



NOTICE OF THE MEETING OF THE LICENSING SUB-COMMITTEE

**THURSDAY 21 DECEMBER 2023, 2.00pm
VIA A DIGITAL MEETING FACILITY**

Agenda of Business

Apologies

Declarations of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

1. Minutes for Approval – Licensing Sub-Committee, 9 November 2023 **(pages 1-10)**
2. Application to Operate a Short-Term Let
14 Rhodes Cottage, North Berwick **(pages 11-26)**
3. Application for Renewal of a Public Entertainment Licence
Cockenzie House and Gardens, 22 Edinburgh Road, Cockenzie **(pages 27-58)**

PRIVATE

4. Applications for Grant of a Taxi Driver Licence
 - a. *One applicant invited to attend (pages 59-78)*
 - b. *One applicant invited to attend (pages 79-98)*
 - c. *One applicant invited to attend (pages 99-118)*

NOTE: Access to Information.

The Committee will exclude the public from item 4 in terms of paragraph 6 (information relating to the business affairs of particular persons) of Schedule 7A to the Local Government (Scotland) Act 1973.

**Monica Patterson
Chief Executive
John Muir House
Haddington**

14 December 2023



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE**

1

**THURSDAY 9 NOVEMBER 2023
ONLINE DIGITAL MEETING FACILITY**

Committee Members Present:

Councillor C McGinn (Convener)
Councillor C Cassini
Councillor J Findlay
Councillor C McFarlane
Councillor J McMillan

Other Councillors Present:

None

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration
Ms C Aitken, Licensing Officer

Others Present:

PC L Wilson, Police Scotland

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor T Trotter

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – LICENSING SUB-COMMITTEE, 12 OCTOBER 2023

The Licensing Sub-Committee agreed the minutes were an accurate record of the meeting.

2. APPLICATION FOR THE GRANT OF A LICENCE TO OPERATE A SHORT-TERM LET

a. 32 Douglas Marches, North Berwick

An application had been received from Klaus Frommel for a licence to operate 32 Douglas Marches, North Berwick, as a short-term let (STL). The application would be heard by the Licensing Sub-Committee because of public objections received. The Sub-Committee was required to focus on the suitability of the property to operate as an STL, and on the applicant to hold an STL licence.

Ian Forrest, Senior Solicitor, introduced the application. He highlighted the number and terms of the public objections, which had pointed out issue with display of the site notice, and he drew attention to the detailed response from the applicant. He confirmed that no objections had been received from any of the statutory consultees. He highlighted the impact of a recent court decision in Edinburgh which, in summary, said that in determining a short-term let licence application, the Licensing Sub-Committee should not look at matters already addressed as part of the planning process. The Convener then explained the process for the hearing.

Mr Frommel was present to speak to his application, and was accompanied by his son, Christian Frommel. Mr Frommel drew attention to the letter he had written in response to neighbour objections. He had been sorry to worry his neighbours and had been surprised and disappointed to have received objections to his application. He spoke positively of his relationship with his neighbours and felt they had misunderstood the scale of the letting planned, which was intended only for a few weeks across the summer months. He said he would only accept families or golfers. He said he was a single father with three children and the property was his family home; he sought to supplement his pension by offering short holidays where he would be present at the property throughout. He felt the property was ideally situated in that the house was at the end of a private driveway, with fields on one side, within walking distance of the train station, and people would not be required to drive through North Berwick to reach the location. He apologised for concerns over the notice; he understood this could have been done better, but noted that the objections received meant that the notice had been seen. He summarised that he would let the property only for a few weeks each year, generally to families who would stay for a week or longer. He would not allow guests to access the garden unless the neighbours gave their permission for this. He advised there were clear house rules, and he would personally ensure there was no noise and would restrict to a maximum of two cars on his private driveway. He would deal with all recycling and waste personally. He reassured Members that he had worked in the tourism industry for years and would undertake steps such as collecting a security deposit and asking guests to fill in a questionnaire. He advised that the property had five bedrooms, so he expected that there would be six guests or fewer at any one time, and he would not allow pets.

Mr Frommel responded to questions from Members. He advised that part of his double garage had been converted to a fully fitted room and he would stay in this part

of the property when guests were present. This would mean he could let the whole house out but he could personally ensure there was no disturbance to neighbours. He reiterated that he had no plans to let the house in the winter months when he stayed in Spain, but if he was ever away, his son could look after the property. He said he wanted to look after his family home and neighbourhood. Mr Frommel also provided a copy of the house rules to Councillor McMillan for inspection.

Fee Andrews spoke to her objection. She said her concerns were due to having a young family who played at the front of the properties on the private access road. She was worried about unexpected cars causing danger, and the area not being the safe place it had been for the last five years. She felt having unknown guests would take away the security and safe space for children. She reported that parking around the estate was limited, although she acknowledged that this would be helped if Mr Frommel ensured that guests only took two spaces outside the house. She was worried about not knowing when people were likely to arrive or leave, and said that the area was a family estate where people knew one another and children could safely play outside.

Craig Wright spoke to his objection. He said the area was a family estate and he was concerned about an increase in the volume of traffic. He said that Mr Frommel was unlikely to be able to commit to only hosting families and felt there was potential for disruption being caused by holidaymakers consuming alcohol. He questioned whether the application brought any benefit to the local area when there was a lack of housing in the area and there was a caravan site adjacent to the estate for tourists.

Mr Frommel responded to questions on the house rules from Councillor McMillan. Mr Frommel said the house rules currently allowed access to the garden until 9pm, but he could completely restrict this depending on the response from his neighbours. He expected that guests would generally wish to spend time at the beach. He said that the house rules were currently in draft form. Regarding parties, he advised that a maximum of two additional guests were allowed to visit the property, and no one would be allowed to stay the night in addition to those letting the property. Mr Frommel would have a copy of the passport of the lead person, details of everyone staying, and guests would have paid a large deposit. Christian Frommel added that he or his father would be instantly aware of any disruption since they would be staying in the annex; the listing would outline restrictions on gatherings, and he felt they could manage the property very effectively. Mr Frommel said that his own car would be parked in the garage when guests were staying, but also noted that there was occasionally overspill from his neighbours' cars.

Councillor Findlay suggested that the licence could be granted for a period of one year to see how the property ran as a short-term let. Mr Forrest advised that it was within the remit of the Sub-Committee to grant for a lesser period if they had a valid reason to do so, and for a reason specific to the application.

Councillor McMillan suggested that a seasonal restriction could be applied to the licence. Ms Fitzpatrick advised that limiting the number of nights the short-term let could be used was not allowed under the legislation. Mr Frommel noted that there may be limited data to assist the next decision should the licence period be limited, since it would take time to build up business.

Councillor McMillan felt there was demand for this kind of tourism accommodation in the area. He acknowledged the objections about the nature of the site and said that objectors should be aware of means by which they could raise concerns, including through environmental health. He felt the business should have an opportunity to run,

but suggested that the licence be granted only for two years so the situation could be reviewed after this time. He wished to see approval of a clear set of house rules. Sheila Fitzpatrick, Team Manager – Licensing and Landlord Registration, advised that a live licence could be reviewed by the Licensing Sub-Committee at any time following complaints. Responding to a question from the Convener, she advised that police could make representation to the licensing authority to request a review of the licence should they receive complaints; an enforcement authority would have to say the licence was causing a public disturbance.

The Convener asked whether the house rules could be required to be lodged as part of the application, and whether officers could diarise a reminder for review. Ms Fitzpatrick said that officers could diarise a review should complaints be received to the licensing team, and could consider this after the summer 2024 holiday period. Mr Forrest agreed that there should be reason to review a licence; complaints coming in would provide such a reason.

Councillor McMillan felt that as the legislation was new, and there were several concerns from neighbours, he would like the applicant to produce stronger house rules and would prefer to grant a two-year licence. His reasons were due to concerns about the access and suitability of the site, management of the garden, traffic access, and neighbour concerns.

Ms Fitzpatrick clarified that Councillor McMillan had proposed that a licence be granted for two years with the requirement to monitor and assess should there be any issues around traffic access, location of the premises, and management of the garden facilities. Councillor Findlay formally seconded Councillor McMillan's proposal for a two-year licence. The Convener then moved to a roll call vote, and Members unanimously agreed to grant the licence for a period of two years.

