

**REPORT TO:** Licensing Sub-Committee

**MEETING DATE:** 6 July 2023

**BY:** Head of Corporate Support

**SUBJECT:** Application for Variation of Public Entertainment Licence at Cockenzie House and Gardens, Cockenzie

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## **1 PURPOSE**

- 1.1 To advise the Sub-Committee of a request from the Applicant to vary the Public Entertainment Licence currently in place at Cockenzie House so as to-
- Extend the licenced area to include the Gardens
  - Permit live music performances within the Gardens
  - Permit a portable sauna within the Gardens.
- 1.2 To request that the Sub-committee consider all the information presented to them and in light thereof determine the application.

## **2 RECOMMENDATIONS**

It is recommended that -

- 2.1 In light of the information set out in this report (and with reference to paragraph 3.6 below) and the report by the Licensing Standards Officer, that the Sub-Committee determine the application.
- 2.2 If minded to grant, that the Sub-Committee considers whether it would be appropriate to impose additional conditions on the current Public Entertainment Licence, such as duration or frequency of use, as an appropriate and necessary measure to prevent public nuisance. Members are referred to the report by the Licensing Standards Officer for suggestions as to such conditions

### **3 BACKGROUND.**

- 3.1 A Public Entertainment Licence has been granted to Cockenzie House and Gardens, running from 6 October 2020 and expiring on 5 October 2023.
- 3.2 The current Public Entertainment licence only applies to the building forming Cockenzie House, and covers activities such as film shows, comedy acts, drama, book launches, talks, fairs, exhibitions, fashion shows, tours, nature walks, seminars, workshops, and general community use. The Applicant held a number of events in the garden area of the property in 2022 which were not covered by the terms of their current licence, and there are plans for similar events to take place in the garden area this year. Following advice from the Licensing Standards Officer, who has submitted a report to the Sub-Committee, the Applicant has lodged the present application to vary the terms of their current licence.
- 3.3 The Licence, if varied by the Sub-Committee, will only run to the present end date of the licence and the Licensee shall require to apply for renewal of the Licence (whether or not varied), in October 2023. The present application has no effect on the duration of the licence.
- 3.4 There have been a number of complaints about the events held last year and there are ongoing concerns about the proposed events this year. The objections received in respect of the present application are annexed as Schedule 1 to this report. Members are referred to the report from the Licensing Standards Officer for more details on the history of these complaints and the present situation.
- 3.5 The Applicant was advised in 2022 to check all relevant permissions were in place. The Applicant did apply for and obtain seven occasional liquor licences in respect of the proposed events at the Property in May 2023 and was advised at that time that a public entertainment licence may also be required. The Applicant failed to put consents and licences in place and was advised to do so before he continued. He was not issued with any formal enforcement but guided on several occasions to seek independent legal advice. This has resulted in the time pressure to deal with the present application which otherwise could have been processed well in advance of any proposed events. It is noted that the Facebook submissions incorrectly state that permission had been refused due to noise complaints, leading to a backlash of negative and accusatory comments on social media about complainers. Obviously, no decisions have yet been made as the application is only now coming before the Sub-Committee.
- 3.6 In addition to the usual considerations in determining the application, officers would highlight the following issue for consideration by the Sub-Committee-
  - Is the addition of the requested activities to the Public Entertainment Licence suitable given the nature and location of the premises in a residential area, and would the addition of such activities have a

detrimental effect on surrounding residences in relation to disturbance. If so, should additional conditions be added to the licence to prevent this

- 3.7 The Sub-Committee may grant the application to vary the licence, or refuse it. If minded to grant, the Sub-Committee may wish to consider imposing additional licence conditions along the lines of those suggested in the report from the Licensing Standards Officer.

#### **4 POLICY IMPLICATIONS**

- 4.1 None- The legislation specifically allows for such disapplication of notice requirement.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - None  
6.2 Personnel - None.  
6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 Report by Licensing Standards Officer

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