

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

1

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

AUTHOR'S NAME	Ian Forrest
DESIGNATION	Senior Solicitor
CONTACT INFO	x7389
DATE	28 June 2023

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Karen Harling
Licensing Standards Officer

To: Licensing Sub-Committee

Date: 23rd June 2023

Subject: CIVIC GOVERNMENT (SCOTLAND) ACT 1982
REPORT – PUBLIC ENTERTAINMENT LICENCE – VARIATION – PE/007/20
Cockenzie House and Gardens, 22 Edinburgh Road. Cockenzie, EH32 0HY

An application has been received for the variation 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 application is to vary the current public entertainment licence to include the outside garden areas, add live performances and a portable sauna in the rear garden as licensed activities.

Cockenzie House and Gardens describe the use of the premises on their facebook page as:

"We offer practical and elegant spaces for hire - we have 46 studios for artists, small businesses and therapists, our Willow Room which is fantastic for parties and two self catering cottages. The new onsite Cafe, Cafe Filly, is now open for all your coffee, breakfast and lunch needs. Please contact them directly on [REDACTED]. Dog Friendly, Cafe Venue and Gardens!"

The facebook page contains weekly posts in relations to events, exhibitions, markets, weddings and wedding fairs, children's events including carnivals and bouncy castles, mini retreats, wellness events, markets, Doggies Day out events, Christmas events and shopping both within the house and in the gardens. It appears that the main purpose of the premises is to provide units for businesses, events and event spaces for use or hire along with a café. Some events are free to attend and have commercial traders others incur an entry fee or a fee for hire. There is currently an events co-ordinator or similar position employed at the premises.

From the beginning of June – end August 2022, a live and amplified music festival took place outdoor in the gardens of Cockenzie House on recurrent Saturdays and Sundays. During this time complaints from four separate residents were received. The complaints related to noise and the disturbance caused by the amplified music, bands shouting and swearing. A complaint was also received in relation to drug taking and persons taking their own alcohol into the event. A formal complaint was then received at the termination of the event detailing a significant impact from the repeated noise every weekend.

A visit was conducted with the event organiser and applicant Mr Craig Hodgson in relation to the occasional licences granted under the Licensing (Scotland) Act 2005. The visit took place on 2nd August 2022 where complaints, noise levels, drug use and people bringing alcohol into the event were discussed. Guidance was given to use stewards for the event and to take a vigilant approach to drug taking. Mr Hodgson was advised to monitor noise levels so as not to cause a disturbance. Mr Hodgson was also advised to check that he had all other relevant permissions in place for the event as the visit was only in relation to the alcohol licences.

Mr Hodgson was advised that, whilst not a mandatory forum for this type of event he would benefit in the future by submitting an event notification form to East Lothian Council to allow a Safety Advisory Group (SAG) to discuss the event and provide guidance and support from multiple departments and agencies.

Police Scotland Licensing Officer was invited to the meeting on 2nd August 2022, but declined to attend.

In May 2023, Mr Hodgson made applications for 7 occasional licences for the event “EH32 Live” which were heard at the Licensing Board on 25th May. The Licensing Board granted the licences with additional conditions. Prior to the licensing board, Mr Hodgson was informed by phone that a public entertainment licence may be required for the event and that the current public entertainment licence at Cockenzie House did not include the gardens or live/amplified music performances. The occasional licences did not given permission for the whole event, the licences only granted permission to sell alcohol at the event.

On Saturday 27th May 2023, a wedding in a marquee took place at the premises with the provision of alcohol. This was followed on Sunday 28th May by a club land event with live amplified music and the provision of alcohol.

Three separate complaints were received in relation to the wedding (no Public Entertainment Licence required but considered in this report due to the noise element) and one complaint was received in relation to the club land event. A total of 4 complaints from different complainers over the weekend. The complaints in relation to the wedding detailed

noise nuisance and the terminal hour of the noise being very late. The complaint in relation to the club land event detailed the music was extremely loud, the DJ was shouting and swearing through the microphone and that patrons were shouting and swearing back.

I contacted Mr Hodgson in relation to his responsibilities as the holder of the occasional licences that permitted the sale of alcohol at the events. Details of the complaints were discussed. Mr Hodgson said he did not think that he was responsible for the noise at the wedding as he was not the event organiser and that was handled by the wedding co-ordinator employed at Cockenzie House. I explained to him that he, as licence holder, was responsible for upholding the all the licensing objectives including preventing public nuisance and that he needed to take serious responsibility and control of this aspect.

