

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on FRIDAY, 26 AUGUST 2011

Present: Councillor Daniel Kelly (Chair)

Councillor Gordon Chalmers
Councillor Bruce Marshall
Councillor Donald MacMillan

Councillor Alex McNaughton
Councillor James McQueen

Attending: Iain Jackson, Governance Manager
Graeme Forrester, Trainee Solicitor
Ms A Campbell, Applicant
Mr D C McDiarmid, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Rory Colville, Robin Currie, Vivien Dance, Mary-Jean Devon, David Kinniburgh, Neil Mackay, Alister MacAlister, Roderick McCuish and Al Reay.

2. DECLARATIONS OF INTEREST

Councillor Bruce Marshall declared a non financial interest in relation to item 3 of this Minute as he is a Director of the Dunoon Burgh Hall Trust. He left the room and took no part in the discussion of this application.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PUBLIC ENTERTAINMENT LICENCE - DUNOON BURGH HALL TRUST

The Chair welcomed everyone to the meeting and invited everyone in attendance to introduce themselves. He then outlined the procedure that would be followed during the meeting.

Applicant

The Chair invited the Applicant to speak in support of the application. Ms Campbell advised that she was here to represent the Dunoon Burgh Hall Trust and gave a brief background into the history and development of the Burgh Hall. She explained that the upstairs theatre space had been mothballed since the 1980s and the downstairs area which had been used as office space had been mothballed in the 1990s. Following a community campaign the Trust was incorporated in 2010 and they were looking to reinstate the building into public use for arts, leisure and cultural events. She advised that a £1.2m restoration programme was underway following fundraising and that this will be used to significantly improve the building including improvements to sound proofing, acoustics and heating the building by way of insulation to the roof space, heavy duty, thermal lined curtains at the windows and, in time, replacement of the windows. She advised that the Trust required the entertainments licence in order to hold events that would bring income into the hall to help pay for heating, lighting and further improve the condition of the hall. She confirmed that funding

had been received from Historic Scotland and the LEADER Plus Programme and that applications have been submitted to the Heritage Lottery Fund and the Big Lottery Fund. She also advised that in the last year over 10,000 visitors had come to the hall and that there was significant support from the local community with over 40 volunteers involved with the project. She explained that not having the entertainment licence would restrict their business and that they were aware of the need to be considerate of neighbours and to minimise disturbance to them and to not have events running beyond midnight. They hope to be able to engage with the immediate community of Dunoon and Cowal as well as further afield and advised that an Arts Exhibition was planned for the hall in 2012 from the Tate Museum.

Questions to Applicant

The Chair invited the Objector to ask questions. Mr McDiarmid advised that he had no questions but thanked Ms Campbell for her well presented and honest statement which covered very well the condition of the hall.

Objector

Mr McDermott advised that he did not wish the Committee to attach any weight to his sole representation as due to the positioning of the notice at the Burgh Hall advising of the application, he believed many people would not have been aware that it was there and, indeed, he almost missed it himself, and queried whether or not this type of application should have been advertised in the local paper. Mr McDermott went on to refer to the contents of his letter included with the Committee paperwork which detailed the concerns he had. He expressed his concern about the inadequate sound proofing in the hall and advised that when events were held in the hall he could hear the music from his living room even with his windows closed and the television on. He advised that his house was less than 100 yards from the hall and the rear door of the hall pointed directly at his house. He advised that frequently the rear hall door remained open during events and this was where smokers congregated and that he could hear their conversations. He advised that he had no objection in principle to the licence but advised that he thought it should come with restrictions. He advised that the hall was not built, and was still unsuitable, for loud groups and discos and that in an ideal world he would like these prohibited. He advised that if these types of functions could not be prohibited he asked that consideration be given to the installation and mandatory use of sound control equipment and referred to this being used at a venue in St Andrews Square, Glasgow which was in a residential area and thought that this would be a straightforward measure to implement and that having this in place would protect himself and others from noise disturbance. He also asked if performances could be limited to an average of 1 per week. He referred to the rear doors and the possibility of having them shut at all times except in emergencies and that smokers be redirected to the front of the building instead of out the rear door and that this would be dependent upon someone responsible being in the hall to ensure this was the case. He also referred to the hall being used as a rehearsal venue for music groups. He advised that he understood the need to support young people and believed that a proper recording studio would be the subject of conditions and regulations and asked that the hall not be used for this purpose. He advised that none of the Directors of the hall lived within earshot of the hall and that it was incumbent upon them that people living close by did not need to suffer in the interim until

proper sound proofing was in place.

Questions to Objector

The Chair invited the Applicant to ask questions. Ms Campbell advised that she had none but would like to address some of Mr McDiarmid's concerns. The Chair advised that she could do this when she summed up her case.

Members Questions

The Chair then gave Members of the Committee the opportunity to question the Applicant and Objector.

Councillor Chalmers asked Ms Campbell what the maximum number of people was that could be accommodated at events.