DECISION

The Sub-Committee agreed to grant the short-term let licence for a period of two years.

3. PROPOSED AMENDMENT OF RESOLUTION ON PUBLIC ENTERTAINMENT LICENSING REGIME

A report had been submitted by the Head of Corporate Support to advise the Sub-Committee of proposals to amend the list of activities within the resolution to licence public entertainment activities.

Mr Forrest presented the report. He highlighted the history of amendments to the resolution and highlighted the before and after position laid out in the report. He asked Members to approve the amended wording and authorise the advertisement of the proposed wording. He advised that the wording could be changed following objections or representations being received. He highlighted some of the proposed removals, including activities not considered to be appropriate to be public entertainment, or others, such as boot camps, which were considered not to have 'bedded in' and for which a full formal legal definition had never been settled upon. He summarised that the proposals were meant to tidy up the current resolution and make the document's use easier for the future.

Councillor McMillan welcomed the paper. He felt it was positive to keep the resolution on public entertainment licensing in the public eye, and he welcomed the redrafting. He felt the clarification on what was meant by 'small scale' being understood to mean more than 150 persons attending over the course of one day and clarification of definition of non-profit would be helpful to voluntary organisations putting on events. He hoped the consultation would be constructive.

The Convener moved to a roll call vote and Members unanimously voted to approve the report recommendations.

Decision

The Sub-Committee agreed to:

- i. approve the proposed wording of the amended resolution as attached to the report;
- ii. authorise the Service Manager – Governance, and such staff as he may designate, to advertise the proposed wording in the local press and undertake the necessary consultation process; and
- iii. agree to thereafter receive and consider a further report following conclusion of the consultation process (should any responses to the consultation be received).

4. TAXI FARE REVIEW

A report had been submitted by the Head of Corporate Support to allow the Licensing Sub-Committee to consider the review of the scale of the fares or other charges currently in operation in respect of the East Lothian taxi fleet.

Mr Forrest presented the report. He explained that the taxi fare review was required on an 18-monthly basis, with the next being required not later than the end of February 2024. He advised that the last two reviews had resulted in no changes to taxi fares, but on this occasion, two representations had been made by the trade to request an increase. Although the proposed increase of 20% sounded significant, he noted that this would be the first increase in several years. He drew attention to the comparative grid appended to the report which gave information on the neighbouring authority fares and said the proposed fee structure was not wildly out of step with East Lothian's neighbours. He advised Members that they were not obliged to accept the proposal but reiterated that fares had not changed in several years.

The Convener was pleased that feedback had been received from the trade in this case, as responses to consultations had often been lacking. He said the council had tried its best to engage with firms to respond to consultations on this and other matters.

Councillor Findlay commented that although 20% seemed a large increase, the increases could have been staggered had taxi firms made representation in previous years. He said the onus was on taxi firms to make representation when consulted on such matters, however, he was broadly in favour of the proposals.

Regarding a date on which the confirmed tariff would come into effect, Ms Fitzpatrick said that time had to be allowed for advertising, and for representations and appeals to the traffic commissioner. She suggested that the confirmed fares could come into effect on 1st February, and this was formally proposed and seconded by Councillors McMillan and McFarlane respectively.

The Convener then moved to a roll call vote and Members unanimously agreed the report recommendations and that the confirmed tariff would come into effect on 1st February 2025.

Decision

The Sub-Committee agreed:

- i. to complete the review of taxi fares by considering the two responses received from local taxi operators and information on neighbouring local authority tariffs;
- ii. that the confirmed tariff would come into effect on 1st February 2024; and
- iii. to authorise officers to advertise and explain the effect of the proposals and invite representations from the public.

5. TAXI AND PRIVATE HIRE CAR LICENSING

A report had been submitted by the Head of Corporate Support to allow the Licensing Sub-Committee to: note the updated conditions attached to Taxi and Private Hire Car (PHC) Drivers and Operators licences; to note the Driver Application Guidance which had been updated with statutory guidance involving HMRC checks; and to make a decision on amending the age of Taxi and Private Hire Cars which can be licenced.

Mr Forrest presented the follow-up report which had been previously come before the Licensing Sub-Committee at the September meeting, when Members had agreed to defer making a decision to allow for a consultation to be undertaken with the taxi trade. Mr Forrest advised that officers had consulted taxi operators, but no responses had been received. He said that Members were being asked to note the proposed updated conditions and guidance following on from national legislative changes requiring applicants to undertake a tax check and provide the local authority with a tax code; he advised these changes were not being imposed by the local authority but they had prompted the wider update.

Mr Forrest went on to outline changes to the report recommendations and asked Members to agree to an amendment to the wording in the report to refer to “any vehicle presented for substitution, including temporary substitution, or replacement of a vehicle”. This would clarify and confirm the operative position for some years.

Mr Forrest then turned to the proposed maximum age at which a vehicle was deemed to be fit to be licensed, and said the transportation team had proposed changes which were clearly to the benefit of the trade by expanding the maximum age to 12 years for most vehicles, but 14 years for electric vehicles. It was proposed that the amendments, assuming Members agreed to them, would come in immediately, but the changes to the maximum age of a vehicle to be licensed would not come in until April 2025. This would be the same time as a previous report to be dealt with by the Licensing Sub-

Committee to include a list of approved vehicles which would be acceptable to be licensed; the transportation team's idea was to meld the list of vehicles that would be accepted and the maximum age of a vehicle to be licensed.

The Convener was disappointed that the trade had made no comments on the proposals. He said that the Sub-Committee had to assume that the trade was happy with the proposed changes. Ms Fitzpatrick advised that at least one call had been received from someone who had been reading through the proposals, so the consultation had reached the trade.

Councillor McMillan was happy with the paper, and asked how many complaints were received each year about failures to meet the standards set out in the conditions. Ms Fitzpatrick was not aware of any complaints submitted about the condition of vehicles and said there were very few complaints about taxi drivers generally. As the licensing authority did not have enforcement powers, complaints would generally be passed to Police Scotland.

Councillor McMillan wanted to encourage people to use taxis. He felt that if a trade body existed, they would advertise the benefits of travelling by taxi in terms of the appearance of the cars and good customer service; he felt that such a promotion could be taken up by the council over the festive period in the absence of a trade body. His experience of the taxi trade had been very good, and he customers to complain if the service was not excellent. He said it was important to promote to the public what could be expected in terms of good management and conduct of drivers in the regulated industry.

The Convener moved to a roll call vote and Members unanimously agreed to support the amended recommendations, per Mr Forrest's presentation.

Decision

The Licensing Sub-Committee agreed:

- i. Zero emission vehicles presented for grant of a new licence shall be no more than four years old (since date of first registration) on the date when the new licence is granted.
- ii. Internal combustion engine (ICE) vehicles presented for grant of a new licence shall be no more than three years old (since the date of first registration) on the date when the licence is granted.
- iii. Any vehicle presented for substitution, including temporary substitution, or replacement, on an existing licence:
 - Shall be no more than seven years old (since date of first registration) on the date when the substitution on the licence is to take effect; and
 - Shall not be older than to be replaced as the date or proposed date of substitution on the licence.
- iv. Effective 1st April 2025 there will be an age limit applied to taxis and private hire cars (PHC) licensed by East Lothian Council, subject to meeting normal conditions about roadworthiness,
 - A taxi can be submitted for test prior to the 12th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.

- A PHC can be submitted for test prior to the 10th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.
- v. Effective 1st April 2025 to allow any electric taxi, which is not a hybrid vehicle, to be an exception to the 12-year age limit and allow an additional 2 years of operation. Subject to meeting normal conditions about roadworthiness and 6-monthly compliance test from the vehicles 12th anniversary this will allow a vehicle to be submitted for test prior to the 14th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.
- vi. Effective 1st April 2025 to allow any electric PHC, which is not a hybrid vehicle, to be an exception to the 10-year age limit and allow an additional 4 years of operation. Subject to meeting normal conditions about roadworthiness and 6-monthly compliance test from the vehicles 10th anniversary this will allow a vehicle to be submitted for test prior to the 14th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.

