



MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE

**THURSDAY 21 DECEMBER 2023
ONLINE DIGITAL MEETING FACILITY**

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 Campbell, 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.