On 29th May 2023, I spoke with Mr Hodgson on the phone. Guidance was given that he could apply for a temporary Public Entertainment Licence if a suitable application could not be made to vary the current Public Entertainment Licence. It was detailed that an application for a temporary licence would still require to go through the statutory consultation period before it could be either granted or be sent to a sub-committee hearing for determination.

On 30th May 2023, the Licensing Standards Officer received a copy of an application to vary the Public Entertainment Licence at the premises for consultation. This was 11 days prior to the purposed event start date.

On 31st May 2023, I was made aware that MSP Craig Hoy had also received a complaint from a resident in relation to the "EH32 Live" event.

On 1st June 2023, I received an email from Mr Hodgson asking for advice. He detailed that he had been at a meeting at Cockenzie House where he had been told that his events could not go ahead. As a Licensing Standards Officer is not permitted to give any legal advice and can only assist in guidance as to what is required under licensing legislation, I advised him to seek advice from a qualified solicitor. He was also advised that a licensing board is only able to determine matters in relation to the sale of alcohol and not matters under other legislation.

Following the Licensing Board hearing and media coverage of the grant of the occasional licences, I received 2 complaints in relation to the event "EH32 Live" which took place in 2022. The complaints detailed the nuisance and disturbance caused by the nature, frequency and duration of the music event, mostly linked to noise nuisance and parking issues. The complainers wished to remain anonymous and one wished to withdraw the complaint due to fear of repercussions.

On 5th June 2023, I contacted Ms Di Ciacca (Manager and applicant) and Mr Hodgson by email to ascertain if they intended on going ahead with the planned “EH32 Live” events as well as a Kids Karnival due to start on Saturday 10th June 2023 given the licensing issues. The carnival advertised a bouncy castle and carnival games which were also unlicensed activities. It was explained in the correspondence that holding the events would be an offence under Section 7 Civic Government (Scotland) Act 1982, a criminal offence enforceable by police should they wish to take action. Mr Hodgson was asked if he intended to cancel the planned events or proceed with them. Police were also included in this correspondence but did not to my knowledge respond. This was not a request or notice to stop, but given as guidance as to what the legislation states.

On 6th June 2023, Mr Hodgson emailed the Licensing Team confirming that he had decided to suspend the events until the required consents were in place.

On 8th June 2023, a post was published on the facebook page “EH32 Live” detailing that all EH32 Live events had been ceased by East Lothian Council due to environmental health and the planning department backtracking due to a small number of noise complaints and class use of the gardens. A link to a petition was posted as well as link encouraging members of the public to raise formal complaints to the council in regards to the event not being able to run. Full post detailed in appendix 1.

The post at the time of writing had generated 68 reactions, 39 comments and 106 shares. The majority of comments were outrage and anger directed at the Council and noise complainers. This response was generated by inaccurate information that the council had stopped the events and are to blame for the cancellation. It demonstrated a lack of understanding of the statutory processes and permissions required to hold the event by the author of the post.

To be clear, no enforcement took place from the Licensing Standards Officer, only guidance was given in relation to the licences required. It was the applicant’s decision as to whether to proceed or cancel the events. It is the event organiser’s responsibility to ensure that all relevant permissions are in place prior to commencing an event.

Following the post, East Lothian Council Feedback team received numerous complaints in relation to the cancellation of the event.

On 15th June 2023, another post was added to “EH32 Live” facebook page as detailed in appendix 1. The post thanked everyone for the overwhelmingly positive response to the event. It detailed that the events in 17th-18th June and 24th-25th June would be cancelled and that there had been positive news about the situation. It was signed off as Craig and the EH32 Team.

On 16th June 2023, Mr Hodgson contacted me asking for information on a temporary public entertainment licence. Guidance on the application process including consultation and timescales was sent to him. He was advised for any further advice to contact a licensing agent or solicitor. On 19th June Mr Hodgson asked me to confirm the correct public entertainment resolution which was sent to him.