The clerk asked Members to agree to exclude the public from items 6 and 7, and Members agreed to switch off the public broadcast.

Note: Summary of information

The Licensing Sub-Committee agreed to exclude the public from items 6 and 7 in terms of paragraph 6 (information relating to the business affairs of particular persons) of Schedule 7A to the Local Government (Scotland) Act 1973.

6. APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE

The Sub-Committee agreed to grant the licence.

7. APPLICATION FOR RENEWAL OF A LICENCE FOR A BUSINESS UNDERTAKING TATTOOING OR SKIN AND BODY PIERCING

The Sub-Committee agreed to grant the licence.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

PART 1: ABOUT YOU

2

Are you applying as an individual or corporate entity?

Individual

Corporate Entity

Fill in if you are applying as an individual:

Your full name _____

Date of birth _____

Place of birth _____

Home Address _____

_____ Postcode _____

Tel. No. _____ Email address _____

Please provide your **home address history for the last 5 years** with no gaps or overlaps, starting with the most recent. Please confirm the dates you resided at these properties (continue on a separate sheet if necessary):

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)

Agent(s) & Day to Day Manager(s)

Do you have or intend to appoint an agent or day-to day manager?

Yes

No

If you answered yes, please provide details for your agent(s) or day to day manager(s).

Full name _____

Date of birth _____

Tel. No. _____ Email address _____

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)

Joint Ownership

Is your property jointly owned? Yes No

If you answered yes, please provide details for all joint owners.

Joint owner(s) (continue on a separate sheet if necessary):

Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.

Individuals, please go to Part 2.

Corporate entities

Corporate entities, please complete the relevant sections on the following pages.
Fill in if you are applying as a corporate entity (e.g. company, partnership, trust or charity)

Corporate entity name Pin High Properties Ltd

Limited company number (if applicable) SC688159

First name and surname Alexandra Walker

Registered or principal office address Craigend Farm, Craigend Road,
East Kilbride, G75 9DR

Tel. No. [REDACTED] Email address [REDACTED]

Names and private addresses and dates and places of birth of its directors, partners or other persons responsible for its management, including trustees in the case of charities (continue on a separate sheet if necessary).

Full name	Personal address	Place of birth	Date of birth
Alexandra Walker			
Kenneth Walker			
Karen Walker			

Please complete for all other named persons on the licence (e.g. any agent or day-to-day manager) (continue on a separate sheet if necessary):

Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.

PART 2: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

First application (existing operator*)

First application (new operator)

New application (where property has been used as licensed STL previously)

Renewal

Change to existing licence

**This option is only available for applications made on or before 1 April 2023 by existing operators (ie those operating the premises in which a licence is being applied for as a short-term let on or before 1 October 2022).*

If you are applying to renew or alter your licence, please complete the following fields. If submitting a new application where the property has never been used as a licensed short-term let before, please proceed to '**The Type of Short Term Licence you require**' (below).

Existing licence number _____

Existing licence expiry date _____

If you are submitting a new application where the property has been used as a licensed short-term let before, please complete the following fields.

Previous licence number _____

Previous licence expiry date _____

Please select the type of short-term let licence you require:

Home sharing

Home letting

Home sharing & home letting

Secondary letting

If you do not own the property which is the subject of this licence application, do you have proof of permission from the owner(s):

Yes No N/A

If you are applying for a change to your existing licence, please indicate the reason for your request (e.g. a change of agent, changes to the property – e.g. an extension to increase maximum occupancy).

PART 3: PREMISES DETAILS

Premises Address 14 Rhodes Cottage, North Berwick, East Lothian

Postcode EH39 5NL

Unique Property Reference Number (if known) _____

EPC Rating* C

** (if applicable – not required for home sharing or unconventional accommodation)*

Please select the type of premises:

Detached House	<input type="checkbox"/>	Semi-detached house	<input type="checkbox"/>
Terraced House	<input checked="" type="checkbox"/>	Flat	<input type="checkbox"/>
End Terrace	<input checked="" type="checkbox"/>		
Unconventional accommodation	<input type="checkbox"/>		

From the following options, please select the description that best describes your short-term let:

Self-catering	<input type="checkbox"/>	B&B	<input type="checkbox"/>
Guest house	<input type="checkbox"/>	Other form of home sharing	<input type="checkbox"/>
Home letting	<input checked="" type="checkbox"/>		

Specify the number of rooms within the premises used as:

Bedrooms 2 Bed/Sitting rooms 1

Bathrooms 2 Kitchens 1

Lounges NA

Other (please specify) _____

Specify the maximum number of guests 4
(excluding children under 2 years of age)

Advise if you operated this premise as a short-term let prior to 1 October 2022

Yes No

PART 4: CONVICTIONS

Has anybody named on the application been convicted of any offence? Please include details of any unspent convictions in the table below:

NAME	DATE	COURT	OFFENCE	SENTENCE
NA				

PART 5: APPLICATION CHECKLIST

Note – this check list must be fully completed in order to submit your application

I have enclosed the following (please tick to confirm (or enter N/A))	
Correct application fee	See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: 29/07/2023
Electrical Installation Condition Report	Valid to: 01/08/2027
Portable Appliance Testing Report	Valid to: All brand new appliances bought in 2022
Fire Risk Assessment	
Fire Service Safety Checklist	
Legionella Risk Assessment	
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: NA
Floor plan	
EPC Certificate (for premises which are dwellinghouses)	Valid to: 7/5/2033
Public Liability Insurance	Valid to: 4/5/2024
Proof of consent from owner (if applicable)	
Evidence of operation as a short-term let on or before 1 October 2022 (for existing hosts applying during transitional period)	

I have: (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	✓
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	✓
Prepared information that will be available to guests at the premises including: (a) a certified copy of the licence and the licence conditions, (b) fire, gas and electrical safety information, (c) details of how to summon the assistance of emergency services, (d) a copy of the gas safety report, (e) a copy of the Electrical Installation Condition Report, and (f) a copy of the Portable Appliance Testing Report.	✓ ✓ ✓ ✓ ✓ ✓
Applied for planning permission (if required).	NA
Noted the requirement to display my licence number and EPC rating on listings for my premises	✓
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	✓
Read and understood the mandatory conditions that will apply to my licence	✓
Read and understood the additional conditions that will apply to my licence	✓

My premises (please tick to confirm (or enter N/A))	
Meets current statutory guidance for provision of fire, smoke and heat detection	✓
Meets statutory guidance for carbon monoxide alarms	✓
Meets the required regulations for private water supplies (for premises with a private water supply i.e not provided by Scottish Water)	NA
Meets obligations with regard to the Tolerable and Repairing standard (applicable to dwellinghouses)	✓

PART 6: DECLARATION

East Lothian Council, as licensing authority, will use information it holds about you to determine whether you are a fit and proper person to operate a short-term let. In addition, licensing authorities to which you apply may share relevant information they hold about you with one another to help those authorities determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. They may also share and seek relevant information with Police Scotland and, if appropriate, other relevant authorities.

Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

I declare that I have read and understood the mandatory conditions that apply to short-term let licences and East Lothian Council's additional conditions

I will comply with the requirement to display a site notice in accordance with paragraph 2 of Schedule 1 of the Civic Government (Scotland) Act 1982

I declare that the information given in this application is correct to the best of my knowledge

Signed



Print name **ALEXANDRA WALKER**

Date **1/08/23**

DATA PROTECTION ACT 2018

Please note that the information given on this form may be stored electronically by this Authority for the purpose of licensing.

The Identity of the Data Controller under the Data Protection Act 2018 ("the Act").

East Lothian Council, John Muir House, Haddington, East Lothian EH41 3HA ("the Council")

The purpose or purposes for which the data are intended to be processed.

The Data will be processed in order for East Lothian Council to fulfil its statutory duty under the Civic Government (Scotland) Act 1982 in receiving, registering, determining and granting applications for licenses under the said Act. The Data will be shared with public bodies who require to be consulted about the application, such as the Police. It will also be shared with internal East Lothian Council services, particularly within the Environment Department who give advice to the Council as Licensing Authority, in respect of the application.