Ms Campbell advised that in the downstairs hall for a wedding this would be 120 people. For an event with rows of seats this would be 150 people. She advised that for a standing event they would be allowed up to 300 people but that they would limit this to between 200 – 250 people maximum for ease of management and delivery of a safe and comfortable event.

Councillor Chalmers asked Ms Campbell if the suggestion of installing a sound control system would be feasible and if she had any thoughts on this.

Ms Campbell advised that the hall didn't have any PA equipment and relied on groups bringing their own and that there would be cost implications but it would be certainly something they could investigate further.

Councillor Chalmers asked Mr McDiarmid to comment on Ms Campbell's response.

Mr McDiarmid advised that it was not necessary for a PA system to be in place and that the sound control equipment was simply a piece of kit that groups could plug their own sound equipment into. He advised he did not know the cost of this equipment but did not expect it to be more than £1,000.

Councillor Chalmers asked Mr McDiarmid if he would expect events such as weddings to finish early and that wouldn't it be the case to expect these to run till about 1.30 am.

Mr McDiarmid advised that he would be more concerned about the frequency of these types of events and that if sound control equipment was in place this would solve a lot of the problems and that he had more than a degree of sympathy for the Trust.

Councillor Chalmers asked Mr Forrester to clarify whether or not there was a requirement for notices of applications for these types of license to be placed in the local paper.

Mr Forrester advised that there was no requirement.

Mr Jackson advised that in addition to a notice being displayed at the premises

in question, notices were also displayed at Council Offices.

Councillor McNaughton asked Ms Campbell to confirm how far along the Trust were in installing the sound proofing measures.

Ms Campbell advised that insulation of the roof had been completed yesterday and it was hoped to have the curtains in place on the side windows within the next 2 months. She explained that a different solution, including black out measures, for the rear windows would need to be found and it was hoped to have the alterations to these completed by December 2011. She also advised that within the next month work would start on replacing the rear door with a push bar fire exit door which would remain closed all the times. She advised that the back door was having to remain open at the moment due to fire regulations as it did not have a push bar handle. She hoped that the work on the rear door would be complete within the next 2 months. She advised that a lot of their funding was heritage money and that the building was the subject of various consents in respect of material changes to the hall. She confirmed that once the new door was in place this would remain closed at all times and that people would be directed to the front door if they wished to smoke. She advised that in the long term they hoped to replace all the single glazed windows and that this would require further fundraising.

Councillor McNaughton asked Ms Campbell if some sort of restriction on the types of events that could be held could be looked at until the sound proofing works were completed.

Ms Campbell advised that they currently limit the types of events that are held to make sure that they are not too loud. She confirmed that they have also moved the young people that come to practice to a small downstairs room and have asked that they restrict the volume of their music and hope that this will go some way to alleviate the situation. She advised that it was important to engage the young people in the community.

Councillor McQueen stated that there was no excuse for the back door to be left opened and that there should be a steward placed at the door at all times to ensure that this was the case. He asked Ms Campbell to confirm if they had such a steward in place.

Ms Campbell advised that during events someone was allocated to stand by the back door for security reasons and confirmed that steps would be taken to ensure that smokers used the front door in future.

Councillor MacMillan asked for clarification on whether or not the Committee could impose conditions on the licence.

The Chair advised that the Committee could do this if they wished.

Summing Up

The Chair then invited the Objector and the Applicant to sum up.

Mr McDiarmid advised that he had nothing further to add but would like to state that he was very impressed with Ms Campbell and the honest way in which she

explained the condition of the building and its limitations. He advised that he did wish the Hall Trust all the best but advised that during the transitional period he did not think local residents should suffer and thought that some conditions should be placed on the licence.

Ms Campbell advised that she thought that she had managed to cover everything and that this project was for the community of Dunoon and Cowal. She advised that the Trust did not wish to fall out with neighbours and that they would do their best to improve the limitations of the building. She noted that this would be the final year of a 3 year licence and that next year they would be back and would hope to be able to prove that they have been able to operate considerably and successfully.

The Chair invited Ms Campbell and Mr McDiarmid to confirm if they had received a fair hearing. Both confirmed that this had been the case.

Debate

Councillor Kelly advised that having read the paperwork and heard from both the Applicant and Objector that he was satisfied that there would be no need to impose conditions on the licence as he was confident that Ms Campbell would take on board all of Mr McDiarmid's concerns and noted the steps already being put in place to make sure these concerns were alleviated. He also advised Ms Campbell to get in touch with the local Environmental Health Officers in Dunoon who would be able to offer advice and assistance regarding appropriate noise levels.

Councillor McNaughton advised that he agreed with the Chair's comments.

Councillor Chalmers advised that he was confident everything had been covered but asked for clarification on the time restrictions.

Mr Forrester advised that the licence would be till 1 am. Ms Campbell advised that very rarely would any events run to this time as the hall was run by volunteers who did not wish to be out till that time.

Decision

The Committee agreed

1. To Grant the Public Entertainment Licence to the Dunoon Burgh Hall Trust for the final year of a three year licence; and
2. To note that notification of this decision would be sent to the applicant by the Head of Governance and Law within 7 days.

(Reference: Report by Head of Governance and Law, submitted)