



## **NOTICE OF THE MEETING OF THE LICENSING SUB-COMMITTEE**

**THURSDAY 18 JANUARY 2024, 2.00pm  
VIA A DIGITAL MEETING FACILITY**

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### **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, 21 December 2023 (**pages 1-8**)
2. Application for Variation of a Public Entertainment Licence  
Cockenzie House and Gardens, 22 Edinburgh Road, Cockenzie (**pages 9-30**)

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

**11 January 2024**





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

THURSDAY 21 DECEMBER 2023  
ONLINE DIGITAL MEETING FACILITY

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**Committee Members Present:**

Councillor C McGinn (Convener)  
Councillor L Allan  
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  
Ms K Harling, Licensing Standards Officer

**Others Present:**

PC L Wilson, Police Scotland

**Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor T Trotter (sub. Councillor L Allan)  
Councillor C Cassini  
Councillor J Findlay

**Declarations of Interest:**

Item 3: Councillor McMillan, on the basis that he was on the Board of Cockenzie House & Gardens.

**1. MINUTES FOR APPROVAL – LICENSING SUB-COMMITTEE, 9 NOVEMBER 2023**

The Convener clarified that although he knew the owners of the tattoo studio discussed at item 7, he did not know the applicant and had had no conflict of interest. A comment to reflect this clarification would be added to the minutes, and subject to this change, the Licensing Sub-Committee agreed the minutes were an accurate record of the meeting.

*Sederunt: Councillor McMillan left the meeting.*

**3. APPLICATION FOR RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE  
Cockenzie House and Gardens, Edinburgh Road, Cockenzie**

An application had been received for a renewal of a public entertainment licence for Cockenzie House and Gardens and had come before the Licensing Sub-Committee on the basis of a public objection.

Ian Forrest, Legal Adviser, introduced the application. He advised that there had been no concerns raised by statutory consultees, and highlighted a lengthy objection from a neighbour contained within the papers. He confirmed that the hearing would deal only with the application for renewal of the public entertainment licence and would not deal with the public entertainment licence variation as the statutory processes were still underway for the variation application.

Alistair Macdonald spoke to the application, and was accompanied by Marietta di Ciacca and Cheryl Cambpell, representatives of Cockenzie House and Gardens. Mr Macdonald said that the application was for a renewal of a grant made in October 2022. A hearing in July 2023 had approved a variation of the licence and this application sought to renew the licence as varied. He highlighted that the submitted public objection anticipated changes to the licence and was not therefore entirely relevant to this like-for-like application. He advised that Cockenzie House had units leased to around 50 tenants, provided an outlet for a number of community groups, and held events in the outside area. He said his clients had always taken the community and nearby residents into account. He advised that environmental services had objected to the variation in July, but they now raised no concerns following event attendances in August. He said his clients worked with neighbours, council officers, and police to maintain the community facility without causing undue concern.

Mr Macdonald addressed each of the headings from the submitted objection and responded to some of the points raised. He said that the Licensing Standards Officer (LSO) had been satisfied with the site notice on her last visit. He said the majority of events hosted could not cause any noise concern. He reiterated that environmental services had not objected to the application; his clients did not consider noise to be an issue, but their cooperation could be depended upon should concerns be raised. He said that little could be done about parking; he noted that delivery vans stayed only for a short time, but deliveries were also made to local houses. He noted that many visitors were local people who walked or cycled to the venue. He commented that the objection appeared to be very personal. He confirmed that the venue no longer hosted weddings, and generally hosted only community events. He advised that the venue was around 150m away from any residences.

PC Lee Wilson confirmed that Police Scotland had no objection to the application. He had checked through police records and spoken to local community officers and advised that the last noise call made to police had been in 2021.

Karen Harling, LSO, said there had been issues with the site notice but these had been rectified to her satisfaction. She highlighted a condition of the licence that a review would be undertaken should concerns be raised; she advised that in her opinion, a recent complaint about a community choir performance was not valid in relation to a public entertainment licence.

The Convener was heartened that positive comments had been made by council officers and Police Scotland and that there had been no issues at the venue.

The Convener then moved to a roll call vote, and Members unanimously voted to grant the licence.

### **Decision**

The Licensing Sub-Committee agreed to grant the licence.

