

## The Highland Licensing Board

Meeting – 28 March 2023

Agenda Item	10.1
Report No	HLB/040/23

### Premises licence review hearing

Review application under section 36(1) of the Licensing (Scotland) Act 2005

Uncle Bob's Bar, 1 High Street, Nairn, IV12 4AG

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to a premises licence review hearing under section 38 of the Licensing (Scotland) Act 2005 following submission to the Board of a premises licence review application under section 36(1) of the Act.

#### 1. Background

- 1.1 An application has been received under section 36 of the Licensing (Scotland) Act 2005 from the Council's Environmental Health Service for a review of the existing premises licence for the premises known as Uncle Bob's Bar, 1 High Street, Nairn, IV12 4AG . The premises licence (Ref. HC/INBS/42) is held by Alhama UBB Ltd, 79 High Street, Nairn, IV12 4BW.
- 1.2 The review application, dated 19 January 2023, is appended to this report (**Appendix 1**). The alleged grounds for review and the information considered by the review applicant to support these grounds are as set out in the review application. In terms of section 36(6) of the Act, the Clerk to the Board is satisfied that the review application is neither frivolous nor vexatious and that it discloses matters relevant to one or more of the alleged grounds for review, which is one of the statutory grounds for review. A premises licence review hearing is accordingly necessary.
- 1.3 The Licensing Standards Officer for the area in which the premises are situated has been sent a copy of the review application in accordance with section 38(3) of the Act and has submitted a report on it which is also appended (**Appendix 2**). The Board must take this report into account at the hearing.
- 1.4 The premises licence holder has also been sent a copy of the review application. The premises licence holder, a representative from the Council's Environmental Health Service and the Licensing Standards Officer have been invited to attend the hearing. They have been advised of the hearing procedure which will be followed at the meeting and which may also be viewed via the following link:

## **2. Legal position**

### **2.1 Grounds for review**

2.1.1 The statutory grounds for review of a premises licence are set out in subsections 36(3)(za) to (b) of the Act. They are-

36(3)(za) that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence,

36(3)(a) that one or more of the conditions to which the premises licence is subject has been breached, or

36(3)(b) any other ground relevant to one or more of the licensing objectives.

2.1.2 For the purposes of the Act, the licensing objectives are-

(a) preventing crime and disorder,

(b) securing public safety,

(c) preventing public nuisance,

(d) protecting and improving public health, and

(e) protecting children and young persons from harm.

2.1.3 Where the ground alleged in the review application is that specified in subsection 36(3)(za), the application must include a summary of the information on which the applicant's view that the alleged ground applies is based.

Where the ground alleged is that specified in subsection 36(3)(a), the application must include notice of the condition or conditions alleged to have been breached.

Where the ground alleged is that specified in subsection 36(3)(b), the application must include notice of the licensing objective or objectives to which the alleged ground of review relates.

These requirements have been met in the review application.

### **2.2 The Board's powers in respect of the premises licence**

2.2.1 In terms of section 39(1) of the Act, at a premises licence review hearing the Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review application considered at the hearing), decide

- to take no action, or
- to take such of the steps mentioned in section 39(2) of the Act as the Board consider necessary or appropriate for the purposes of any of the licensing objectives.

### 2.2.2 Those steps are-

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

2.2.3 However, this is subject to the requirement in section 39(2A) that where the Board are satisfied that the ground for review specified in subsection 36(3)(za) is established (i.e. the ground that the licence holder is not a fit and proper person to hold the licence), the Board must revoke the licence.

2.2.4 A revocation under section 39(2A) takes effect at the end of the period of 28 days beginning with the day on which the Board makes the decision, unless the revocation is recalled by the Board. It must be recalled if the Board either grants an application under s33 for the transfer of the premises licence, or grants a premises licence variation application seeking a variation which the Board considers would remove the ground on which the licence was revoked under section 39(2A). The transfer or variation application must be received within the 28-day period, but the Board may then extend the 28-day period pending determination of the application.

2.2.5 Should the Board make a variation under section 39(2)(b) or suspend the licence under section 39(2)(c), the Board may subsequently revoke the variation or suspension, on the application of the licence holder, if satisfied that, by reason of a change of circumstances, the variation or suspension is no longer necessary.

## **2.3 Additional action in relation to personal licence holder working in the premises**

2.3.1 In the course of a premises licence review hearing the Board may also make a finding in respect of any personal licence holder who is or was working in the premises that the personal licence holder concerned, while working in the premises, acted in a manner which was inconsistent with any of the licensing objectives.

2.3.2 Should the Board make such a finding, this will trigger a separate and subsequent hearing under section 84 of the Act in respect of the personal licence holder.

## **Recommendation**

The Board is invited to hear from the Environmental Health Service, the Licensing Standards Officer and the premises licence holder and then-

- (a) to decide whether they are satisfied that any of the grounds for review set out in section 36(3) of the Act, and listed at **paragraph 2.1.1** above, are established and, if so
- (b) to decide whether they consider it necessary or appropriate for the purposes of any of the licensing objectives to take any of the steps set out in section 39(2) of the Act and listed at **paragraph 2.2.2** above. In this regard, the Board must specify the licensing objective(s) in question.

If the Board is satisfied that the ground for review specified in section 36(3)(za) is established, the Board must revoke the premises licence, as explained at **paragraph 2.2.3** above.

