complaint to police Scotland and have an incident number the pub knows of the residents complaints but are doing nothing to help solve these issues its now after 11 pm and we can't get to sleep we can hear every word of the karaoke.

4/9/17 Number 412006 Nature: County bar comment/complaint: Music karaoke pub doors open totally out order far too loud it's been reported already. The pub knows it's got to keep doors closed to keep noise in but doesn't. It's a residential area it's a constant noise issue.

11/9/17 Number 412616 Forename: Residents of Port St. Surname: Carter Hunter Phone: [REDACTED] Type: Noise & Anti-social behaviour Nature: Noise nuisance or noisy neighbours comment/complaint: County bar karaoke too loud 11 pm no manager there to complain to just Bar staff EHO notes discussed with Lynn Hunter the noise over the weekend. She said it was loud from 9-12 on Friday, 8.30 onwards on Sat and she phoned pub at back of 11.15pm appx. Spoke to male person (no name), manager not in and not due in till Sun morning. Although they said they would turn it down they did not. On Sunday afternoon there was an "open mike" which was loud. She contacted Police who gave her an incident number but she is unsure if they visited or not. She also noticed two broken windows in pub getting repaired on Mon. She mentioned that noise meter seemed to stop working after 10 mins. Advised her that it is designed to do that and that she can switch it on through the time she is being disturbed to obtain sample readings of nuisance noise.

18/9/17 Number 413100 Malcom Carter. County bar and function suite doors open loud music EHO notes Noise meter installed.

18/9/17 Number 413101 Lyn Hunter I am sick of this pub and it's noise, every weekend This is a residential area We can hear the music above our TV. We have complained to the pub. This is unacceptable EHO notes Discussed noise complaints. Noise from bar this weekend was bad due to loud music from both function sweet and karaoke in the bar. She phoned the council twice on Friday night. Advised we do not have a call out service and to phone the Police instead. Also advised re diary sheets, and noise recorder. She is out late most days this week but should be about at 5 pm on Thursday to set up meter. She said noise this weekend was ridiculous even with doors shut. Complainant is having to sleep in living room due to the noise. Noise can be heard above the TV. She said she was aware that two others complained directly to the bar on Friday and that the Police were in attendance too. She had heard that when one lady visited that the mum (who was working at bar) of the male of the premises admitted noise was too loud and turned it down for 30 mins before turning it back up.

23/9/17 Number 413645 County bar music karaoke is way too loud this is an on-going problem pub staff and managers are not addressing the problem yet again I am not able to sleep in my bedroom because of the noise I have put a complaint to police Scotland and have an incident number the pub knows of the residents complaints but are doing nothing to help solve these issues its now after 11 pm and we can't get to sleep we can hear every word of the karaoke songs. This complaint went to Paul Fair. LSO

9/10/17 Number 414689 Type: Noise & Anti-social behaviour Nature: Noise nuisance or noisy neighbours Comment/Complaint: County bar music karaoke So loud that I can hear it above my TV the doors keep getting opened and the noise from karaoke is way too loud. EHO notes Noise on the last two Fridays have been good except for Fri 6th Oct at 11 pm there people loitering outside pub at 11:15 and noise from karaoke was clearly heard. Someone singing Neil Diamond song. On Sat and Sun this weekend karaoke was very loud, doors open but noise also heard when doors shut. About 20 people loitering outside at 11:15 on Sat and Karaoke continued until after 12 midnight. Lynn phoned pub at 11:15. She said they did turn it down for a while but it continued to be noisy. Again manager was not present on Sat.

23/10/17 Number 415683 Very loud karaoke coming from the county bar its now 1155 at night and I can hear every word from the music the land lord of the pub is doing nothing to help sort the noise problem out I am fed up complaining about this. This noise is affecting my sleep at the weekend it very distressing EHO notes Discussed matter with Lyn to confirm it was her who made complaint however her details did not appear on the SR form. She advised that last weekend there was no problem with noise at all from the pub. This weekend it was Friday night about 11 pm it started becoming loud resulting in her going across to pub at 11:55 pm. She also reported matter to the Police at 12:04 am and she got an Incident Number which she will send into me. Discussed about a visit from EH. Lyn is away on Sat/Sun so Friday

Lyn Hunter, [REDACTED]

would be only night available. I will give her my number and she will phone me if she thinks it's a quiet night to save me travelling through.

28/10/17 Number 416100 Excessive noise from karaoke - Now 23.20 Friday

27/10/17 Number and music is far too loud and we can hear every word from karaoke. email [REDACTED]. EHO notes Provisional arrangements were made to attend to witness noise complaint at Lyn's house on Friday 27/10/17 however following liaison with Lyn she advised that pub was quiet on Friday at 7.30 appx and at 9pm appx. She advised that there was another church event on in street instead but pub quiet. However speaking with her this morning she said at 10:30pm noise got loud until 12 when it was quiet again. She phoned in complaint about 11:15 pm on Friday. She could hear words, music with pub doors closed but it seemed that pub was quiet as there wasn't so many people milling about as normal. Attended at 21:50 with Maggie McWhinnie. Sat in car outside main door of No.1 Port Street, Clackmannan. Observed movements and noise from pub. Noticed that main door was open and when inner door was opened noise levels increased. People were milling about outside smoking, loud voices, occasional shout/cheer. Main Street was quiet in general except for activities at pub. Went into flat from 22:15 to 11 pm. Sat in bedroom with skylight windows closed. Music from pub was audible in bedroom but normal conversation could be held. However did observe similar pattern of increasing noise levels when pub door was opened. Could make out words of songs. Complainant advised that this was a quiet evening compared to previous weekends and tolerable when awake but not acceptable when trying to sleep in bedroom. Sat outside No.1 Port Street for another period of 15 mins. Again observed noise from pub when doors open and from patrons loud voices, shouts or cheers.

18/11/17 Number 417823 Noise complaint - Customer has complained on numerous occasions regarding ongoing issue with noise from premises. Has stated that manager is unwilling to address complaints regarding karaoke event noise nuisance.

Email [REDACTED]. EHO notes Had discussion - noise the same as it was on the Friday we visited with much of the noise from patrons outside as well as words of music etc. Did admit that music on Sun was quiet.

27/11/17 Number 418290 Very loud and bad karaoke County bar 1115

2/12/17 Number 418889 Customer is reporting noise nuisance weekly and sometimes more than once per week - She is indicating that constant noise nuisance is affecting her sleep and life. Email [REDACTED] Tel [REDACTED]

EHO notes Long discussion with Craig Jackson over noise issues. In summary he asked for complainant's contact details to advise that the karaoke company he hires are on their last warning. He advised that after Christmas/New Year there will be no more karaoke until April time for various reasons. In the meantime he strongly advises that complainant phones him directly when bothered by noise and he will ensure noise is turned down. After the festive season they will be looking at secondary glazing, removing expelair fans and door layout. Collected noise report from complainant from her business premises and advised on request from Craig Jackson for her phone number to be passed to him. She agreed to do this. She

Lyn Hunter, [REDACTED]

advised she had long conversation with Craig Jackson and is willing to contact him if noise is poor and has no issues with the Christmas parties at all as she understands that it is a pub's busy time. She hopes not to be in touch again about noise from this pub.

14/5/18 Number 429738 County bar function lounge thumping music vibrating though my building County bar function lounge thumping music vibrating though my building People outside loitering and drinking kids running about called the pub to complain Spoke to Craig Jackson who tells me it's getting sorted but it's not Now I have lodged a complaints with the police. Taking it further.

I look forward with anticipation to your early reply.

Yours Faithfully,

Lyn Hunter