East Lothian Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Further information can be obtained from:

Data Protection Officer
Licensing, Administration and Democratic Services
John Muir House
Haddington
dpo@eastlothian.gov.uk

Consultation Responses

Scottish Fire and Rescue Service – No objection (28 September 2023)

Police Scotland – No objection (12 September 2023)

Antisocial Behaviour Team – No objection (12 September 2023)

Parking Team – No objection (11 September 2023)

Planning Authority – Planning permission not required (8 November 2023)

[REDACTED]

21 September 2023

Representation re. Application for short-term let, Alex Walker, 14 Rhodes Cottages, North Berwick

Dear Sir/Madam,

In considering the above application for short-term secondary letting, please consider this representation, from Jane Wilson, full-time resident at [REDACTED]

This is a residential area. [REDACTED] is a family home, where a young child lives. It is inappropriate for a string of unknown holidaymakers to be sharing communal areas and access, as well as using garden space outside the bedroom window of a young child. Already while number 14 has been let, we have had problems with parties taking place outside our windows, with strangers drinking alcohol, talking loudly and staring into our home as we go about our family life. Furthermore, our home has borne the stink and noise of barbecues from holidaymakers.

Living [REDACTED] to eternally changing strangers who are on their holidays all year round, is very different to living next to residents. The strangers on their holidays do not and should not have to expect to negotiate living in a tight-knit community in this small, interwoven set of terraced houses. I should not have to explain to my child, when teaching them about putting out the bins and looking after the garden, why people are drinking wine in the middle of the day, talking loudly and staring at us as if we are the ones intruding. If this were a regular scenario, then we would manage around it, but not to know from one day to the next what kind of situation the latest strangers will present means a constant series of adjustments that my family is forced to make.

The way the houses and gardens link and share areas is not appropriate for holidaymakers to share with vulnerable residents. Would guests be checked against the sex offenders' register? And any other police or Interpol records? Because these guests will be very close to my young family, and I need assurances for my family's safety. Am I to keep all the doors and windows locked all year round? While strangers make merry directly outside for my family to see and learn from?

While I am not opposed to people taking holidays, or to tourism here in North Berwick, I am opposed to commercial enterprises taking away from residents' childhoods. These houses are simply not appropriate for short-term letting because of the layout and the nature of how unavoidably close these guests are to my family.

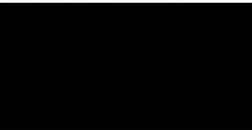
Yours faithfully,

[REDACTED]

Jane Wilson

Date: 20 November 2023

Ms Jane Wilson



Dear Ms Wilson,

**Licensing Sub-Committee meeting – Application for Grant of Short-term Let (STL) licence for
14 Rhodes Cottage, NORTH BERWICK, EH39 5NL
Civic Government (Scotland) Act 1982**

I refer to your representation to the Grant of a STL licence at 14 Rhodes Cottage, NORTH BERWICK, EH39 5NL. As a representation has been received, the application will now be considered by East Lothian Council's Licensing Sub-Committee. You are invited to attend the meeting of the Licensing Sub-Committee on Thursday, 21 December 2023 at 2.00pm, where you will be given the opportunity to speak to your representation. Please be aware that the public items of business will be recorded and be made available online at <https://eastlothian.public-i.tv/core/portal/webcasts>.

To participate in the online meeting, you must use one of the following options:

- the latest version of Google Chrome or Microsoft Edge as your browser *or*
- the Connect Remote app for iOS or Android *or*
- join by telephone

If you wish to attend, please contact licensingcommittee@eastlothian.gov.uk, no later than 8 December 2023, to confirm your attendance, at which point you will be offered a link to join the meeting.

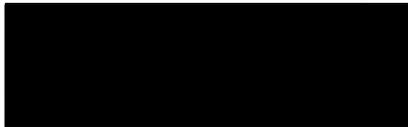
Please note that if you do not attend, the application will be considered in your absence.

Yours sincerely,

Licensing Officer
stl@eastlothian.gov.uk

Date: 20 November 2023

Pin High Properties Ltd
Alexandra Walker



Dear Ms Walker,

**Licensing Sub-Committee meeting – Application for Grant of Short-term Let (STL) licence for
14 Rhodes Cottage, NORTH BERWICK, EH39 5NL
Civic Government (Scotland) Act 1982**

I refer to your application for the Grant of a STL licence at 14 Rhodes Cottage, NORTH BERWICK, EH39 5NL and can advise that a representation has been received. I have enclosed a copy of the representation for your information.

As a representation has been received, your application will now be considered by East Lothian Council's Licensing Sub-Committee. You are invited to attend the meeting of the Licensing Sub-Committee on Thursday, 21 December 2023 at 2.00pm. Please be aware that the public items of business will be recorded and be made available online at <https://eastlothian.public-i.tv/core/portal/webcasts>.

To participate in the online meeting, you must use one of the following options:

- the latest version of Google Chrome or Microsoft Edge as your browser *or*
- the Connect Remote app for iOS or Android *or*
- join by telephone

If you wish to attend, please contact licensingcommittee@eastlothian.gov.uk to confirm your attendance, at which point you will be offered a link to join the meeting.

Please note that if you do not attend, your application will be considered in your absence and that an invitation to attend the meeting will be issued to any party who submitted a representation.

Yours sincerely,

Licensing Officer
stl@eastlothian.gov.uk

PER008/23

pd online

East Lothian Council



East Lothian Council
Licensing

19 SEP 2023
Received

3

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR THE GRANT / RENEWAL / VARIATION / SURRENDER OF A PUBLIC ENTERTAINMENT LICENCE

East Lothian Council
Licensing

Please read the accompanying guidelines before completing this form.

02 OCT 2023

This application form is in several parts for different things.

Which parts you need to complete depends on what you are applying for:

Received

Part A	About you (the applicant)	p2
Part B	Day to Day Manager	p4
Part C	Grant of a New licence	p4
Part C	Renewal of an Existing licence	p4
Part D	Variation of an Existing licence	p5
Part E	Surrender of an Existing licence (surrender on death, sequestration or administration)	p5
Part F	Declaration	p6

Please select what you require the Council to process (tick all that apply):



Grant a new licence	Complete parts A, B, C and F	
Renew an existing licence	Complete parts A, B, C and F	X
Vary an existing licence	Complete parts A, D and F (if the variation includes changing the Day to Day Manager's details, also complete Part B)	
Surrender an Existing licence	Complete parts A, E and F (if you also want the vary the licence, complete part D)	

Should you require extra space to answer any questions, please provide additional details on a separate sheet.

Name of site or premises to be licenced Cockenzie House & Gardens

Address of site or premises to be licenced Cockenzie House & Gardens,

22 Edinburgh Road, Cockenzie, East Lothian, EH32 0HY

PART A

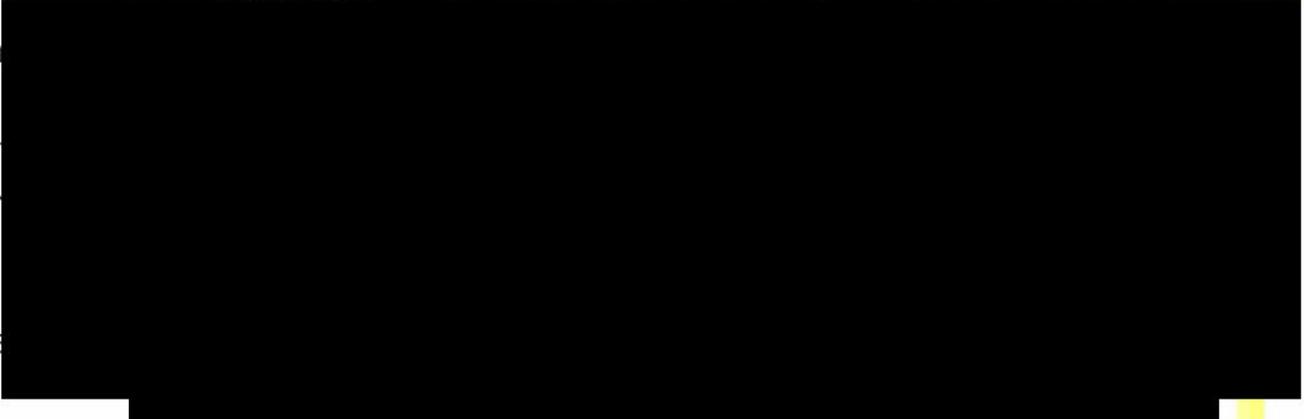
To be completed if a natural person (individual)

Surname (include any other surname you have been known by)

CAMPBELL

Forename CHERYL

Home
Tel. No.
Date
Place



Is applicant to carry out day-to-day management of the activity?