The Board is also invited to decide, as explained at **paragraph 2.3.1** above, whether to make a finding in respect of any personal licence holder who is or was working on the premises that the personal licence holder, while working in the premises, acted in a manner which was inconsistent with any of the licensing objectives and, if so, to fix a further hearing under section 84 of the Act in respect of that personal licence holder.

Reference: HC/INBS/42  
Date: 8 March 2023  
Author: Marjory Bain

### Appendices:

Appendix 1 – Premises licence review application dated 19 January 2023  
Appendix 2 – Licensing Standards Officer’s report dated 20 January 2023



## HOW TO MAKE A REVIEW APPLICATION IN RELATION TO A PREMISES LICENCE UNDER THE LICENSING (SCOTLAND) ACT 2005

### □ **Background**

These guidance notes contain information for individuals who wish to apply to the Highland Licensing Board for a review of a premises licence under the Licensing (Scotland) Act 2005. They give general guidance only and all persons seeking to make a review application are advised to seek legal advice.

Any person may apply to the Licensing Board for a review of a premises licence issued by that Board. All review applications will be considered by the Board unless the Licensing Board has rejected the application on the grounds that it is considered to be frivolous or vexatious or does not disclose any matter relevant to any ground for review. If an application has been rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the person making the review application.

Before making a formal premises licence review application, any person may ask for advice and guidance from the Licensing Standards Officer within whose area of responsibility the subject premises are situated. Licensing Standards Officers have a specific remit to provide mediation services for the purpose of avoiding or resolving disputes or disagreements between the holders of premises licences and any other persons.

### □ **Grounds for Review**

Applications for review of a premises licence must be lodged in writing addressed to the Clerk to the Licensing Board (either by email sent to [licensing@highland.gov.uk](mailto:licensing@highland.gov.uk) or by post or hand delivery) to the nearest office (listed overleaf) for the area in which the premises concerned are situated. There is no format for the application to review but it is suggested that the attached form is used.

The grounds for review are as follows:-

#### **1. That, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence**

preventing crime and disorder  
 securing public safety  
 preventing public nuisance  
 protecting and improving public health  
 protecting children and young persons from harm

2. **one or more of the conditions to which the premises licence is subject has been breached;**
3. **Any other ground relevant to one or more of the licensing objectives:**

preventing crime and disorder  
securing public safety  
preventing public nuisance  
protecting and improving public health  
protecting children and young persons from harm

□ **General**

The Clerk's Office will send a copy of all review applications received to the licence holder and the Licensing Standards Officer for the area in which the premises concerned are situated. If the Board receives a review application which is not considered frivolous or vexatious then a hearing before the Licensing Board will be held at which both the person who has applied for the review and the premises licence holder will be given an opportunity to be heard. The Board will expect any application to be evidence based.

Please note that with the exception of review applications which the Board considers to be frivolous or vexatious, or which fail to disclose any matter relevant to any ground for review, the Board is obliged to consider all applications received.

**Submission of Applications for Review:**

1. **By e-mail:**

Applications for the review of a premises licence should be addressed to the Clerk to the Licensing Board and may be e-mailed to [licensing@highland.gov.uk](mailto:licensing@highland.gov.uk) or,

2. **By Post or Hand Delivery:**

Applications for the review of a premises licence should be addressed to the Clerk to the Licensing Board and may be posted or hand-delivered to the nearest office listed below:-

<b>Clerk to the Board</b>	<b>Inverness, Nairn, Badenoch and Strathspey areas</b>	<b>Lochaber</b>
<p>Claire McArthur  Highland Licensing Board  Council Offices  High Street  Dingwall IV15 9QN  Tel: (01349) 8868541  <a href="mailto:licensing@highland.gov.uk">licensing@highland.gov.uk</a></p>	<p>Highland Licensing Board  Town House  High Street  Inverness  IV1 1JJ  Tel: (01463) 785087  <a href="mailto:licensing@highland.gov.uk">licensing@highland.gov.uk</a></p>	<p>Highland Licensing Board  Council Offices  Charles Kennedy Building  Achintore Road  Fort William, PH33 6RQ  Tel: (01397) 707233  <a href="mailto:licensing@highland.gov.uk">licensing@highland.gov.uk</a></p>
<b>Caithness and Ross areas</b>	<b>Sutherland</b>	<b>Skye and Lochalsh</b>
<p>Highland Licensing Board  Caithness House  Market Place  Wick  KW1 4AB  Tel: (01955) 608214  <a href="mailto:licensing@highland.gov.uk">licensing@highland.gov.uk</a></p>	<p>Highland Licensing Board  Council Offices  Drummuie  Golspie  KW10 6TA  Tel: (01408) 635205  <a href="mailto:licensing@highland.gov.uk">licensing@highland.gov.uk</a></p>	<p>Highland Licensing Board  Council Offices  Tigh na Sgìre  Park Lane  Portree, IV51 9GP  Tel: (01478) 613824  <a href="mailto:licensing@highland.gov.uk">licensing@highland.gov.uk</a></p>

**REVIEW APPLICATION IN RELATION TO A PREMISES LICENCE UNDER THE  
LICENSING (SCOTLAND) ACT 2005**

Please read the Board's guidance notes on how to make a premises licence review application before completing this form. This form when completed should be returned to the nearest office of the Licensing Board using the contact details in the guidance notes or emailed to [licensing@highland.gov.uk](mailto:licensing@highland.gov.uk). Remember, if a review is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the applicant.

