

## The Highland Licensing Board

Meeting – 12 May 2015

Agenda Item	12.1
Report No	HLB/055/15

### Application for Review of Premises Licence – Club House Hotel, Nairn

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to an application under section 36 of the Licensing (Scotland) Act 2005 (the “Act”) by the Licensing Standards Officer for review of the premises licence in respect of the Club House Hotel, 45 Seabank Road, Nairn (Premises Licence HC/INBS/15). The Board is required to hold a review hearing in respect of this application.

#### 1.0 Background

- 1.1 An application for review of Premises Licence HC/INBS/15, Club House Hotel, 45 Seabank Road, Nairn, has been received from the Licensing Standards Officer.
- 1.2 The grounds of review relied on in the application are infringement of the third licensing objective: prevention of public nuisance. The nuisance alleged is noise nuisance. Full details of the grounds of review are set out in the review application which is appended to this Report (**Appendix 1**). A noise report by Environmental Health is also appended (**Appendix 2**) together with a Police witness statement (**Appendix 3**). Copy complaints received in April 2015 which have triggered this review application are also attached (**Appendices 4, 5 and 6**).
- 1.3 Where the Board receives a premises licence review application, the Board must hold a hearing for the purposes of considering and determining the application.
- 1.4 Notice of the hearing and a copy of the premises licence review application have been given to the licence holder, Club House Scotland Ltd, in accordance with the requirements of the Act.
- 1.5 The licence holder has been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

[http://www.highland.gov.uk/downloads/download/428/liquor\\_licence\\_objections\\_appeals\\_notices\\_of\\_determination](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

## 4.0 Legislation

4.1 At a review hearing in relation to any premises licence, the Board may, if satisfied that a ground for review is established, take such of the following steps as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.

4.2 Those steps are-

(a) to issue a written warning to the licence holder,

(b) to make a variation of the licence (indefinitely or for such period as the Board may determine),

(c) to suspend the licence for such period as the Board may determine, or

(d) to revoke the licence.

4.3 It should be noted that, even if the Board is satisfied, after hearing from the parties, that a ground of review is established, the Board is not obliged to take any of the steps listed at paragraph 4.2 above. The Board is entitled to take no action.

### **Recommendation**

The Board is invited to consider the premises licence review application, the appendices and any submissions made by the parties during the hearing and to determine whether a ground for review is established.

Should the Board decide that a ground of review is established, the Board is invited then to consider whether to take any of the steps listed at paragraph 4.2 above and to give reasons for its decision in this regard.

Reference: HC/INBS/15

Date: 22 April 2015

Author: Susan Blease

Background Papers: The Licensing (Scotland) Act 2005

Appendices: 1. Premises Licence Review Application

2. Noise report by Environmental Health

3. Police witness statement

4., 5. & 6. Email complaints, April 2015

## Highland Licensing Board

### Premises Licence Review Application by Licensing Standards Officer

**Summary: Licensing Standards Officer's application for a premises licence review on the ground specified in section 36 (3)(b) of the Licensing (Scotland) Act 2005 in respect of Club House Scotland Ltd, 45 Seabank Road, Nairn; holders of Premises Licence HC/INBS/15.**

#### 1. Licensing History

Premises licence HC/INBS/15 for the premises now known as Club House Hotel, 45 Seabank Road, Nairn was transferred to Clubhouse Scotland Ltd on 21 February 2011.

The premises manager is a Mr Fraser Fotheringham who became Premises Manager on 13<sup>th</sup> June 2013. Mr Fotheringham is the holder of a Scottish Personal Licence HC/INBS/3426 issued by the Highland Licensing Board.

#### 2. Process

2.1 On the 7<sup>th</sup> April 2015, I received a formal complaint in respect of noise issues from a Penelope Smirthwaite, Anagach, Albert Street, Nairn, IV12 4HF concerning a wedding function held at the Hotel on Saturday 4<sup>th</sup> April 2015

2.2 I received further similar complaints in relation to this function from Brian Stewart, Holmside, Albert Street, Nairn and Lisbet Christensen, "Dana", 47 Seabank Road, Nairn.