*Sederunt: Councillor McMillan re-joined the meeting.*

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

### **a. 14 Rhodes Cottages, North Berwick**

An application had been received from Pinhigh Properties for a licence to operate 14 Rhodes Cottages, North Berwick, as a short-term let (STL). The application would be heard by the Licensing Sub-Committee because of a public objection. 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 terms of the public objection. 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.

Kate Walker spoke to the application. She and her husband had run Pinhigh Properties for 20 years and their children were also involved. She said they had introduced themselves to neighbours and provided contact details after they had purchased the cottage; she reported that no concerns had been realised by neighbours, including by the objector. She said that there had been industry recognition for the transformation of the cottage. The target audience was small families and they provided accessible facilities. She advised that automatic bookings were not accepted, and reviews and references were checked. There was a minimum stay of three nights in the winter season and five nights over the summer. She did not find the level of detail the objector had provided credible in terms of concerns over criminals. She advised that no barbeque or outside table were provided, and guests

were provided with a list of local restaurants. The property was the end terrace near the road, and it was not possible to see the neighbour's back door from the outside space. She advised that guests had never been told they could use communal areas, despite the areas having been maintained at the expense of Pinhigh Properties. She said that concerns raised over waste management were unfounded. She believed there was no difference in use between those who took a holiday or long-term rental. She was aware that the Licensing Sub-Committee had not refused any STL applications in North Berwick and hoped that a three-year licence would be granted.

The Convener thanked Ms Walker for her presentation and emphasised that all applications were taken on their own merits.

Councillor McMillan asked how the family ensured the quality bookings made matched those who arrived at the property, particularly when they owners resided outwith the county. Ms Walker advised that her daughter lived nearby the property and took a hands-on approach. The business did not use agents and had direct contact with all guests. They offered a meet-and-greet service, or guests could access keys remotely. Ms Walker said own parents lived in East Lothian, so she visited the area regularly.

Responding to further questions from Councillor McMillan, Ms Walker said that guests who chose to access keys remotely would be contacted to check everything was going well and to keep in communication through their stay. She said the business prided itself on keeping direct contact with guests. A folder with the house rules and notes about the area and restaurants was provided to guests. They felt it had been important to introduce themselves to neighbours and had been surprised at the comments made by the objector. She reiterated a barbeque was not provided, but said she could raise the issue with guests if use of portable barbeques became concerning. She had been unaware of concerns over barbeques until the objection had been submitted.

Responding to a question from Councillor McFarlane, Ms Walker said that guests were directed to use the proper recycling system.

The Convener asked about advertisement and bookings. Ms Walker advised that a website was under development, but they also went through 'Airbnb' and 'Booking.com' to bring in business; once the enquiry/booking came in, the business took over direct communication with guests. Responding to further questions from the Convener, Ms Walker advised that the property had been rented out a number of times prior to renovations being made, and there had been no concerns raised at the time.

The Convener had looked at pictures of the property and commented on the remarkable renovation work. He then moved to a roll call vote and Members unanimously voted to grant the short-term let licence.

## **DECISION**

The Sub-Committee agreed to grant the short-term let licence.

### **Note:** Summary of information

The Licensing Sub-Committee agreed to 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.

**4A. APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE**

The Sub-Committee agreed to grant the licence.

**4B. APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE**

The Sub-Committee agreed to grant the licence.

**4C. APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE**

The Sub-Committee agreed to grant the licence.

DRAFT









**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)	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	
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)	

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 AND GARDENS

Address of site or premises to be licenced 22 EDWARDS 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)

CAMBELL

Forename

CHERYL

Home Address

[REDACTED]

[REDACTED]

Postcode

[REDACTED]

Tel. No.

[REDACTED]

Email address

[REDACTED]

Date of birth

[REDACTED]

Age

[REDACTED]

Place of birth

[REDACTED]

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 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 Cracca, [REDACTED]

Cheryl Campbell, [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)

CAMBELL

Forename

CHEKYL

Home Address

[REDACTED]

Postcode

[REDACTED]

Tel. No.