**1. Full Name and Address of person making the review application:**

Name and Address:	Zoe Skinner, Environmental Health Officer, Highland Council – Environmental Health, 38 Harbour Road, Inverness, IV1 1UF
Telephone Number:	07899931604
Email Address:	Zoe.skinner@highland.gov.uk

**2. Address of Premises in respect of which the review application is made:**

Uncle Bob's Bar, 1 High Street, Nairn, IV12 4AG
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**3. Details of why the licence holder is not a fit and proper person to be the holder of a premises licence**

<b>Details</b>



**4. Details of any breach of a licensing condition(s) to which the premises licence is subject:**

Details of breaches of condition(s)

**5. Details of any ground relevant to one or more of the licensing objectives:**

State details of any representation (refer to representation by number, see guidance notes, and give details): (Continue on separate sheet if necessary)		
Licensing Objectives:	Please tick relevant objections	Brief details of complaint (Please use separate sheet if necessary)
1. Preventing crime and disorder	√	
2. Securing public safety	√	<p>Since July 2022, our Service has received complaints from three local residents regarding patrons congregating on the rear fire escape as a smoking area resulting in disturbance and anti-social behaviour.</p> <p>The fire escape is a metal stairway located at first floor level at the rear of the premises. It has designed as an emergency exits route only.</p> <p>As the premises allows patrons to congregate on the fire escape, particularly when under the influence of alcohol, it introduces a foreseeable risk of them falling/slipping down the stairs which could result in serious injury.</p>

<p>3. Preventing public nuisance</p>	<p>√</p> <p>Since July 2022, our Service has received complaints for three local residents regarding Uncle Bob's Bar using the rear fire escape as a smoking area. The complainants advise that patrons of the bar are regularly congregating in the rear fire escape stairway which results in disturbance from loud voices, anti-social behaviour and break-out music noise.</p> <p>The rear fire escape is located at first floor level, only approximately 15metres away from residential properties</p> <p>The residents have used the Noise App<sup>1</sup> to provide sound recordings of the disturbance. The recordings submitted provide evidence that noise from patrons' voices and amplified music is clearly audible within the complainants' properties. The disturbance occurs on a regular basis and can occur as late as 01:00am.</p> <p>Given the evidence on the sound recordings, our Service is of the opinion the use of the rear fire escape as a smoking area is causing significant disturbance to local residents, would interrupt their sleep and interfere with the use and enjoyment of their property.</p> <p>Our Service wrote to the licensee of the premises on 09/11/2022 to inform him of the continuing complaints and to advise that procedures are put in place to prevent patrons using the fire escape as a smoking area. Officers also met with the Manageress of the premises 21/11/2022 to discuss the issue further and try to resolve the matter informally.</p> <p>However, our Service has received continuing complaints regarding noise from patrons congregating on the fire escape. The most recent recordings were submitted between 21<sup>st</sup> December 2022 - 14<sup>th</sup> January 2023 and indicate that patrons' voices and amplified music are still clearly audible within</p>
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		<p>the complainant's property.</p> <p>Based on the evidence obtained, our Service of the opinion that the continued use of the fire escape as a smoking area would constitute a public nuisance.</p> <p>Therefore, our Service would ask the Board to review the licence with a view of including a condition which restricts the use of the rear fire escape as a smoking area, requires the fire door to be kept closed and only used in the event of an emergency.</p>
4.	Protecting and improving public health	
5.	Protecting children and young persons from harm	

**Signature:** 

**Date:** 19/01/2023

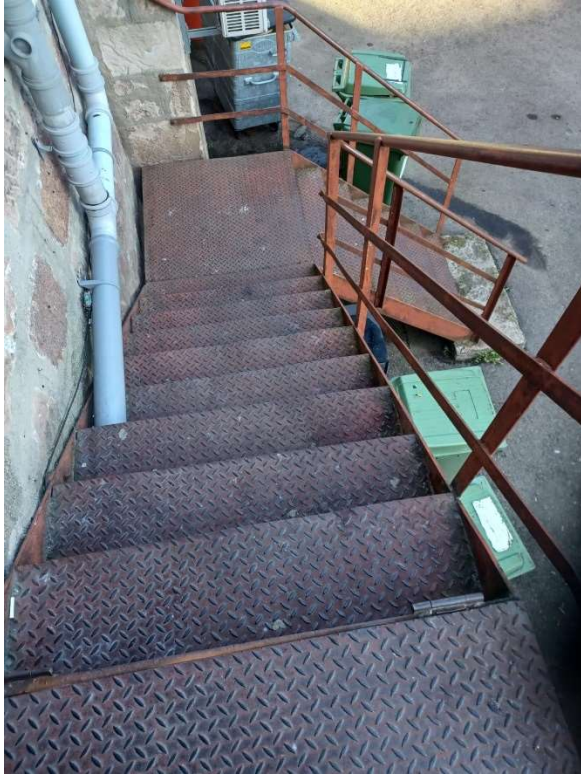
*1 - The Noise App is an app which can be downloaded on to a smart phone and allows the complainant to take 30ses recordings along with any notes. The app has uses the phone GPS so it can identify where the recordings are made.*

**Appendices**

- Appendix 1 – Photographs of rear fire escape
- Appendix 2 – Letter to Mr. Alan Milton Licensee
- Appendix 3 – Report of sound recording made by complainants taken from Noise App
- Appendix 4 – Photographs taken by complainant of rear fire escape being used as smoking area.