2.3 These complainers also all previously complained about noise issues concerning the Hotel during 2014. Their complaints, both in 2014 and in April 2015 concern an alleged infringement of the third Licensing Objective "preventing public nuisance".

#### 3. Circumstances

3.1 Apart from the latest complaints submitted in April 2015 there is a long history of complaints and previous attempts at mitigating the noise issues at the Hotel in pragmatic and proportionate ways.

3.2 In a letter dated 15<sup>th</sup> January 2014, Brian Stewart wrote to the Licensing Standards Officer Ian Cox, making complaint in respect of a wedding which had taken place at the Hotel on the evening of Saturday 14<sup>th</sup> January 2014.

On this occasion a large marquee had been erected behind the main Hotel building in which a live band performed until 0100 hrs. Mr Stewart made complaint on behalf of himself as a neighbour and also in his capacity as Secretary of Nairn West Community Council as he had fielded a number of complaints from local residents who themselves had been disturbed by excessive music levels from the function.

- 3.3** Mr Stewart was contacted and stated he wished the Operators to be given advice and guidance as, in general, his view was that the Premises were well managed. Accordingly the Licensing Standards Officer contacted the Premises Manager, Mr Fraser Fotheringham, and advised him of the complaints. Further advice was given in respect of the Operating Plan within the Premises Licence which did not include, under the “activities” section, the use of a marquee for functions. In addition the existing local licensing condition attached to the licence prohibited the consumption of either alcoholic or non alcoholic drinks within the outdoor area after 2300 hrs.
- 3.4** Mr Fotheringham was advised that the only way in which to broaden the current range of approved activities was to apply for a major variation of his licence. Advice had also been sought from Environmental Health Officers whose opinion was that the use of marquees for functions in a residential area was something they would probably raise objection to. The matter was concluded at this stage as an advisory issue and Mr Stewart was updated by the Licensing Standards Officer.
- 3.5** There followed several months of peace without further complaint until the weekend of 25/26<sup>th</sup> July 2014. Again a wedding function was held in peak summer weather and a complaint was received by the Licensing Standards Officer from a Mr David Ness, 43 A Seabank Road, Nairn, who complained of noise from music, drunkenness, foul language by guests and fighting. He further complained of a group of guests sitting out in the garden at the rear of the Hotel making a lot of noise during the evening of Sunday 27<sup>th</sup> July 2014. A further complaint in respect of the noise which occurred on the Sunday evening was also made by Steven Smirthwaite, Anagach, Albert Street, Nairn.
- 3.6** A separate complaint concerning music noise levels on the evening of 25/26<sup>th</sup> July 2014 was made by Dr Sharon Brown, Strathaden, Thurlow Road, Nairn, directly to Environmental Health Officers.
- 3.7** Collation of the complaints led to a joint visit to the Premises by the Licensing Standards Officer and Zoe Skinner of Environmental Health. During this visit the Premises Manager, Fraser Fotheringham, was again interviewed along with his mother who is also a partner in the business. The operators were apprised of the complaints. It transpired that all events were now hosted within a conservatory area at the rear of the Club House Hotel.
- 3.8** The operators agreed in future to ensure all windows and doors were kept closed and that on the occasion of every event the operators would cap the use of the outdoor drinking area, voluntarily, to 2100 hrs instead of the 2300

hrs required by the Local Licensing Condition attached to the licence. Further advice was given in respect of managing guest behaviour such as encouraging guests to remain in the Hotel until taxis or other transport attended, providing complimentary tea and coffee and encouraging persons booking functions to get their guests to pre-order taxis.

**3.9** The complainers were all updated by the Licensing Standards Officer and were satisfied with the advisory action taken. During these enquiries carried out in August 2014 it was ascertained from the Fotheringham's that they had a forthcoming wedding booking on 13<sup>th</sup> September 2014 whereby the entertainment was to be provided by a live band. Accordingly arrangements were made by Zoe Skinner EHO to undertake sound monitoring by using sophisticated recording equipment in a neighbouring property at 43A Seabank Road, Nairn, the home of a previous complainer, David Ness.