On 21st June 2023, Mr Hodgson contacted me asking of the EH32 Live events would be exempt from the requirement to hold a public entertainment licence as they were small scale. He also asked if he was able to start trading at the bars and if he could run the bars with a "busker" playing music. I informed Mr Hodgson that in my opinion the events would not be exempt under the current resolution. I also asked him to consider other permission required to run the bars from other departments and what a busker is, suggesting that a person performing at an organised event may not be considered a busker. Again he was informed that the information I supplied was guidance, it was not enforcement and that he should seek legal advice.

I am unaware if the mobile sauna proposed to be used in the garden has been in use already. No complaints have been received in relation to this activity. I have no details on the proposed hours/days of use for the sauna, size or capacity. It is unclear how people will access the sauna, what changing facilities will be available in the outdoor location and if persons will be able to see into the Sauna from the outside.

Given the information above, I recommend the committee review the content of the application to vary the Public Entertainment Licence and considered the following recommended conditions:

- Restrictions on music events such as in duration or frequency may be appropriate and necessary to prevent public nuisance. For example:
 - Music and performances in the outside areas including temporary structures is limited to one weekend only within a fortnightly/monthly period.
 - Music and performances in the outside areas including temporary structures is limited to a Saturday or Sunday only each weekend
 - Music and performances in the outside areas including temporary structures is limited so as not to coincide with the same weekend as a wedding (Friday-Sunday inclusive)
- Use of the sauna is restricted to 10am - 8pm so as to prevent any noise nuisance to surrounding residential areas from persons using the facility outside.
- Adequate changing facilities must be provided

In addition I ask the following of the applicant:

- Does the variation to add the additional activities requested meet their needs. It has been identified that other activities such as bouncy castles and carnivals that are not included in the variation or current list of activities. I recommend that the applicant review the resolution in order to ascertain all the activities that require to be listed on the public entertainment licence. A new application would be required to add additional activities.

K. Harling

Civic Licensing Standards Officer

Appendix 1

Post published on facebook page EH32 Live on 8th June 2023



EH32 Live

8 June at 18:44 · 🌐

!!! We desperately need your help. !!!

All EH32 Live events have been ceased by [East Lothian Council](#). Even though our licence was granted unanimously by the board and we were given the green light to go ahead, environmental health and the planning department have backtracked just days before we were meant to start. They say this is due to a small number of noise complaints and the class of use of the gardens.

New plans have been submitted to the planning department and we have done everything that the council has asked us to do in regards to the complaints. We have agreed to stop the music earlier and have invested in sound proofing equipment.

We are aware planning submissions can take a while and we have been told it will be a lengthy process on this occasion due to the complaints. However, we are really struggling to get answers on what this means for this year's event. We have spoken to the local councillors and are aware the local MP has been involved.

this means for this year's event. We have spoken to the local councillors and are aware the local MP has been involved.

We have exhausted all means of trying for answers so we feel like our only option is to ask for help from you all. We have started a petition to get support from the community so we can prove to the council how much this event means to everyone. We hope that this will get us answers and possibly fast track the application. The petition is on the link below. You need to verify your email address after you have filled this out, otherwise the signature will not count. The email does take a while to come through after. We also have a paper copy of this available.

<https://www.change.org/p/save-eh32-live...>

The other thing we can do is raise formal complaints to the council in regards to the event not being able to run. We hope that enough complaints will catch the attention in the right departments. The link for this is below.

https://www.eastlothian.gov.uk/.../comments_complaints...

We are so gutted that it has come to this. This event means so much to us and we know how much it means to the community. If such a small minority of the public can have this much of a negative effect on the event then we hope that we all have some power together.

If anyone else has any advice or ideas they can offer please do not hesitate to get in touch.

...

If anyone else has any advice or ideas they can offer please do not hesitate to get in touch.

Please share as much as you can with your family and friends.

Thank you so much for your ongoing support. Remember to confirm your email address if you sign the petition!



CHANGE.ORG
Sign the Petition
 Save EH32 Live

👍🥰 70 39 💬 105 ➦

Post published on 13th June 2023

 **EH32 Live**
 13 June at 19:24 · 🌐

We just want to say a massive thank you for the overwhelming positive response towards our little event and to everyone who has helped us during this time.

Our aim when starting up was to be a safe family friendly event for our community to enjoy. To see all the amazing comments and support towards EH32 Live with the petition has been very emotional.