Appendix 1 – Photographs of rear fire escape

Premises: Uncle Bob's Bar, 1 High Street, Nairn, IV12 4AG





Mr Alan Milton  
"Uncle Bob's Bar"  
1 High Street  
Nairn  
Highland  
IV12 4AG

Please ask for: **Zoe Skinner**  
Direct phone: 07899931604  
Direct Email: zoe.skinner@highland.gov.uk  
Your ref: FS455711364  
Our ref: ZS01912  
Date: 9 November 2022

Dear Sir

**SUBJECT: COMPLAINT REGARDING DISTURBANCE CAUSED BY PATRONS  
SMOKING ON FIRE ESCAPE  
PREMISES: "UNCLE BOB'S BAR" 1 HIGH STREET, NAIRN**

I am writing to inform you that our Service has received continuing complaints in respect of disturbance caused by patrons using the fire escape as a smoking area.

Several residents have advised that patrons regularly congregate in the rear fire escape stairway which results in disturbance from loud voices, anti-social behaviour and break-out music noise. Evidence provided indicates that the fire escape is still used as a smoking area after 22:00hours and noise from the patrons and music is clearly audible within the complainants' properties such that it would cause disturbance and interrupt sleep.

The Licensing (Scotland) Act 2005 requires premises to be run in line with 5 Licensing Objectives. The Third Objective is in relation to the Prevention of Public Nuisance, this covers noise and other matters.

It is the responsibility of the management to ensure behaviour of noisy patrons' does not cause a noise nuisance. It is expected that the management must take all reasonable steps to reduce the noise from patrons, including whilst they are using any external areas.

If further evidence in respect of noise nuisance is received, the matter can be referred to the Licensing Board for a Premises Licence Review. The Licensing Board have a variety of options available on Review which can include varying the Licence to restrict operations.

Furthermore, if the noise amounted a statutory noise nuisance in terms of the Environmental Protection Act 1990, then our Service would also have duty to serve an Abatement Notice on the person responsible requiring them to abate the nuisance. Failure to comply with an Abatement Notice would be an offence.

In addition to the above there are health and safety concerns in patron congregating on the fire escape. The Health and Safety at Work etc Act 1974 requires employers to protect the health, safety and welfare at work of all their employees, as well as others on their premises, including customers. Allowing patrons to congregate on the fire escape, particularly when under the influence of alcohol, introduces a



foreseeable risk of them falling/slipping down the stairs which could result in serious injury.

In view of the above, I would advise that you put procedures in place to prevent patrons using the fire escape as a smoking area. The fire escape should only be used for the purposes intended in event of an emergency. Patrons who wish to smoke should be directed to leave the premises by the main exit/entrance and smoke outside at the front of the premises. Patrons should not be permitted to congregate and smoke in the fire escape and the fire door should be kept closed.

If our Service receives further evidence that the patrons are congregating on the fire escape causing disturbance to residents, we will have no option but to proceed with a view of taking formal action as detailed above.

I trust that this clarifies the position which respect this complaint and would appreciate your cooperation in resolving this matter. However, should you wish to discuss any aspect of this complaint any further, then please do not hesitate to contact me on the number above.

Yours faithfully



**ZOE SKINNER**

Environmental Health Officer

Community Services – Environmental Health

Copy to: Mr Ian Cox (Licensing Standards Officer) Highland Council, Town House, Inverness


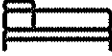
## Complainant Details

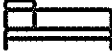
Last updated 03 Oct 2022 00:30am

## Source Address

1 High St, Nairn , IV12 4AG

## Reports

Date	Source	Location	Intensity Rating	Duration
<b>03 Oct 2022</b> 00:24am	 Loud Voices	 Bedroom	7/10	01:00:00
Comments				
” The bar leaves their back door open, meaning that all the noise from customers both in the bar and those who go outside to smoke, can impact the other residents of this area.				
Officer Notes				

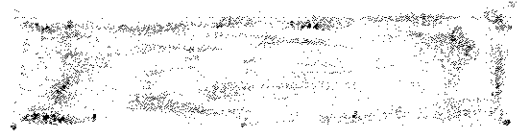
Date	Source	Location	Intensity Rating	Duration
<b>17 Sep 2022</b> 22:56pm	 Music	 Bedroom	6/10	01:00:00
Comments				
” From the nearby bar				
Officer Notes				



**Zoe Skinner**

2022-09-23 08:22:32

Complaint regarding Uncle Bob's Bar Nairn so Reassigned to Zoe Skinner EH



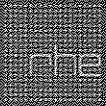
## Declaration

I [REDACTED] confirm that this report and the recording I am submitting through The Noise App are a true representation of the noise nuisance I have experienced.

This noise report has been reproduced from The Noise App website ([www.thenoiseapp.com](http://www.thenoiseapp.com)) and may contain personal information. This report is the property of the Licensee, that is the person(s) or organisation(s) licensed to use The Noise App and website.