YES NO

To be completed if a non-natural person (organisation, company, partnership etc)

Name Cockenzie House & Gardens

Address of Principal registered office Cockenzie House & Gardens,

22 Edinburgh Road, Cockenzie, East Lothian Postcode EH32 0HY

Telephone number of principal registered office 01875 819456

Email address of principal registered office info@cockenziehouseandgardens.co.uk

Names, home addresses and dates of birth of all directors, partners or other persons responsible for management

Marietta di Ciacca

[Redacted]

[Redacted]

Cheryl Campbell

[Redacted]

[Redacted]

Craig Hodgson

[Redacted]

Part B

To be completed by the day-to-day manager of the activity

Surname (include any other surname you have been known by) ✓

As provided in Part A above CHAPMAN

Forename CHRIS

Home Address

Tel. No. 01518

Date of birth

Place of birth

Part C

Specify all types of public entertainment and / or recreation that is required to be licensed in the premises

dancing, theatre performances, exhibitions of paintings, sculptures, drawings and historic artefact
indoor and outdoor fairs and festivals of various types, bouncy castles, internal and external children's
play areas including soft play, mobile amusements, organised exercise and fitness
light decorations for festivities eg. public Christmas lights displays

Specify dates and times when it is proposed the premises will be open for the purposes of the above entertainment / recreation (FULL LICENSE)

Any time between 9am and 11pm depending on bookings and type of event

Specify dates and times when it is proposed the premises will be open for the purposes of the above entertainment / recreation (TEMPORARY LICENCE)

Date _____ Time from _____ Time until _____

Maximum number of persons proposed to be admitted to the premises at any one time _____

Provide details of toilet facilities to be made available

5 public toilets - including baby changing and disabled

Provide details of safety measure to be put in place and number of stewards provided

All events will have two stewards available at all times, or more depending on expected size of attendance. Risk assessments carried out for each event. Overflow car parking available.

Natural garden hazards identified and marked out. First aid kits available. Liaison with ELC's Events groups as required, depending on type of event.

Part D – Variation of an Existing Licence

What do you want to change? Delete as appropriate

The applicant details (see D1)

The layout plan (see D2)

The licence conditions see (D3)

Notes:

- D1. You must complete Part A with the new details if you are changing the applicant details
- D2. You must provide a copy of the new layout plan and may require planning consent for changes
- D3. You must detail, in writing, what you want to change in the licence conditions

Part E – Surrender of licence on death, sequestration or administration of the Licence Holder

Which option applies (please tick)

The license holder has died

The licence holder is a sequestrated individual

The licence holder is a limited company in administration

Part F – Declarations

Subject to the provisions of the Rehabilitation of Offenders Act 1974, has any party name in this form ever been convicted of any crime or offence?

YES NO

If Yes, provide particulars below. NB – All crimes and offences must be declared:

NAME	DATE	COURT	OFFENCE	SENTENCE

Has any party named in Parts A or B ever held or currently hold a Public Entertainment Licence?

YES NO

If Yes:

When was the licence granted 6th October 2020 (with variation granted 6 July 2023)

When does it expire 5th October 2023

Which authority granted the licence East Lothian Council

Has any party named in Parts A or B ever applied for and been refused a Public Entertainment Licence?

YES NO

If Yes:

Name of applicant _____

When was it refused _____

Which authority refused the licence _____

Delete as applicable:

- A) I/We declare that I/We shall, for a period of 21 days commencing with date hereof, display at or near the premises so that it can be conveniently read by the public, a Notice complying with the requirements of Paragraph 2(2) of Schedule 1 of the Civic Government (Scotland) Act 1982

- B) I/We declare that I/We are unable to display a notice of this application at or near the premises because no access is available. The following action was taken to try to gain access, but was unsuccessful:

- C) I/We declare that the application is for a temporary licence and therefore no requirement to display a notice is necessary

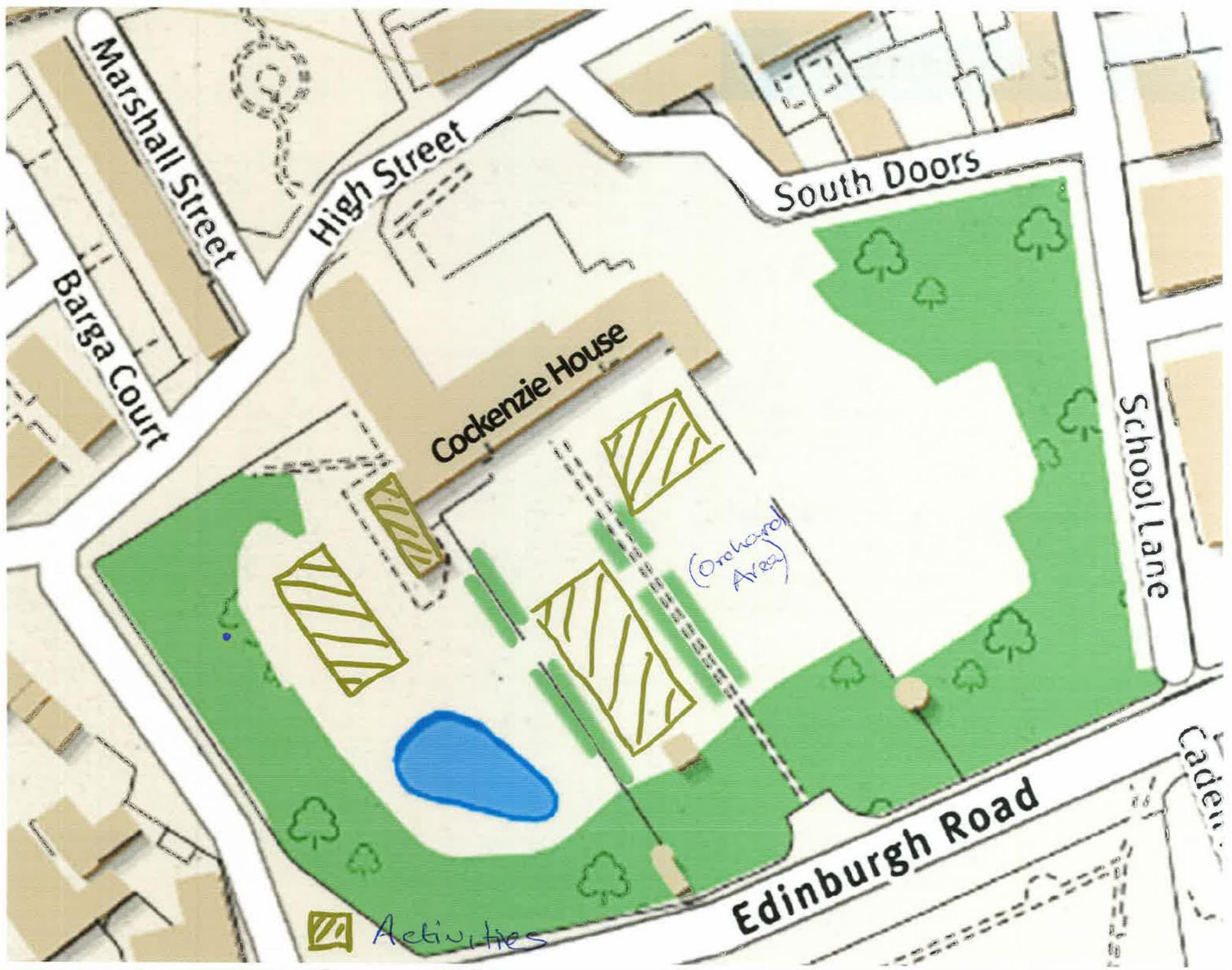
I/We declare that the particulars given by me on this form are correct to the best of my/our knowledge and belief.