We are sad to say that unfortunately we will be cancelling the next two weekends (17th & 18th - 24th & 25th June). We have h... [See more](#)



PE007/20

LSC 6/7/23

East Lothian Council
Licensing

30 MAY 2023

Received

Police Fire
Benefits LSO
Planning.



**EAST LOTHIAN COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR THE GRANT / RENEWAL / VARIATION / SURRENDER
OF A PUBLIC ENTERTAINMENT LICENCE**

Please read the accompanying guidelines before completing this form

This application form is in several parts for different things. Which parts you need to complete depends on what you are applying for:		
Part A	About you (the applicant)	Page 2
Part B	Day to Day Manager	Page 3
Part C	Grant of a New licence	Page 3
Part C	Renewal of an Existing licence	Page 3
Part D	Variation of an Existing licence	Page 4
Part E	Surrender of an Existing licence (surrender on death, sequestration or administration)	Page 4
Part F	Declaration	Page 5

Please select what you require the Council to process (tick all that apply):		
Grant a New licence	Complete parts A, B, C, and F	<input type="checkbox"/>
Renew an Existing licence	Complete parts A, B, C and F	<input type="checkbox"/>
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)	<input checked="" type="checkbox"/>
Surrender an Existing licence	Complete parts A, E and F (if you also want the vary the licence, complete part D)	<input type="checkbox"/>

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	22 EDINBURGH ROAD COCKENZIE

EAST LOTHIAN EH32 0HY

£69 payment tendered 11th May 2023

PART A

To be completed if a natural person (individual)

Surname (include any other surname you have been known by)	
Forename	
Home address	
Telephone number	
Email address	
Age	
Date of birth	
Place of birth	
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	22 EDINBURGH ROAD COCKENZIE, EAST LOTHIAN
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	CHERYL CAMPBELL [REDACTED]
	MARIETTA DI CIACCA [REDACTED]
	[REDACTED] CRAIG HODGSON [REDACTED]
	[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)	DI CIACCA
Forename	MARIETTA
Home address	[REDACTED]
Telephone number	[REDACTED]
Email address	mdc@cockenziehouseandgardens.co.uk
Age	[REDACTED]
Date of birth	[REDACTED]
Place of birth	[REDACTED]

Part C

Grant of License

Specify all types of public entertainment and / or recreation that is required to be licensed in the premises			
Specify dates and times when it is proposed the premises will be open for the purposes of the above entertainment / recreation (FULL LICENSE)			
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			
Provide details of safety measure to be put in place and number of stewards provided			

Part D

Variation of an Existing Licence

What do you want to change?	Delete as appropriate
The applicant details (see D1)	YES / <input checked="" type="radio"/> NO
The layout plan (see D2)	<input checked="" type="radio"/> YES / NO SEE GARDEN PLAN
The licence conditions see D3)	<input checked="" type="radio"/> YES / NO SEE SEPARATE SHEET

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 details, 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 / <input checked="" type="radio"/> NO
If Yes, provide particulars below:				
Name	Date	Court	Offence	Sentence

NB All crimes and offences must be declared

Has any party named in Parts A or B ever held or currently hold a Public Entertainment Licence	YES / <input checked="" type="radio"/> NO
If Yes:	

When was the licence granted	Granted Tues 6 Oct 2020
When does it expire	Expires 5 Oct 2023
Which authority granted the licence	
Has any party named in Parts A or B ever applied for and been refused a licence for a Public Entertainment Licence	YES/NO <input checked="" type="radio"/>
If Yes: 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:

n/a

.....
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

Faustina Di Cassa

Signature of day to day manager

Faustina Di Cassa

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

Please return the completed application form, relevant documents and fee to Licensing Office, East Lothian Council, John Muir House, Haddington, EH41 3HA

This application form must be lodged, together with the appropriate fee not less than 6 weeks before the proposed commencement date of the licence

Please note that the application fee is non-returnable

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:

East Lothian Council's Data Protection Officer can be contacted at:

Data Protection Officer

Licensing, Administration and Democratic Services

John Muir House

Haddington

dpo@eastlothian.gov.



Cockenzie House & Gardens

Licensing

From: Iain Anderson <Iain.Anderson3@scotland.police.uk>
Sent: 31 May 2023 11:34
To: Licensing
Subject: PE0007.23 - COCKENZIE HOUSE & GARDENS - CHANGE TO EXISTING LICENCE
Attachments: PE0007.20 VARIATION - COCKENZIE HOUSE.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.