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XXXXXXXXXX

## Complainant Details




Last updated 08 Oct 2022 00:26am



## Source Address



1 High Street , Nairn , Highland , IV12 4AG

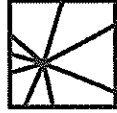

## Reports

Date	Source	Location	Intensity Rating	Duration
<b>08 Oct 2022</b> 00:26am	 Antisocial Behaviour	 Kitchen	5/10	00:00:00
Comments	-			
Officer Notes				

Date	Source	Location	Intensity Rating	Duration
<b>07 Oct 2022</b> 23:41pm	 DIY	 Dining Room	5/10	00:00:00
Comments	-			
Officer Notes				

Date	Source	Location	Intensity Rating	Duration
<b>07 Oct 2022</b> 23:40pm	 Antisocial Behaviour	 Dining Room	5/10	00:00:00
Comments	-			
Officer Notes				

Date	Source	Location	Intensity Rating	Duration
<b>07 Oct 2022</b> 23:36pm	 Antisocial Behaviour	 Dining Room	5/10	00:00:00
Comments	-			
Officer Notes				

Date	Source	Location	Intensity Rating	Duration
<b>28 Sep 2022</b> 22:27pm	 Antisocial Behaviour	 Dining Room	5/10	00:00:00
Comments	-			
Officer Notes				

Date	Source	Location	Intensity	Duration
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Rating

**28 Sep 2022**  
22:17pm



Loud Voices



Dining Room

5/10

00:00:00

Comments

”

-

Officer Notes

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Date

Source

Location

Intensity  
Rating

Duration

**28 Sep 2022**  
21:39pm



Antisocial  
Behaviour



Dining Room

5/10

00:00:00

Comments

”

-

Officer Notes

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Date

Source

Location

Intensity  
Rating

Duration

**28 Sep 2022**  
21:28pm



Antisocial  
Behaviour



Dining Room

5/10

00:00:00

Comments

”

-

Officer Notes

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Date

Source

Location

Intensity  
Rating

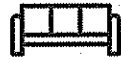
Duration

**24 Sep 2022**

21:37pm



Loud Voices



Living Room

5/10

00:00:00

Comments

”

-

Officer Notes

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Date

Source

Location

Intensity  
Rating

Duration

**24 Sep 2022**  
21:26pm



Loud Voices



Kitchen

5/10

00:00:00

Comments

”

-

Officer Notes

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Date

Source

Location

Intensity  
Rating

Duration

**24 Sep 2022**  
21:24pm



Loud Voices



Kitchen

5/10

00:00:00

Comments

”

-

Officer Notes

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Date

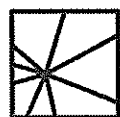
Source

Location

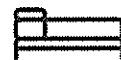
Intensity  
Rating

Duration

**17 Sep 2022**  
22:47pm



Antisocial  
Behaviour



Bedroom

5/10


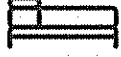
00:00:00

Comments

” - [REDACTED]

Officer Notes

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Date	Source	Location	Intensity Rating	Duration
<b>17 Sep 2022</b> 22:44pm	 Loud Voices	 Bedroom	5/10	00:00:00

Comments

” -

Officer Notes

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Date	Source	Location	Intensity Rating	Duration
<b>10 Sep 2022</b> 23:44pm	 Loud Voices	 Kitchen	5/10	02:00:00

Comments

” -

Officer Notes

**Zoe Skinner**

2022-09-16 13:27:06

Complaint about Bob's Bar Nairn so reassigned to Zoe Skinner



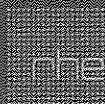
## Declaration

I [REDACTED] confirm that this report and the recording I am submitting through The Noise App are a true representation of the noise nuisance I have experienced.

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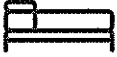


## Complainant Details

Last updated 14 Jan 2023 23:36pm


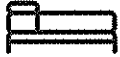
## Source Address



1 high street, nairn, IV12 4AG

## Reports

Date	Source	Location	Intensity Rating	Duration
<b>14 Jan 2023</b> 23:36pm	 Loud Voices	 Bedroom	10/10	00:10:00
Comments	-			
Officer Notes				
<b>14 Jan 2023</b> 23:15pm	 Loud Voices	 Bedroom	10/10	01:00:00
Comments	-			
Officer Notes				

Date	Source	Location	Intensity Rating	Duration
<b>14 Jan 2023</b> 22:56pm	 Loud Voices	 Bedroom	10/10	01:15:00
Comments	-			
Officer Notes				

Date	Source	Location	Intensity Rating	Duration
<b>14 Jan 2023</b> 22:15pm	 Loud Voices	 Bedroom	10/10	00:55:00
Comments	-			
Officer Notes				

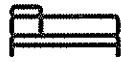
Date	Source	Location	Intensity Rating	Duration
<b>14 Jan 2023</b> 22:06pm	 Loud Voices	 Bedroom	10/10	00:50:00
Comments	-			
Officer Notes				

Date	Source	Location	Intensity Rating	Duration
<b>12 Jan 2023</b>				

23:29pm



Loud Voices



Bedroom

9/10

00:20:00

Comments

”

-

Officer Notes

Date

Source

Location

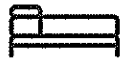
Intensity  
Rating

Duration

**06 Jan 2023**  
23:21pm



Loud Voices



Bedroom

9/10

00:20:00

Comments

”

-

Officer Notes

Date

Source

Location

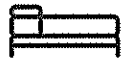
Intensity  
Rating

Duration

**06 Jan 2023**  
22:58pm



Loud Voices



Bedroom

8/10

00:20:00

Comments

”