Signature of applicant Marietta di Ciacca



Signature of day to day manager As above

Any person who in, or in connection with the making of this application makes any statement which he/she knows to be false or recklessly makes any statement which is false in a material particular shall be found guilty of an offence and liable, on summary conviction.





Certificate of Public Liability Insurance

Policy Number: 029060/09/23

Name of policy holder: Cockenzie House and Gardens

Date of Commencement of Insurance: 12 September 2023

Date of Expiry of Insurance: 11 September 2024

Business: Charity or Social Enterprise, and as per Policy. Property Owners.

Indemnity Limit

Public Liability GBP 5,000,000 in respect of any one Event

Products Liability GBP 5,000,000 in the Aggregate for the Period of Insurance

This is to certify that on the date of issue of this certificate, the policyholder was insured under the above numbered policy subject to the terms and conditions agreed with Aviva Insurance Limited.

Date of Issue: 05 September 2023

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CERTIFICATE OF COMPLIANCE

PUBLIC ENTERTAINMENT LICENCE

I / We Cheryl Campbell

applicant for a Public Entertainment Licence, hereby certify that a Notice has been at or near the premises at _____

from 13 . 11 . 23 _____ to 07 . 12 . 23 _____

containing such information as is required by paragraph 2(3) of Schedule 1 to the above Act.

* Where the said Notice was removed, obscured or defaced during the abovementioned period, I took reasonable steps for its protection and replacement as follows: (give details and circumstances)

Signature C Campbell _____ Date 07 . 12 . 23 _____

* Delete if not applicable

CERTIFICATE OF COMPLIANCE

PUBLIC ENTERTAINMENT LICENCE

1 We COCKENZIE HOUSE & GARDENS

applicant for a Public Entertainment Licence, hereby certify that a Notice has been
at or near the premises at COCKENZIE HOUSE

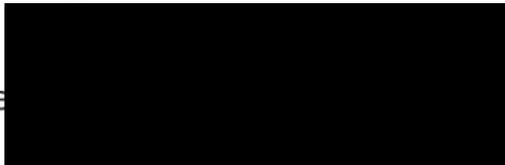
& GARDENS

from 15 Sept 2023 to 6 Oct 2023

containing such information as is required by paragraph 2(3) of Schedule 1 to the
above Act.

* Where the said Notice was removed, obscured or defaced during the
abovementioned period, I took reasonable steps for its protection and
replacement as follows: (give details and circumstances)

N/A

Signature 

Date 17th October
2023

* Delete if not applicable

Licensing

From: Lee Wilson-2 <Lee.Wilson2@scotland.police.uk>
Sent: 05 October 2023 12:29
To: Licensing
Subject: PER008/23 - PEL APP - COCKENZIE HOUSE AND GARDENS
Attachments: HERKES_GILLIAN_XVF20528_FIREBIRD_4029_001.PDF

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Afternoon,

No police objections.
Ref: 762372

Regards,
Lee

Licensing

From: Robertson, Scott
Sent: 05 October 2023 14:04
To: Licensing
Subject: RE: Attached Image - Renewal of Public Entertainment - Cockenzie House and Gardens

Hello,

Please note I have no comments in relation to this public entertainment licence.

Regards
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at <https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eastlothian.gov.uk%2F&data=05%7C01%7Clicensing%40eastlothian.gov.uk%7C068dc233b1224d89f5af08dbc5a3795f%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638321078125058058%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=E%2F6BltjC%2Bj9RbWbE2R7Qw1aC8aOuMxR20Be3PMsTCD4%3D&reserved=0>

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

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 04 October 2023 10:32
To: 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; 'torquil.cramer@firescotland.gov.uk' <torquil.cramer@firescotland.gov.uk>
Subject: FW: Attached Image - Renewal of Public Entertainment - Cockenzie House and Gardens

Hi

Renewal public entertainment application for Cockenzie House and Gardens for report.

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

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

From: "Herkes, Gillian" <gherkes@eastlothian.gov.uk>
Sent: 04 October 2023 09:58
To: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Subject: Attached Image

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

EAST LoTHIAN COUNCIL

Licensing Standards

From: Civic Licensing Standards Officer

To: Licensing Sub-committee

Date: 6th October 2023

Subject: CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PUBLIC ENTERTAINMENT LICENCE – RENEWAL

**COCKENZIE HOUSE AND GARDENS, 22 EDINBURGH ROAD, COCKENZIE, EAST LoTHIAN
EH32 0HY**

An application has been received for the renewal of the Public Entertainment Licence held by the company Cockenzie House and Gardens for the use at this location. The application has been made by the company Cockenzie House and Gardens listing Marietta Di Ciacca, Cheryl Campbell and Craig Hodgson as directors, partners and other people responsible for management. The renewal is for a period of 3 years.

On 6th July 2023, a variation of the licence was heard by the Licensing Sub-Committee to add the garden areas and live music performances. The variation was granted subject to the below condition:

Permit live music performances within the Gardens, with EH32 Live events to proceed only on Saturdays until 26th August 2023 inclusive.

From 6th July to present I am aware of one complaint August in relation to noise which was directed to Environmental Health. No other complaints have been received by the Licensing Department.

On review of the application the applicant has listed new activities and altered previous activities listed to include:

Dancing, theatre performances, exhibitions of paintings, sculptured, drawings and historic artefacts, indoor and outdoor fairs and festivals of various types, bouncy castles, internal and external children's play areas including soft play, mobile amusements, organised exercise and fitness, light decorations for festivities e.g. Christmas lights displays and weddings and music events.

All the activities proposed are to take place between 9am – 11pm.

Therefore, this appears to be a variation as well as a renewal of the licence.

The above information is presented to the Licensing Sub-committee to be considered when determining the renewal application.

Licensing Standards Officer

EAST LoTHIAN COUNCIL
Licensing Standards

From: Civic Licensing Standards Officer

To: Licensing Sub-committee

Date: 30th November 2023

Subject: CIVIC GOVERNMENT (SCOTLAND) ACT 1982
PUBLIC ENTERTAINMENT LICENCE – RENEWAL
COCKENZIE HOUSE AND GARDENS, 22 EDINBURGH ROAD, COCKENZIE, EAST LoTHIAN EH32 0HY

Please read this report in addition to my report dated 6th October 2023.

On 2nd November 2023 I attended at Cockenzie House and found a site notice on the front gate as shown below:



Contact was made with the Licensing Team and Alistair Macdonald to advise that the site notice was not adequate or compliant with the Act. Mr Macdonald thereafter prepared a second site notice to be displayed for the required 21 days.

On 16th November I reattended at Cockenzie and saw that the old notice above remained and a new notice was displayed shown below:



The application was made by a delivery in person, posted into the letterbox at John Muir House. It was marked as received and accepted by the Licensing Team on 19th September 2023. There is no part of the site notices that facilitates adding a date for re-display. The activities listed are those on the current Public Entertainment Licence to be renewed.

I have no further comment in relation to the application for additional activities.

Licensing Standards Officer

Licensing

From: Licensing Standards Officer
Sent: 24 October 2023 13:18
To: Licensing
Subject: FW: EH32 Live - Cockenzie House & Gardens

Hi,

Please could the below report be supplied to the licensing sub-committee in relation to the renewal of the PEL for Cockenzie House.

Colin Clark has given permission.

Kind regards,

Karen

From: Clark, Colin - EHO <cclark1@eastlothian.gov.uk>
Sent: 24 October 2023 09:19
To: ramblingstageevents@outlook.com
Cc: Grant, Shona <sgrant@eastlothian.gov.uk>; Anstock, Luke <lanstock@eastlothian.gov.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>
Subject: FW: EH32 Live - Cockenzie House & Gardens

Craig

As far as am aware neither Shona or Luke managed to visit during the final events when I was on leave. However, I have detailed below comments from the Community Wardens who were asked to visit and carryout a subjective assessment on weekend of 25th and 26th August:

25/08/23

Approx 17:20 – No Events at locus – all quiet

26/08/23

16:45 – checked at various points around locus - Level of music would not breach – Bass not excessive

Stage is arranged to face West towards Trees & commercial area to south of Cockenzie harbour

19:10 – 19:45 – checked at various points around locus.

