



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

**THURSDAY 18 JANUARY 2024  
ONLINE DIGITAL MEETING FACILITY**

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**Committee Members Present:**

Councillor C McGinn (Convener)  
Councillor C Cassini  
Councillor C McFarlane  
Councillor J McMillan  
Councillor T Trotter

**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  
Sgt S Miller, Police Scotland

**Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor J Findlay

**Declarations of Interest:**

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

**Sederunt:** *Councillor McMillan left the meeting.*

**1. MINUTES FOR APPROVAL – LICENSING SUB-COMMITTEE, 21 DECEMBER 2023**

Members agreed the minutes were an accurate record of the meeting.

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

An application had been received for a variation of a public entertainment licence (PEL) 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, but highlighted various conditions proposed by Environmental Health (EH) officers. He also highlighted a lengthy objection from a neighbour contained within the papers.

PC Lee Wilson advised that there had been no change in Police Scotland's stance since the application for a PEL renewal had been heard at the previous meeting, and said police did not have any objections or issues to raise.

Alistair Macdonald, agent, spoke to the application, and was accompanied by Marietta di Ciacca and Craig Hodgson, representatives of Cockenzie House and Gardens. Mr Macdonald addressed the festival known as EH32 Live. He advised that when an application for a PEL variation had added live music specifically, this had been granted with a time restriction. He had considered the EH conditions and thought they related only to EH32 Live. He said that his clients were happy for EH32 Live to be restricted to 1 June – 31 August, but were not happy for any other events and live music performances to be restricted to this period. He said that the proposed hours for performance on Saturdays were accepted. He advised that his clients sought to hold EH32 Live events on Sundays, as the festival had traditionally taken place on Sundays as well as Saturdays. As such, his clients asked that music performance be allowed from 2pm-6pm on Sundays. Mr Macdonald reassured Members that performances on Sundays would be small-scale productions which would feature only individual performers or duos, and would give cognisance to objector comments and nearby residents. He said that his clients would not object to a condition being added which disallowed drums being used as part of these Sunday performances. He noted also that the Retro Fair took place on the first weekend of each month and EH32 Live did not run at the same time.

Mr Macdonald noted that other live music outwith EH32 Live could include any performances, such as recitals, string quartets, and choirs. He said that such events were part of the Cockenzie House and Gardens ethos and his clients would not wish these to be restricted in terms of dates or numbers, however, they would be happy for any outside events to finish by 8pm and indoor events to finish by 11pm. He said that his clients acknowledged the public objection to the application but noted that there were no other objections, and he reassured Members that there were good relationships with neighbours.

Mr Macdonald responded to questions from Members. Responding to a question from the Convener, Mr Macdonald advised that his clients had taken concerns raised previously into account. He reported that Craig Hodgson, who operated EH32 Live, had received unannounced assessments from EH and community wardens. Mr Macdonald explained that the community wardens would add Cockenzie House to their weekend rounds and would drop in to carry out noise checks, thus providing his clients with regular feedback. Mr Macdonald said he was unaware of any other issues having been raised by neighbours.

Councillor Cassini asked about the capacity of the venue and asked about imposing a limit on the number of attendees to indoor events. Christine Aitken, Licensing Officer, advised that the premises licence capacity of 500 persons took into account both the indoor and outdoor space.

Officers and Mr Macdonald responded to several questions from Councillor Trotter. Ms Aitken confirmed that the renewal application had been for a period of three years. Mr Forrest reassured Members that a licence review could be called should there be grounds to do so, such as following an upsurge in complaints. Mr Macdonald advised that the request for bands as part of EH32 Live, which was now being suggested to be restricted to Saturdays only, had previously been the line-up for both Saturdays and Sundays. His clients acknowledged concerns raised over noise on Sundays and had proposed a solution that would not cause issue to nearby residents.

Responding to further questions from Councillors Trotter and Cassini, Mr Hodgson advised that in previous years, an acoustic act would have played in an earlier slot on Saturday and a band would have played later in the day. However, as Saturdays did not seem to cause the objector issues, the team had suggested that acoustic performers would play on Sundays and there would be an earlier finish to minimise noise disturbance to neighbouring properties. He advised that music held within the building could include any type of music performed within the Willow Room. Ms di Ciacca added that the capacity of the Willow Room was only around 50 persons. She described some of the events which took place there, including children's parties and workshops. She advised that a live band had played at a Christmas party on 16 December there had been no issues. Mr Macdonald also highlighted that there was a café within the premises. He said that his clients would never wish to have an event in the Willow Room which exceeded capacity and felt it would be helpful if nothing were specified in this regard; he asked Members to accept that his clients would operate events in a way that customers would find pleasant. He advised that a PEL would cover everywhere within the building and grounds. He noted that different capacities were appropriate for various events and it would be difficult to give a specific capacity for every type of event.

The Convener commented that no concerns about numbers, overprovision, or safety had been brought to Members' attention. He said he had used Cockenzie House and Gardens on a number of occasions and had never thought it overcrowded.

Following a question from the Convener and discussion with officers, Mr Macdonald reiterated the suggested conditions. The Convener sought clarification from officers on several points relating to conditions on the current licence. Sheila Fitzpatrick, Team Manager – Licensing and Landlord Registration, clarified that the suggested conditions related to weekend-only restrictions on the festival known as EH32 Live. The Convener then formally proposed the suggested conditions, noted below, and these were seconded by Councillor Trotter.

The Convener then moved to a roll call vote. Members unanimously voted to grant the licence, subject to the conditions proposed by the Convener.

**Decision**

The Licensing Sub-Committee agreed to grant the public entertainment licence variation subject to the following conditions:

- The festival known as EH32 Live may be held between 1 June and 31 August, during which period, the festival may run between the hours of 2pm-8pm on Saturdays and 2pm-6pm on Sundays.
- Outwith EH32 Live events, amplified music would cease at 8pm outdoors and 11pm indoors.

Signed

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Councillor C McGinn  
Convener of the Licensing Sub-Committee