-

Officer Notes

Date

Source

Location

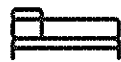
Intensity  
Rating

Duration

**06 Jan 2023**  
21:51pm



Loud Voices



Bedroom

7/10


00:05:00

Comments

” -

Officer Notes

---

Date	Source	Location	Intensity Rating	Duration
<b>03 Jan 2023</b> 00:52am	 Loud Voices	 Bedroom	10/10	01:30:00

Comments

” Two of the men were just sniffing cocaine here



Officer Notes

**Zoe Skinner**

Loud voices audible

2023-01-16 14:07:18

---


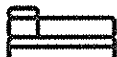
Date	Source	Location	Intensity Rating	Duration
<b>03 Jan 2023</b> 00:16am	 Loud Voices	 Bedroom	10/10	01:00:00

Comments

” I haven't been able to sleep the past few nights as the noise continues till 2-3am, gradually getting louder, I'm very exhausted

Officer Notes

---

Date	Source	Location	Intensity Rating	Duration
<b>02 Jan 2023</b> 23:16pm	 Loud Voices	 Bedroom	8/10	00:50:00

Comments

” -

Officer Notes

---



Date	Source	Location	Intensity Rating	Duration
<b>02 Jan 2023</b> 22:45pm	 Loud Voices	 Bedroom	8/10	00:30:00

Comments

” -

Officer Notes

---



Date	Source	Location	Intensity Rating	Duration
<b>29 Dec 2022</b> 02:03am	 Loud Voices	 Bedroom	8/10	00:05:00

Comments

” -

Officer Notes

---


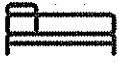
Date	Source	Location	Intensity Rating	Duration
<b>29 Dec 2022</b> 00:57am	 Loud Voices	 Bedroom	8/10	00:20:00

Comments

” -

Officer Notes


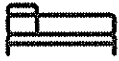
---

Date	Source	Location	Intensity Rating	Duration
<b>29 Dec 2022</b> 00:07am	 Loud Voices	 Bedroom	10/10	00:10:00

Comments

” They saw me, they slammed the door


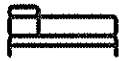
Officer Notes

Date	Source	Location	Intensity Rating	Duration
<b>28 Dec 2022</b> 23:32pm	 Loud Voices	 Bedroom	10/10	00:20:00

Comments

” -

Officer Notes

Date	Source	Location	Intensity Rating	Duration
<b>28 Dec 2022</b> 23:13pm	 Loud Voices	 Bedroom	10/10	00:50:00

Comments

” I haven't been able to sleep for weeks

Officer Notes

Date	Source	Location	Intensity Rating	Duration
<b>23 Dec 2022</b> 23:22pm				



Music



Bedroom

10/10

02:00:00

Comments

” -

Officer Notes

Date

Source

Location

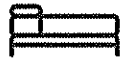
Intensity  
Rating

Duration

**23 Dec 2022**  
21:38pm



Loud Voices



Bedroom

10/10

01:00:00

Comments

” -

Officer Notes

Date

Source

Location

Intensity  
Rating

Duration

**23 Dec 2022**  
21:27pm



Loud Voices



Bedroom

10/10

00:50:00

Comments

” -

Officer Notes

Date

Source

Location

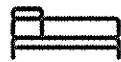
Intensity  
Rating

Duration

**23 Dec 2022**  
01:14am



Loud Voices



Bedroom

10/10

00:20:00

Comments



” -

Officer Notes

---



Date	Source	Location	Intensity Rating	Duration
<b>23 Dec 2022</b> 01:11am	 Loud Voices	 Bedroom	10/10	00:30:00

Comments

” -

Officer Notes

---



Date	Source	Location	Intensity Rating	Duration
<b>21 Dec 2022</b> 01:00am	 Loud Voices	 Bedroom	10/10	00:20:00

Comments

” Door opening and music blasting, over and over.

Officer Notes

---



Date	Source	Location	Intensity Rating	Duration
<b>21 Dec 2022</b> 00:58am	 Loud Voices	 Bedroom	10/10	00:15:00

Comments

” -

Officer Notes

---

Date	Source	Location	Intensity Rating	Duration
<b>21 Dec 2022</b> 00:16am	 Loud Voices	 Bedroom	10/10	00:05:00


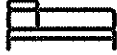
Comments

”

-

Officer Notes

---

Date	Source	Location	Intensity Rating	Duration
<b>21 Dec 2022</b> 00:13am	 Loud Voices	 Bedroom	5/10	00:05:00

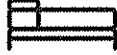
Comments

”

-

Officer Notes

---

Date	Source	Location	Intensity Rating	Duration
<b>21 Dec 2022</b> 00:10am	 Loud Voices	 Bedroom	5/10	00:05:00

Comments

”

-

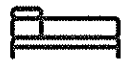
Officer Notes

---

Date	Source	Location	Intensity Rating	Duration
<b>21 Dec 2022</b> 00:08am				



Loud Voices



Bedroom

8/10

00:15:00

Comments

”

-

Officer Notes

Date

Source

Location

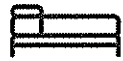
Intensity  
Rating

Duration

**18 Dec 2022**  
22:17pm



Loud Voices



Bedroom

7/10

00:20:00

Comments

”

-

Officer Notes

Date

Source

Location

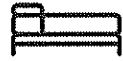
Intensity  
Rating

Duration

**17 Dec 2022**  
23:57pm



Loud Voices



Bedroom

8/10

00:10:00

Comments

”