Hi all,
No Police objections
Our ref - 728563

Regards
Iain

Licensing

From: Robertson, Scott
Sent: 08 June 2023 09:45
To: Licensing
Subject: RE: PE007/20 Public Entertainment Variation Application - Cockenzie House and Gardens

Hello,

I can confirm a planning application (23/00628/P) was received this week for Cockenzie House in which planning permission is sought for a change of use of the grounds of Cockenzie House.

The application has not yet been registered and upon the date of registration it may take up to or around 8 weeks for a decision to be made on the proposals.

Kind 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 www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 30 May 2023 16:06
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Events <events@eastlothian.gov.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>
Subject: PE007/20 Public Entertainment Variation Application - Cockenzie House and Gardens

Hi

Please find attached PE007/20 Public Entertainment Variation Application - Cockenzie House and Gardens. To add live performances (music) in gardens and portable sauna in rear garden – on plan attached.

Regards

Alison

Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. arafferty1@eastlothian.gov.uk or licensing@eastlothian.gov.uk

*My working days are Monday, Tuesday, Thursday and Friday

NHS Coronavirus Information

Licensing

From: Clark, Colin - EHO
Sent: 14 June 2023 11:31
To: Environment Reception
Cc: Taylor, David (Officer); Smith, Amelia; Harling, Karen (Licensing)
Subject: RE: 23/00628/P-Mr David Taylor - Planning Consultation

I refer to your consultation request of 12th June 2023 in connection with the above and would advise as follows.

I have significant concerns regarding the proposal to allow live entertainment in the form of amplified music and/or amplified speech for an external venue within a mixed use area with numerous noise sensitive receptors in close proximity. There are little, if any, mitigation measures in place to contain noise within the grounds of Cockenzie House and gardens and to minimise noise impacts on residential neighbours. Numerous complaints were received in 2022 during the EH32 Music Festival and further complaints have already been received for events held over the weekend of Sat 27th and Sunday 28th May 2023.

Given the number of complaints received previously and the potential impacts upon amenity going forward it is my opinion that the number of events (22 between June-August 2023) is excessive and should be restricted via conditions attached to any grant of consent as follows:

- Live music within the garden grounds shall only be permitted between 01st June and 31st August and at no other time
- Live music shall only be permitted on a Saturday and at no other time
- Live music within the garden ground shall only be permitted between 1400 and 2000 hours and at no other time
- Consent for live music events within the garden grounds shall be for a temporary period until 31st August 2024. Thereafter no live music events shall be permitted within the garden grounds.

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

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

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 12 June 2023 15:14
To: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Subject: 23/00628/P-Mr David Taylor - Planning Consultation

Please see attached document in relation to the following application: Change use of garden ground to seasonal outdoor events space (for hosting of flea market and live music events with associated beer garden/outdoor drinking area), alterations to boundary walls, erection of wood workshop (Class 4 Use) and decking, art sculptures, bike stores, timber planters, benches, storage sheds, well and seating area, and installation of CCTV, siting of seasonal marquees, portaloos, mobile bars, mobile pizza oven van, and alterations to building (Retrospective) at Cockenzie House
22 Edinburgh Road
Cockenzie
EH32 OHY

Licensing

From: Feedback
Sent: 13 June 2023 10:27
To: Licensing; Planning (NOT FOR PUBLIC ENQUIRIES)
Subject: ELF9049 - [REDACTED] - COMMENT - (EH32 - LIVE)

Hi

Please find a Comment that has been submitted online to feedback.

Thanks

Lyndsay

Lyndsay Winters

Customer Feedback and FOI Team | People and Governance | East Lothian Council | John Muir House | Haddington | EH41 3HA

NHS Coronavirus Information

**Keep using
Covid sense**



gov.scot/coronavirus



Case reference
ELF9049
Date created
Sat, 10 Jun 2023 11:12 am
Name
[REDACTED]

Address
[REDACTED]

EH32 LIVE MUSIC SUSPENSION

I am writing to express my frustration and dissapointed at the council's decision to suspend this event for licensing issues.