**3.10** Sound recordings were taken during the course of the wedding and these are produced in a separate report at Appendix 2. The summary of the report prepared by Zoe Skinner reads as follows;

"All the sound recordings were made on the night of the event and throughout all of the recordings made disturbance was evident.

On analysis of the actual sound recording, it was evident that amplified music from what appeared to be a live band playing was clearly audible within the complainant's living room. Both the bass beat of the music and the lyrics were audible. On 2 of the sound recordings the complainant's TV was on for part of the time and amplified music from the Club House was still audible over the TV. For part of the evening it appeared that the band stopped and music was played through a DJ system. The amplified music during this period was at a lower level but the bass beat of the music was still clearly audible along with occasional lyrics. In addition there were people singing along with the music.

Based on the sound recordings made by the complainants, I am of the opinion the noise disturbance cause by the playing of amplified music at The Club House would have caused the complainants disturbance and would have materially interfered with the comfort and enjoyment of their property".

**3.11** Apart from the evidence of the sound recordings, separate e-mail complaints in respect of the 13<sup>th</sup> September 2014 function were received from John and Ruathy Donald, 15 Seafield Street, Nairn, and Steven Smirthwaite, Anagach, Albert Street, Nairn. Mr Smirthwaite also complained of the use of the garden area at the rear of the Hotel on the evening of Sunday 14<sup>th</sup> September, after 2300 hrs.

**3.12** It became clear when investigating these complaints that, although the band had not been playing in a marquee but had been situated in the conservatory, a marquee had been used to extend the conservatory area to accommodate the wedding.

**3.14** Consequently, following collation of relevant information, a Compliance Notice was issued to Clubhouse Scotland Ltd by the Licensing Standards Officer requiring the following action on behalf of the Licence Holder:

“Refrain from placing any marquee within the outside grounds of the Premises until such time as you may obtain from the Highland Licensing Board a variation of your Licence permitting such an activity with the Operating Plan.

In terms of the Outside drinking area you are required to ensure at all times the necessary diligence to ensure compliance with the Local Licensing Condition governing the time when alcoholic and non alcoholic drinks maybe consumed within that area”

**3.15** Following the issue of this Compliance Notice, along with guidance and advice from Environmental Health, there ensued a complaint-free period of nearly six months. This included the festive season when a number of functions were held by the Hotel. Complaints of noise were then again received by the Licensing Standards Officer in April 2015 from previous complainers, namely Brian Stewart, Penelope Smirthwaite and Lisbet Christensen, all complaining about music noise from the Hotel on Saturday 4<sup>th</sup> April 2015 during a wedding function. Their email complaints are attached at Appendices 4, 5 and 6.

**3.16** During the course of the evening of Saturday 4<sup>th</sup> April 2015 two complaints in respect of noise were also received by Police Scotland who tasked officers to attend. A statement has been secured from the attending Police Officer by the Licensing Standards Officer and is attached at Appendix 3.

#### **4. Conclusion**

**4.1** I am satisfied that the complainers mentioned within this report have all suffered noise nuisance which has infringed the third Licensing Objective in respect of preventing public nuisance.

**4.2** From the start of these issues in January 2014, a measured and proportionate response has been used to try and allow the premises to operate successfully but in accordance with the Licensing Objectives. Even a number of the complainers have said that apart from the noise issue the premises are well run.

**4.3** The crux of the issue is that the Operators have sought to establish a unique and boutique Hotel which is marketed as an excellent venue for weddings and functions. This is a key element in their business plan and is crucial to the substantial investment they have made. However the location of the Hotel is in the middle of a residential part of Nairn where the premises are bordered by neighbours on all four sides who stand every chance of being disturbed by lively functions.