[REDACTED]

Email address

[REDACTED]

Date of birth

[REDACTED]

Age

[REDACTED]

Place of birth

[REDACTED]

## Part C

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 LICENCE)

\_\_\_\_\_

Specify the duration of the licence required (FULL LICENCE):

1 year

2 years

3 years

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

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

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## 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  
*live music internal and external, Dancing, Bouncy castles, Children's play areas (internal and external), light decorations for festivities*

## 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 October 2020 -

Variation 6 July 2023

When does it expire 5 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:

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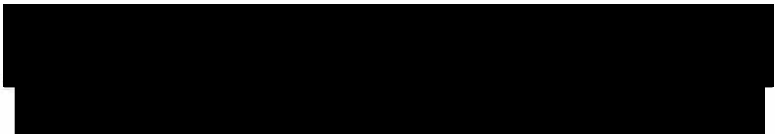
- C) I/We declare that the application is for a temporary licence and therefore no requirement to display a notice is necessary

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



Signature of day to day manager



**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.**

## **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

## Licensing

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**From:** Lee Wilson-2 <Lee.Wilson2@scotland.police.uk>  
**Sent:** 29 December 2023 14:21  
**To:** Licensing  
**Subject:** PEL VARIATION - COCKENZIE HOUSE AND GARDENS  
**Attachments:** PUBLIC ENTERTAINMENT 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.

Good Afternoon,

No police objections.  
Ref: 782665

Regards,  
Lee

## Licensing

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**From:** Robertson, Scott  
**Sent:** 20 December 2023 15:35  
**To:** Licensing  
**Subject:** RE: Emailing: Public Entertainment variation - Cockenzie House.pdf

Hello,

Please note I have no comments or objections to these variations.

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 <https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eastlothian.gov.uk%2F&data=05%7C02%7Clicensing%40eastlothian.gov.uk%7Ce3e50c9e9be9489f26df08dc0171311c%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638386832856750009%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=BJTji9qxws%2FEnGdOzKtsvnPkHCN9dZ5g6kAUPZoCpZ4%3D&reserved=0>

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

**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** 18 December 2023 12:04  
**To:** Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Torquil Cramer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>  
**Subject:** Emailing: Public Entertainment variation - Cockenzie House.pdf

Hi

Please find application attached for Cockenzie House & Gardens to vary the Public Entertainment licence to add the following activities.

(Live music internal and external, Dancing, Bouncy Castles, Children's Play Area, (internal & external), light decorations for festivities).

Thanks  
Christine

Your message is ready to be sent with the following file or link attachments:

Public Entertainment variation - Cockenzie House.pdf

Note: To protect against computer viruses, email programs may prevent you from sending or receiving certain types of file attachments. Check your email security settings to determine how attachments are handled.

## Licensing

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**From:** Licensing Standards Officer  
**Sent:** 19 December 2023 09:43  
**To:** Licensing  
**Subject:** RE: Emailing: Public Entertainment variation - Cockenzie House.pdf

Hi,

I have no objections or comment.

Regards,

Karen

Licensing Standards Officer  
East Lothian Council  
Licensing, Administration and Democratic Services John Muir House Haddington  
EH41 3HA

Tel: 01620 827478  
Mob: 07774 435158

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation . It is recommended that you consult with a licensing agent or solicitor if you require legal advice on matters.

For additional guidance please see the East Lothian Licensing and Forum Website - East Lothian Licensing Forum | East Lothian Council

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

**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** 18 December 2023 12:04  
**To:** Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Torquil Cramer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>  
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## Licensing

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**From:** Douglas, Andrew  
**Sent:** 19 December 2023 07:35  
**To:** Licensing  
**Subject:** FW: Emailing: Public Entertainment variation - Cockenzie House.pdf  
**Attachments:** Public Entertainment variation - cockenzie House.pdf

No objection, standard conditions.

I have sent a copy of the application to Shona Grant and Colin Clark in EP, as I think that they have had a few noise complaints re this premises.

Andrew

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

**From:** Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>  
**Sent:** 18 December 2023 15:51  
**To:** Douglas, Andrew <adouglas@eastlothian.gov.uk>  
**Subject:** FW: Emailing: Public Entertainment variation - Cockenzie House.pdf

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

**From:** Licensing <licensing@eastlothian.gov.uk>  
**Sent:** 18 December 2023 12:04  
**To:** Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; Torquil Cramer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>  
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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.

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**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.

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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.

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## **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.

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## **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.

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**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.

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**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.

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### **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.

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### **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.

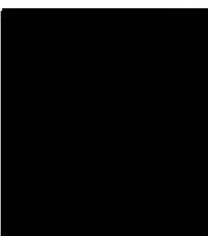
It must be remembered that many people from the community and surrounding area visit Cockenzie House to meet friends, visit the café, sit in the grounds for their health or for peace in the hectic world we live in today. By having events only on a Saturday and no events on a Sunday or on weekdays or 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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