North side of locus – House blocks sound so although audible, hardly noticeable – would not breach permitted noise levels

West side of locus – Trees block sound – music can be heard clearly but not excessive – would not breach permitted noise levels.

South side of locus - music can be heard clearly but not excessive – would not breach permitted noise levels.

Regards

Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA |
Tel. 01620 827443 or 07909 880149 | Email. cclark1@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

From: Craig Hodgson <ramblingstageevents@outlook.com>
Sent: 20 October 2023 10:59
To: Anstock, Luke <lanstock@eastlothian.gov.uk>
Cc: mdc@cockenziehouseandgardens.co.uk; Alistair Macdonald <alistair@macdonaldlicensing.com>
Subject: EH32 Live - Cockenzie House & Gardens

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Luke,

It was good to meet you during your site visit this summer.

Colin Clark informed me that he was on leave for the last few weeks of EH32 Live and believed that you and another colleague may have carried out monitoring assessments during his absence. Have there been any such assessments, and could you please share the results and outcomes, particularly following Colin's report from August 12th?

Kind regards,

Craig Hodgson

Sent from [Outlook for iOS](#)

Licensing

From: fiona crombie [REDACTED]
Sent: 27 November 2023 12:47
To: Licensing
Subject: Re: comments & objection re Cockenzie House licensing application

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Ammendment... The first notice reads hours of operating would be 9pm to 11pm the second reads 9am to 11pm

On Mon, 27 Nov 2023, 10:11 Licensing, <licensing@eastlothian.gov.uk> wrote:

Hi Ms Crombie

I acknowledge receipt of your objection.

Many thanks

Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664
| E. licensing@eastlothian.gov.uk

[NHS Coronavirus Information](#)



From: fiona crombie <[REDACTED]>
Sent: 27 November 2023 08:33
To: Licensing <licensing@eastlothian.gov.uk>
Subject: comments & objection re Cockenzie House licensing application

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To the Licensing committee

Please find enclosed my concerns and objections to the application for a new indoor & outdoor public entertainment license at Cockenzie House & Gardens.

FAILURE TO DISPLAY NOTICE.... The community and neighbouring properties have been unable to comment on this application as Cockenzie House & Gardens failed to display the notice.

This was reported to the licensing department who investigated and confirmed this.

After my complaint that the notice had not been displayed. ELC licensing dept agreed that the notice had not been displayed correctly and ensured the notice was displayed on site from the middle of November however this notice was dated at the top as 15/09/23. The notice also clearly stated any comments on the application had to be submitted within 28days from 15/9/2023. This meant that the time limit for comments had ended before it was displayed.

I notified the licensing department that the community were unable to comment on an out-of-date notice.

The licensing department then organised for a second notice to go up a few days after the first notice. This notice was dated the 16/09/2023 and again it clearly stated that any comments on the application had to be submitted within 28days of this date. Again, this meant that no one could comment as the comment date had ended before it was displayed.

I contacted the licensing department to have this rectified and to ask when comments should be submitted and was informed to put any comments to the licensing team. No timescale was given, and the notices were not corrected. I informed the licensing department of this error and was informed if an appropriate site notice is not in place, then the timeframe will not have started in terms of the application.

I ask that a correctly dated and worded notice is displayed allowing the public an opportunity to comment within the 28day timescale noted on a correctly dated notice. It is important that this process is transparent, accurate and correct.

They also...

Failed to ensure the dates on the notice were correct.

Failed to provide the correct times of operation.

Failed to have a continuity of events on both notices.

Failed to have continuity of times of operation i.e. One notice states the times of operation will be 9.00 to 11.00pm the other 9am to 11pm.

Cockenzie House and its stone boundary walls, gates, grounds and garden features are listed as being of special architectural historic interest of Category A standard.

The house and grounds are designated as the Cockenzie House Designed Landscape.

They are within the Cockenzie Conservation area which is a quiet residential area where residents enjoy the tranquillity, peace, and quiet and fresh unpolluted air.

EVENTS LISTED

-

The list of events does not inform the community of which will be indoors and which outdoors, clarification is required so appropriate comments can be made.

-

The first notice dated 15/9/2023 reads...Dancing, Theatre Performances, Exhibition of Paintings, Sculptures, Drawings, & Historic Artefact, Indoor and Outdoor fairs and festivals of various types, Bouncy Castles, Internal and External Childrens Play Areas, including Soft Play, Mobile Amusements, Organised Exercise and Fitness, Light Decorations for festivities e.g. public Christmas Light Displays from 9am to 11pm everyday

The second notice dated 16/9/2023 read.....Film Shows, Comedy Acts, Drama Book Launches, Talks, Fairs, Exhibitions, Tours, Nature Walks, Seminars, Workshops, General Community Use, Live Music Performances within the Gardens from 9am to 11pm.

I ask which notice is correct as the list of events and event times are different on each notice? It is difficult to comment on two different notices. Again, clarification was requested from ELC licensing dept but no clarification was given.

I also note that the notice has not been completed. The section requesting the number of attendees to the premises has been left blank. Surely for fire, safety, licensing, parking, and insurance reasons a maximum number should be entered here. This is a Safety Issue for the public.

The application states there is overflow parking available. This is incorrect if Cockenzie House are referring to the John Muir Way in front of the British Legion. They do not have permission to access the private road Marshall Street. No consultation or discussion with the residents of Marshall Street has been obtained to use the private road. Therefore, there is no overflow parking available.

NOISE (public nuisance)

Cockenzie House and Gardens are Category A Listed and are situated in a quiet residential area of Cockenzie. This area is known for its tranquillity where the sea can be heard on the shore and the wildlife can be seen and heard in the grounds of the house, a lovely place for visitors and the

community to relax and spend time in.... not the ideal venue for outdoor festivals, live music performances, alcohol, loud amplified music and mobile amusements etc.

Unfortunately, the noise generated from outdoor events in the grounds of the house has been too loud and too close to residential properties. Living adjacent to Cockenzie House I feel this is not acceptable as I hear the noise created whether I am inside or outside my house. For this to be a possibility 7 days a week from 9am until 11pm would be excessive and I would strongly oppose this as it would be classed as a public nuisance and anti-social.

The Edinburgh Festival runs for a few weeks, Fringe by the Sea runs for a week. These events are acceptable, but to have the potential for live music and other outdoor events which create noise in a residential area 7 days a week until 11pm is not acceptable.

It is only fair that neighbouring properties are considered and a restriction placed on outdoor entertainment and the times, days and months of any activities. From this application it is obvious that little thought has been given to neighbouring properties.

Loud amplified music can be heard at the Seton Sands end of Port Seton. Sound barriers don't help unfortunately. This is a residential area where the slightest noise travels. I cannot sit in my garden or in my house even with the windows shut as the music is too loud.

PARKING , TRAFFIC, POLLUTION, AIR QUALITY & ACTIVE TRAVEL (public nuisance & safety issue)

Parking is a serious issue with Cockenzie House attracting hundreds of cars and vans to this area. They state they have 900 visitors a week. Cockenzie cannot cope with the number of vehicles they are attracting. Local streets are gridlocked because of this influx of vehicles.

Cockenzie House only allow studio holders in their car park. I suggest visitors should also be able to use it, especially out with studio times.

The High Street was never meant to take the number of cars and lorries using it for visiting or delivering to Cockenzie House. When events are on cars and vans are left abandoned on double yellow lines and on pavements. Bus Stops are regularly blocked by vehicles. Its only time before an accident happens. It is a safety issue. The entrance to properties have been blocked by vans

and cars parking on the pavement on numerous occasions. This must be taken into consideration its unfair on neighbouring properties it is dangerous and also a safety concern.

More needs to be done to encourage active travel and to adhere to ELCs Active travel, climate, and environmental and Air Quality policies. I see no incentive from Cockenzie House for visitors to use active travel. Cockenzie House is supposed to have an active travel plan but this is lacking.