- 4.4** It is fair to say that if the Hotel was in a more secluded location the noise levels generated by such functions would be less likely to cause nuisance. The premises are otherwise well operated. Compliance checks carried out by the LSO show strong levels of compliance in respect of staff training and the display of statutory signage. In addition the Operators have also sought to address noise issues by applying for planning permission to rebuild and modernise the existing conservatory/function area with a more robust and better sound proofed building. However neighbour objections to the planning application have halted this.
- 4.5** Environmental Health have advised the Operators that the current conservatory's construction is unlikely to adequately stop sound leakage for loud live or recorded music and it may be appropriate to consult with professional sound engineers to explore solutions.

**Recommendation**

That the Board hold a review hearing in respect of this premises licence review application.

Designation: Licensing Standards Officer

Date: 21<sup>st</sup> April 2015



## NOISE MONITORING REPORT – I.N.B.S

Date	14/04/2015
Flare Ref	
Your Ref	

Organisation	The Highland Council, TEC Services- Environmental Health, Town House, High Street, Inverness, IV1 1JJ				
Investigating Officer	Zoë Skinner	Direct Tel	01463 785046	Fax	-
E-mail Address	<a href="mailto:zoe.skinner@highland.gov.uk">zoe.skinner@highland.gov.uk</a>				

### Section 1 – Complaint Detail

Complainant		Complaint Premises/Noise Source	
Name		Name	The Club House
Address	43 A Seafield Road, Nairn	Address	Seafield Road, Nairn
Post Code		Post Code	
Contact Tel No		Contact Tel No	-

### Section 2 - Complaint Background

Residents within the vicinity of the hotel known as The Club House Nairn have raised complaints about the excessive noise from the Club House premises when functions or parties are held. The noise relates to both the playing of amplified music either by DJ or live band and noise from the patrons attending the functions. The complainants' state that the situation is made worst when marquees are held in the grounds and when doors and windows are left open.

At the request of the Licensing Officer, our Service installed noise monitoring in the living room of what appeared to be the closest resident property affected by the noise disturbance. The noise monitoring equipment was installed on a weekend in September 2014 where it was known that a function was to be held at the Club House Hotel and a marquee had been erected within the grounds of the hotel.



<b>Date</b>	<b>14/04/2015</b>
<b>Flare Ref</b>	
<b>Your Ref</b>	

**Section 3 – Noise monitoring Results**

The noise monitoring equipment was installed in the complainant’s property between **12- 15<sup>th</sup> September 2014 and the Event was held on the 13<sup>th</sup> September 2015**. The complainant made **10** incident recordings during this period. Each recorded incident has been assessed and categorised against the defined criteria. Please note that the noise levels relate to the overall incident recording, and that the levels quoted have not been corrected to take account of internal noise contributions, where applicable, from within the complainant’s own property.

*Please note: The power to the noise monitoring equipment was disconnected for a short period therefore the date and time on the meter reset to the default settings.*

<b>Number</b>	<b>Start time</b>	<b>End time</b>	<b>Duration</b>	<b>LAeq [dB]</b>	<b>LAF90 [dB]</b>	<b>Subjective Assessment</b>
1	01/01/2003 17:06:27	01/01/2003 17:14:17	0:07:50	41.2	32.4	Amplified music (from what sounds like a live band) is clearly audible on the sound recording. The base beat and the lyrics of the music can be heard and continue throughout the sound recording.
2	01/01/2003 17:29:39	01/01/2003 17:37:37	0:07:58	39.2	31.3	Amplified music (from what sounds like a live band) is clearly audible on the sound recording. The base beat and the lyrics of the music can be heard and continue throughout the sound recording.
3	01/01/2003 18:13:08	01/01/2003 18:21:34	0:08:26	42.7	30.8	Amplified music (from what sounds like a live band) is clearly audible on the sound recording. The base beat and the lyrics of the music can be heard and continue throughout the sound recording.