-

Officer Notes

Date

Source

Location

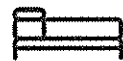
Intensity  
Rating

Duration

**17 Dec 2022**  
23:38pm



Loud Voices



Bedroom

7/10


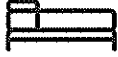
00:15:00

Comments

” -

Officer Notes

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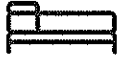
Date	Source	Location	Intensity Rating	Duration
<b>17 Dec 2022</b> 22:52pm	 Loud Voices	 Bedroom	8/10	00:15:00

Comments

” -

Officer Notes

---



Date	Source	Location	Intensity Rating	Duration
<b>17 Dec 2022</b> 22:48pm	 Loud Voices	 Bedroom	6/10	00:10:00

Comments

” -

Officer Notes

---



Date	Source	Location	Intensity Rating	Duration
<b>16 Dec 2022</b> 00:50am	 Loud Voices	 Bedroom	7/10	00:15:00

Comments

” -

Officer Notes


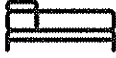
---

Date	Source	Location	Intensity Rating	Duration
<b>15 Dec 2022</b> 23:56pm	 Loud Voices	 Bedroom	9/10	00:30:00

Comments

” -



Officer Notes

Date	Source	Location	Intensity Rating	Duration
<b>16 Oct 2022</b> 00:57am	 Loud Voices	 Bedroom	10/10	04:00:00

Comments

” I have been kept awake for hours and it's only gotten louder and louder, plus the door is open too

Officer Notes

Date	Source	Location	Intensity Rating	Duration
<b>14 Oct 2022</b> 00:35am	 Loud Voices	 Bedroom	10/10	00:25:00

Comments

” My illness gets worse when I cant sleep. And I've already ended up in hospital because of this noise

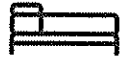
Officer Notes

Date	Source	Location	Intensity Rating	Duration
------	--------	----------	------------------	----------

**14 Oct 2022**  
00:33am



Loud Voices



Bedroom

10/10

00:45:00

Comments

”

Bar door open, drunk people shouting. I haven't slept

Officer Notes

---

Date

Source

Location

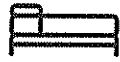
Intensity  
Rating

Duration

**13 Oct 2022**  
01:47am



Loud Voices



Bedroom

8/10

00:05:00

Comments

”

-

Officer Notes

---

Date

Source

Location

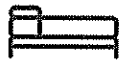
Intensity  
Rating

Duration

**12 Oct 2022**  
21:49pm



Loud Voices



Bedroom

8/10

00:10:00

Comments

”

Back door of bar open too

Officer Notes

---

Date

Source

Location

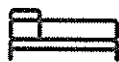
Intensity  
Rating

Duration

**12 Oct 2022**  
00:00am



Loud Voices



Bedroom

10/10


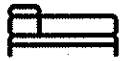
00:10:00

Comments


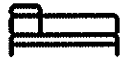
” I put 10 just because of how disgusting the conversation was.  
Talking about sleeping with 16 years olds

Officer Notes


---



Date	Source	Location	Intensity Rating	Duration
<b>08 Oct 2022</b> 23:07pm	 Loud Voices	 Bedroom	8/10	00:15:00
Comments				
” -				
Officer Notes				



---


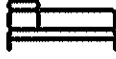
Date	Source	Location	Intensity Rating	Duration
<b>08 Oct 2022</b> 22:34pm	 Loud Voices	 Bedroom	10/10	00:10:00
Comments				
” -				
Officer Notes				

---

Date	Source	Location	Intensity Rating	Duration
<b>08 Oct 2022</b> 22:18pm	 Loud Voices	 Bedroom	9/10	00:10:00
Comments				
” They keep screaming every so often, I understand it's Saturday night. But I was just about to fall asleep when this started, door was open during this				
Officer Notes				

Date	Source	Location	Intensity Rating	Duration
<b>07 Oct 2022</b> 23:41pm	 Loud Voices	 Bedroom	10/10	02:30:00
Comments	” -			
Officer Notes				

Date	Source	Location	Intensity Rating	Duration
<b>07 Oct 2022</b> 23:15pm	 Music	 Bedroom	9/10	02:00:00
Comments	” Door has been left open since 9:20pm with music getting louder and people getting louder too as they get more drunk			
Officer Notes				

Date	Source	Location	Intensity Rating	Duration
<b>07 Oct 2022</b> 21:53pm	 Loud Voices	 Bedroom	8/10	00:15:00
Comments	” A group of 7 outside the bar, door open			
Officer Notes				

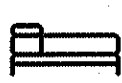
Date	Source	Location	Intensity Rating	Duration



**07 Oct 2022**  
21:27pm



Loud Voices



Bedroom

7/10

00:10:00

Comments

”

-

Officer Notes

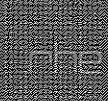
## Declaration

I [REDACTED] confirm that this report and the recording I am submitting through The Noise App are a true representation of the noise nuisance I have experienced.