Large articulated lorries and vans deliver to Cockenzie House from the High Street. They cannot travel up the high street due to the road being narrow and parked cars so they turn by using the private road Marshall Street to reverse in. This is causing a danger to residents and is a public nuisance. Blocking the view at the junction and sometimes blocking the whole entrance to Marshall Street. I have contacted the council and police regarding this matter and I'm aware the community council have spoken with Cockenzie House regarding the ongoing parking problems caused by their operation. ELC have had to add double yellow lines around Cockenzie House and the High Street because of this.

I suggest a loading bay must now be created on Edinburgh Road this would give delivery drivers direct access to Cockenzie House from the ground floor which has a lift servicing all floors and prevents these lorries and vans from blocking the High Street and using the private road Marshall Street to turn in. As Cockenzie House is introducing so many vehicles including articulated lorries to Cockenzie High Street it is changing the character and appearance of this beautiful conservation area and creating a great deal of pollution and noise throughout the day and early morning.

East Lothian Council are producing policies to reduce pollution in our villages, but Cockenzie House, Gardens & Café are greatly increasing pollution to this area. The Air quality is becoming poorer because of the number of people and vehicles they attract. this will increase if the licence is approved as it is and our conservation area, narrow streets and lack of parking cannot cope with any increase.

The venue and directors have a duty to act as a responsible neighbour to the many residential properties nearby however this has not happened. Neighbouring properties cannot open their windows or sit in their garden because of the constant noise and pollution. Any contact with Cockenzie House is ignored. Unfortunately, Cockenzie House do not engage with the local community regarding complaints. No traffic management survey appears to have been carried out by ELC.

How would the emergency services attend neighbouring properties with the volume of vehicles visiting Cockenzie House?

If you allow anymore outdoor events the area will not cope with the additional traffic. It must be remembered this is primarily a residential area and Cockenzie House & Gardens use to be a tranquil nursing home.

WILDLIFE

There has been no wildlife study done by ELC or Cockenzie House. Having outdoor events does affect their habitat. There are several species of wildlife that live or visit the grounds including Bats, Herons, Squirrels, birds of different Species, Breeding Ducks, Foxes, Hedgehogs, Frogs and Toads etc They would all be affected if more outdoor events were granted permission. Most of the species are in the East and West gardens. Putting on more outdoor events would have a destructive, negative effect on the wildlife and biodiversity.

I STRONGLY OPPOSE

Any events in the west garden except the Retro Fair due to the noise that will be created as it is a residential area only a few metres away from housing and any noise would be classed as anti-social behaviour of the highest level and be a public nuisance.

IN CONCLUSION

CONSIDERATION must be given to neighbouring properties with regards to noise and parking.

It was agreed recently with the licensing subcommittee that EH32 Live can run on a Saturday only, with no other music events or weddings taking place to allow residents the peace and quiet of a Sunday. In this way the noise could be monitored by ELC environment officer, and the license would be temporary until the end of August. This was a good compromise giving residents and visitors some peace and quiet along with others in the community who enjoy the tranquillity of the area.

I ask that any outdoor Live music performances are monitored for noise, are on a Saturday only, finish at 8pm and run during the summer months only.

I ask that no festivals are allowed the surrounding area and neighbouring properties cannot cope with the amount of vehicles and noise.

I also ask that any outdoor events finish at 8pm so as not to become a public nuisance.

I ask that no outdoor events especially festivals, live music and any that create noise are run on a Sunday, during the week or at night due to the proximity of Cockenzie House & Gardens to neighbouring properties.

I agree that the Retro Fair should continue to run on the first Saturday of the month but active travel should be promoted as they state it attracts 300 people to the area and the stall holders all bring cars and vans which is an additional 30 vehicles on top of this.

The studios, beautiful gardens and café attract many people to this area. Outdoor events would greatly increase the number of people, noise, vehicles and pollution to this already busy area.

I would suggest that any other events, except EH32 Live and the Retro Fair are indoors this would be more acceptable as noise would be greatly reduced and numbers controlled so vehicle numbers would be limited.

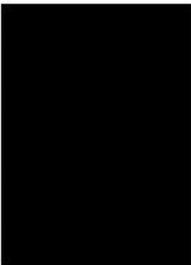
It must be remembered that many people from the community and surrounding area visit Cockenzie House to meet friends, visit the café, sit in the grounds for their health or for peace in the hectic world we live in today. By having events only on a Saturday and no events on a Sunday or on weekdays or weeknights the community and visitors can enjoy the tranquillity of this special place this way vehicle numbers are reduced along with noise and light pollution.

Cockenzie House benefits financially from renting out, as they state 49 studio spaces for small businesses, artists and therapists, a popular café and indoor event space. The Willow Room, EH32 Live, the Retro Fair, Café Filly, and other indoor events ie weddings, funerals, celebrations, meeting spaces, art workshops, children and adult's birthday parties, 2 rented holiday cottages, allotments, etc making the business already financially viable and very busy especially in relation to the number of vehicles and people it attracts. Any other additional outdoor events would be excessive and have a huge impact on this residential area which already cannot cope with the increased activities and vehicles Cockenzie House brings to the neighbourhood.

Fiona Crombie, [REDACTED]

Regards

Fiona Crombie



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This email and any files transmitted with it are confidential and



Licensing and Landlord Registration
John Muir House
Haddington
East Lothian
EH41 3HA

Tel 01620 827664

Date: 18th October 2023

Cockenzie House & Gardens
22 Edinburgh Road
Cockenzie
East Lothian
EH32 0HY

Dear Ms Di Ciacca

**Licensing Sub-Committee meeting – Review of Renewal & Variation to Public Entertainment Licence – Cockenzie House & Gardens
Civic Government (Scotland) Act 1982**

I refer to your application to Renew and Vary the Public Entertainment Licence for the above.

You are invited to attend the meeting of the Licensing Sub-Committee on **Thursday, 9th November 2023 from 2pm** to review your public entertainment licence as per the decision made at Licensing Sub Committee meeting on 6th July 2023.

The meeting will be hybrid which means that you can appear in person at **Council Chambers, Town House, Court Street, Haddington, EH41 3ED** or join the meeting remotely.

If you wish to attend, please contact licensingcommittee@eastlothian.gov.uk to confirm your attendance. If you wish to join the meeting remotely you will be sent a link to join. if you are unable to join remotely there is also a facility to phone in.

You are invited to attend the meeting to speak in support of your application. If you are unable to attend the meeting you may make representations in writing regarding your application. If you would like to make written representations, these should be submitted no later than Monday 6th November 2023, to allow for presentation to the Sub-Committee in advance of the hearing. Please note that if you do not attend, your application will be considered in your absence.

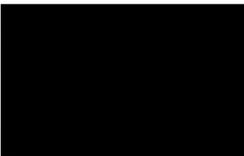
Yours sincerely,



Ian Forrest
Senior Solicitor

Date: 8th December 2023

Ms Fiona Crombie



Dear Ms Crombie

**Licensing Sub-Committee meeting – Civic Government (Scotland) Act 1982
Variation to Public Entertainment Licence – Cockenzie House & Gardens, 22 Edinburgh Road,
Cockenzie, East Lothian, EH32 0HY**

I refer to your objection to the variation of Public Entertainment licence. As an objection has been received, the application will now be considered by East Lothian Council's Licensing Sub-Committee.

You are invited to attend the meeting of the Licensing Sub-Committee on Thursday, 21st December at 2.00pm, where you will be given the opportunity to speak to your objection. The Licensing Sub-committee will now be conducted remotely meaning you can join online. Please be aware that the public items of business will be recorded and be made available online at <https://eastlothian.public-i.tv/core/portal/webcasts>.

To participate in the online meeting, you must use one of the following options:

- the latest version of Google Chrome or Microsoft Edge as your browser *or*
- the Connect Remote app for iOS or Android *or*
- join by telephone

If you wish to attend, please contact licensingcommittee@eastlothian.gov.uk to confirm your attendance, at which point you will be offered a link to join the meeting.

Please note that if you do not attend, the application will be considered in your absence.

Yours sincerely,



Licensing Officer

licensing@eastlothian.gov.uk