## NOISE MONITORING REPORT – I.N.B.S

<b>Date</b>	<b>14/04/2015</b>
<b>Flare Ref</b>	
<b>Your Ref</b>	

4	01/01/2003 18:38:29	01/01/2003 18:44:44	0:06:15	37.9	31.1	Amplified music (from what sounds like a live band) is clearly audible on the sound recording. The base beat and the lyrics of the music can be heard and continue throughout the sound recording.
5	01/01/2003 19:17:06	01/01/2003 19:27:03	0:09:57	34.3	23	The base beat of amplified music is clearly audible, although at a lower level than previous recordings. It would appear that music maybe from a DJ system rather than a live band. Voices are also audible in the background. The base beat of the music continues to be audible and on some songs the lyrics & people singing can also be heard. The volume appears to increase 2 mins. from end of the recording and it sounds like the live band has started playing again. The music and lyrics are clearly audible.
6	01/01/2003 19:42:37	01/01/2003 19:52:37	0:10:00	38.8	24	Amplified music (from what sounds like a live band) is clearly audible on the sound recording. The base beat and the lyrics of the music are clearly audible on the recording and continue throughout the sound recording.
7	01/01/2003 19:52:37	01/01/2003 19:54:36	0:01:59	37.6	26.7	Amplified music (from what sound like a band) is clearly audible on the sound recording. The base beat and the lyrics of the music are clearly audible on the recording and continue throughout the sound recording.

## NOISE MONITORING REPORT – I.N.B.S

<b>Date</b>	<b>14/04/2015</b>
<b>Flare Ref</b>	
<b>Your Ref</b>	

8	01/01/2003 20:00:03	01/01/2003 20:03:10	0:03:07	41.8	34.3	Amplified music is clearly audible and the start of the recording it is evident that the music is clearly audible above the complainant's own TV. The amplified music continues throughout the recording.
9	01/01/2003 20:28:59	01/01/2003 20:36:30	0:07:31	40.9	35.5	Amplified music is clearly audible and the start of the recording it is evident that the music is clearly audible above the complainant's own TV. The amplified music continues throughout the recording.
10	01/01/2003 20:49:16	01/01/2003 20:52:58	0:03:42	37.7	25	The base beat of amplified music is audible much quieter than on previous recording. There are also people singing along with the music at the start of the recording. The music stops and voices are audible

### Section 4: - Further comments (If applicable)

All the sound recordings were made on the night of the event and all of the recordings made disturbance was evident.

On analysis of the actual sound recording, it was evident that amplified music from what appeared to be a live band playing was clearly audible within the complainant's living room. Both the base beat of the music and the lyrics were audible. On 2 of the sound recording the complainant's TV was on for part of the time and amplified music from the Club House was still audible over the TV. For part of the evening it appeared that the band stopped and music was played through a DJ system. The amplified music during this period was at a lower level but the base beat of the music was still clearly audible along with occasional lyrics. In addition there were people singing along with the music.

Based on the sound recordings made by the complainants, I am of the opinion the noise disturbance cause by the playing of amplified music at The Club House would have caused the complainants disturbance and would have materially interfered with the comfort and enjoyment of their property.

## NOISE MONITORING REPORT – I.N.B.S

Date	14/04/2015
Flare Ref	
Your Ref	

The Institute of Acoustics - Good Practice Guide on Control of Noise from Pubs and Clubs states were for premises where entertainment takes place on a regular basis, music and associated sources should not be audible inside noise-sensitive property at any time. For premises where entertain takes place less frequency, music and associated sources should not be audible inside noise sensitive properties between 23:00 – 07:00hours.

Whilst the date and time of the noise monitoring equipment was unfortunately reset, information from the complainants' indicate that music and disturbance can be heard after 23:00hours.