I have been a regular attendee since its inception in 2021 and as person with serious mental health issues, ACEs, C-PTSD, Chronic Depression & Anxiety, Dyslexia and Diabetes. I find this event to be a lifeline in getting me to challenge myself and fight my conditions.

An example weekend when this event is on is for me to get up and cycle down to the event as it is in a cycle friendly location, I then attend both shows whilst socialising and having something to eat followed by a cycle

home. This I do on both days and look forward to with great anticipation as often this is the only time when I will leave the house in the week.

Whilst I understand that rules must be followed I would like to know more about the situation whilst offering my support to the organisers of this event as it really does make a difference to many people especially those with symptoms like my own.

I hope the council can help the organisers have this event back up and running ASAP.

With Regards

██████████

Licensing

From: Feedback
Sent: 13 June 2023 10:17
To: Licensing; Planning (NOT FOR PUBLIC ENQUIRIES)
Subject: ELF9043 - [REDACTED] COMMENT - (EH32 - LIVE)

Hi

Please find a Comment that has been submitted online to feedback.

Thanks

Lyndsay

Lyndsay Winters

Customer Feedback and FOI Team | People and Governance | East Lothian Council | John Muir House | Haddington | EH41 3HA

NHS Coronavirus Information

**Keep using
Covid sense**



gov.scot/coronavirus



Case reference

ELF9043

Date created

Fri, 09 Jun 2023 21:16 pm

Name

[REDACTED]

Address

[REDACTED]

I am utterly flabbergasted that the EH32 Live event which runs throughout the summer at Cockenzie House is in jeopardy!! It brings so much to the community & loved for all ages.. after a very successful year in 2022 I cannot comprehend why this event would not be allowed to run.. there are no houses in the nearby vicinity as it stands in its own private grounds & very much hope this can be resolved for the people to enjoy & look forward to.. so much hard work & prep goes into organising these events & to be pulled at last minute is extremely disappointing for all involved! I hope this can be resolved amicably & allow some light entertainment on the weekend to the local community..

Licensing

From: Feedback
Sent: 13 June 2023 10:42
To: Licensing; Planning (NOT FOR PUBLIC ENQUIRIES)
Subject: ELF9055 - [REDACTED] - COMMENT - (EH32 - LIVE)

Hi

Please find a Comment that has been submitted online to feedback.

Thanks

Lyndsay

Lyndsay Winters

Customer Feedback and FOI Team | People and Governance | East Lothian Council | John Muir House | Haddington | EH41 3HA

NHS Coronavirus Information

**Keep using
Covid sense**



gov.scot/coronavirus



Case reference

ELF9055

Date created

Sat, 10 Jun 2023 19:16 pm

Name

[REDACTED]

Address

[REDACTED]

I was disgusted to read of the councils decision to renege on the permission for events in the gardens of Cockenzie House.

Licensing

From: [REDACTED]
Sent: 25 June 2023 22:33
To: Licensing; Harling, Karen (Licensing)
Subject: Comment on License application re Mr Hodgson, Cockenzie House

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

I wish to raise my concerns regarding a license application from Mr Hodgson for running outdoor music festivals at Cockenzie House and Gardens. every weekend throughout the spring and summer months.

Cockenzie House and Gardens are Category A Listed and are situated in a quiet residential area of Cockenzie. This area is known for its tranquility 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 with alcohol and loud amplified music.

Unfortunately the noise generated from music at the outdoor festival is too loud.

[REDACTED] I feel this is not acceptable as [REDACTED]
[REDACTED] For this to happen every weekend for 5 months including the whole of the summer is too much.

At the last event on the 28th May there was a clubland tribute with loud amplified music, shouting and swearing from the DJ. This event was during the day when visitors, residents and children were outside.

I think its only fair that [REDACTED] and a compromise is reached where :

1. The music is either quieter, or not amplified ie accoustic as the sound barrier installed is ineffective.

And...

2. The music festival is reduced to one or two weekends a month which would allow [REDACTED]
[REDACTED] the opportunity to sit in their gardens and homes without the stress caused by the constant noise.

And....

3. Reducing the music festival to one or two weekends a month gives the community and visitors the opportunity to enjoy spending tranquil time in the listed grounds, surrounding area and historic house during the weekends the music festival is not on.

I hope a compromise can be reached in this way the grounds can be used and enjoyed by everyone, the community and visitors alike.

Regards
[REDACTED]
[REDACTED]