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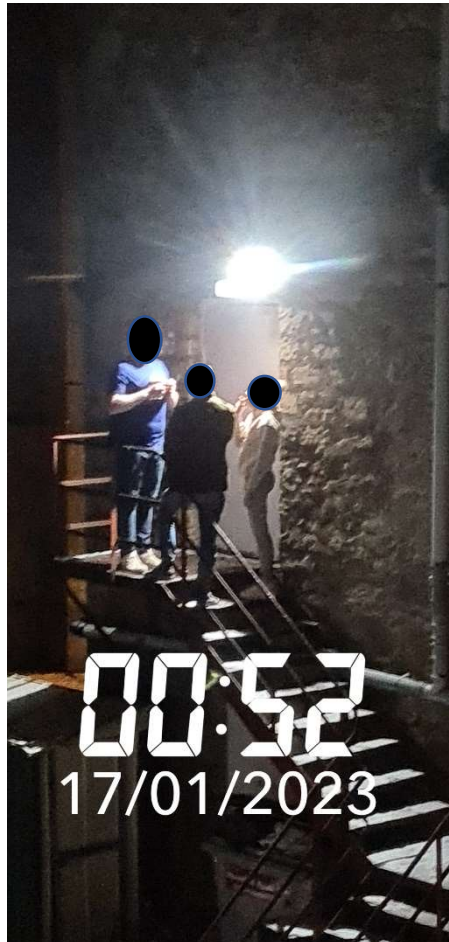


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11/11/11

Appendix 4- Photographs taken by complainant of the rear fire exist being used as smoking area

Premises: Uncle Bob's Bar, 1 High Street, Nairn, IV12 4AG



**Highland Licensing Board**

**Report by Licensing Standards Officer**

**Summary: Licensing Standards Officer's report in terms of section 38(4) of the Licensing (Scotland) Act 2005 in response to an application for a premises licence review submitted by Environmental Health Officer, Zoe Skinner in respect of Alhama UBB Ltd HC/INBS/42 for Uncle Bob's Bar, 1 High Street, Nairn, IV12 4AG.**

**1. Licensing History**

- 1.1** Premises licence HC/INBS/42 for the premises of Uncle Bob's Bar, 1 High Street, Nairn was transferred to Alhama UBB Ltd with effect from 13 August 2019 by the Highland Licensing Board in accordance with the licensed hours and other policies of the Board at that time. The premises prior to this had held an alcohol premises licence since 1 September 2009 under different ownership.
- 1.2** The connected person for the company holding the premises licence is Alan Milton. In the past Mr Milton has acted as the premises manager on occasion.
- 1.3** The premises operate principally as a public bar. The premises are on the first floor of a terraced building and are accessed from street level by a stairway. The bar itself is constructed of a single room with the bar counter at one end and a fire escape door at the other end which leads to a metal fire escape which has a stairway leading to ground level at the rear of the premises.
- 1.4** The fire escape door cannot be properly supervised by bar staff working behind the bar as there is restricted line of sight. The premises on their operating plan have no approved outside drinking area with the licensing footprint comprising solely of the bar area.
- 1.5** The premises are a busy and popular local venue, particularly at the weekends. The customer base are mainly young people in the 20-30 year age range. The operating history of the premises has been satisfactory.
- 1.6** The premises are subject to mandatory and local licensing conditions concerning the presence of children and positioning of dartboards and pool table.
- 1.7** Since July 2022, I have been made aware by Zoe Skinner, Environmental Health Officer, Inverness, that their Service has been dealing with noise complaints from local residents disturbed by noise coming from patrons of the bar who are using the top landing of the fire escape as an external smoking area. I am aware that these matters have been raised with the

owner of the Bar, Mr Milton, with better supervision of the fire escape by duty staff as the suggested resolution.

**1.8** Despite these requests the noise issues have persisted. Zoe Skinner contacted me in September 2022 to update me that further complaints from the existing complainer had been received. Accordingly, during a routine compliance check of the premises on 30 September 2022, I raised the matter with the owner Mr Milton and suggested that patrons requiring to smoke should be directed to the front of the premises on the High Street. Signage should also be posted on the fire escape door enforcing this direction.

## **2. Process**

**2.1** On 19 January 2023, in terms of section 38(3) of the Licensing (Scotland) Act 2005, I received notice of a premises licence review application submitted by Zoe Skinner EH Officer, Highland Council in respect of Uncle Bob's Bar, 1 High Street, Nairn.

**2.2** This report is submitted in accordance with the terms of section 38(4)(a) of the 2005 Act.

## **3. Circumstances**

**3.1** Between 21 December 2022 and 14 January 2023, sound recordings had been obtained from within complainant's properties of audible customer noise from the patrons of the bar still using the fire escape as a smoking terrace. Pictorial evidence had also been secured.

**3.2** I understand the review application relates to the failure of the licence holder to engage, positively, with the licensing objectives specifically those of the prevention of public nuisance and securing public safety arising from the inability of the licence holder to properly supervise and manage patrons as previously discussed and agreed with him.

## **3.3 Legislation and interpretation**

The Licensing (Scotland) Act 2005 is underpinned by the 5 licensing objectives.

- (a) Preventing crime and disorder
- (b) securing public safety
- (c) preventing public nuisance
- (d) Protecting and improving public health, and
- (e) protecting children and young persons from harm.

#### **4 Licensing Standards Officer's comments.**

**4.1** It is the view of the Licensing Standards Officer that a potential route to resolution would be the imposition of a specific licensing condition on the premises licence:

**At all times duty staff shall ensure that customers do not use the rear fire escape as a smoking and/or drinking area.**

This condition supports the licensing objectives of preventing public nuisance and securing public safety.

Signature: Ian Cox

Designation: Licensing Standards Officer

Date: 20 January 2023

Background Papers:

Licensing (Scotland) Act 2005