Police witness statement PC 987 Patricia Wilson

Witness type – POLICE

URN – PNCP1551

Forename – PATRICIA MAY

Surname - - WILSON

Age – 51

Occupation – POLICE OFFICER

Rank – CONSTABLE

Service – 14 years

Disclosable Address:

POLICE SERVICE OF SCOTLAND  
POLICE STATION  
69 KING STREET  
NAIRN  
IV12 4BQ

Provenance:

Date & time –Place –NAIRN POLICE STATION

Taken by – SELF

Others present – NONE

Source – OTHER

Authentication - OWN STATEMENT

States: - I am a uniformed Constable with the Police Service of Scotland, currently stationed in Nairn. I am 51 years of age and have 14 years police service.

About 2100 hrs on Saturday 4<sup>th</sup> April 2015 I commenced duty at Nairn Police Station, accompanied by Constable 596 Stevenson.

About 2230 hrs, same date, Constable Stevenson and I were contacted by the Inverness Control room and asked to attend at the Clubhouse, Seabank Road, Nairn, in response to a complaint of a loud party at the premises. Constable Stevenson and I attended immediately and I parked the police vehicle on the roadway outside the premises. Whilst unable to hear any noise from within the police vehicle on exiting the vehicle I could hear loud music & general noise which appeared to be coming from the rear of the premises. As Constable Stevenson and I approached the premises a male came out of the building. I asked if I could speak to a member of staff and he identified himself to me as Fraser Fotheringham and informed me he was the General Manager.

I informed Mr Fotheringham of the complaint of noise. Mr Fotheringham informed us that there was a family wedding ongoing and he would speak to the band. Constable Stevenson and I then left the locus.

About 2240 hrs, same date, Constable Stevenson and I re-attended at the Clubhouse in response to a further call reporting excessive noise. I again parked the vehicle on the roadway & again the loud music could be heard on exiting the police vehicle.

On approaching the building we spoke to a guest who went to fetch Mr Fotheringham who came to speak to us. On being informed that a further complaint had been received Mr Fotheringham informed us that the band were due to finish at midnight, however he would go and speak to the band with a view to stopping the music early.

Constable Stevenson and I then returned to the police vehicle, I drove a short distance, turned and parked outside the hotel. Constable Stevenson and I opened the vehicle windows, and there was no noise coming from the hotel at that time. There were no further similar calls to the Clubhouse received during the course of shift.

Email complaint from Lisbet Christensen

-----Original Message-----

From: Lisbet - BT [REDACTED]  
Sent: 07 April 2015 18:10  
To: Ian Cox  
Subject: Club House Hotel, Nairn

Dear Mr. Cox,

I am sorry that I have to write again to complain about The Clubhouse Hotel after almost 6 months of peace and quiet. I was so sad to have had to endure another night of inconsiderate level of noise when we thought that we had resolved the problem. Sitting in our back TV room on Saturday night with the TV on and door closed we still could hear the loud music pouring out of their events room with their doors and windows wide open.

As I have told you before, I have lived here for 38 years and bought the house having neighbours with a sleeping guesthouse with no license, and this is what is going on now. It is a nice neighbourhood and I can not believe we have to endure this level of noise for this long. It is the level of arrogance which is the main problem, with the lack of consideration that upsets me most.

Now that tourist season has started again, what is the way forward for us in light of past infringements, violations and warnings?

Best regards,

Lisbet Christensen  
Dana  
47 Seabank Road  
Nairn  
IV12 4EY

Sent from my iPad

EMAIL FROM PENELOPE SMIRTHWAITE and REVEREND P SMIRTHWAITE

From: Penelope Smirthwaite [REDACTED]  
Sent: 07 April 2015 15:21  
To: Ian Cox  
Subject: The Clubhouse

Dear Mr Cox

I am writing to complain about noise coming from the Clubhouse on Saturday 4th April 2015.

Loud music began at 8pm and ended at midnight but the noise from guests leaving continued until 00.45am.

The noise from the music was so loud that myself and my guests could not hear our own music and we were forced to turn our own stereo off. The music was at least as loud as we have ever heard before and possibly at louder.

I rang the hotel at about 9pm as our dinner conversation was being disturbed. The hotel answered after my third attempt. The lady that answered struggled to hear me and she was having to shout above the noise for me to hear her. I asked that they close the doors and windows and was told that this was not possible as there was a 'hog roast' and they were too busy.

The noise settled a little at 10.30pm and I believe that some attempt was made to keep the doors and windows closed but this did not continue - blasts of loud music continued until midnight as people moved between the function room and the back patio, failing to close the doors behind them. Some of these blasts were 15-20 minutes long. Several tables and chairs had been put out onto the back patio and large groups gathered there throughout the evening. Drinks were clearly visible on the tables. These tables were removed on Sunday 5th April so I believe that they had been set out particularly for this function.

At about 11pm my guests phoned the police to be told that several other complaints in relation to the Clubhouse were being dealt with.

I am extremely disappointed that we are still being subjected to this level of disturbance. I feel that the management of the Clubhouse is not taking our complaints seriously.

Yours sincerely  
Penelope Smirthwaite

Rev. P. Smirthwaite  
[REDACTED]



## EMAIL FROM BRIAN HOLMSIDE- NAIRN WEST COMMUNITY COUNCIL

From: brian@holmside.co.uk  
Sent: 06 April 2015 23:01  
To: Ian Cox  
Subject: The Clubhouse, Nairn - licensing

Dear Ian,

I guess it may be six months or so since the Clubhouse in Nairn was last on your radar?

I know that after a particularly noisy sequence of events there last summer which prompted a number of local residents to complain, you and your colleagues did some monitoring and in the light of the results ("the worst you and Zoe Skinner had come across.....") you were in touch with the Clubhouse and served a compliance notice.

That should have had an effect. But it may have worn off over the winter months. If you have not already had complaints about noise last Saturday evening, you may soon receive some.

As a local Community Councillor and also as an Albert Street resident (our house and garden backs on to the Clubhouse site), I have a responsibility to try to ensure that if or when there is a problem, it is managed sensibly and does not lead to serious problems within the local community. I recognise that the Clubhouse is a local business and part of the tourism and hospitality facilities of the town, and also that local residents have a right to peace and quiet.

That said, I thought I should provide you with such details as I can of last Saturday's event. It may not have been a wedding or other special private occasion, but simply a public gathering or party of some kind with disco or live band for Easter Saturday evening. There was no marquee. But it was a fine, warm, evening and the party clearly took place both indoors and in the outside space (where they have a "fire pit") and with the doors from the restaurant/dancing area open.

From about 9 pm onwards the noise was substantial. It is ironic that we ourselves happened to be watching "The Voice" programme on television, and the Clubhouse music even drowned out the performance by Sir Tom Jones with the TV sound turned up high!

We did telephone the Clubhouse at around 10pm, but there was no answer. We suspect that those in the hotel could not hear the phone ring....

We therefore called 101, principally to register the fact that there was a noise problem. We suggested that if a passing patrol were to call in, they might simply suggest to the management that the doors and windows be closed.

We do not know if any such visit was made - but the noise did abate somewhat, and indeed ceased by or before midnight. So there seemed to have been no overrunning of permitted hours. Nevertheless we have since become aware that a number of nearby residents had a very disturbed evening (albeit that most were trying to watch TV or listen to the radio, not trying to get to sleep....). That is why I believe you may receive some letters of complaint.

The situation is clearly difficult for all concerned. The Clubhouse is a business which should be able to operate, although it is not clear whether it still aims to be the "boutique hotel" of its publicity, or a party and entertainment venue. The fact that it is located in a totally residential area is however a significant factor, and local neighbours should reasonably expect the quiet enjoyment of their own homes without undue disturbance.

The summer is fast approaching - with longer, lighter and warmer evenings. The wedding season is also soon starting. I very much hope that you will be able to monitor and - as appropriate - liaise with the Clubhouse management so as to ensure compliance with its licence in a way which will minimise local disturbance and avoid complaints or ill-feeling.

I hope this is helpful to you. Do contact me if you feel there is anything else we can do to assist in managing the situation.

Rgds

Brian Stewart  
Nairn West Community Council