

LICENSING HEARING

Minutes of the meeting held on 27 April 2023 commencing at 1.00 pm

Present: Cllr. Dr. Canet (Chairman)

Cllrs. Layland and Waterton

Also Present:	Cihangir Surucu	Applicant
	Asitha Ranatunga	(Barrister) Legal Representative
	Cllr. Fleming	Local Member (SDC), Representative for Alan Bumstead
	Colin Alden	Environmental Health Representative (SDC)
	Jiang Li	Representor
	Charlene Choong	Representative for Jiang Li
	Susan Lindsey	Senior Licensing Officer (SDC)
	Vikki Thompson	Legal Advisor (SDC)
	Andy Binnie	Democratic Services Officer (SDC)

16. Appointment of Chairman

Resolved: That Cllr. Dr. Canet be appointed as Chairman for the meeting.

(Cllr. Dr Canet in the Chair)

17. Declarations of interest

There were none.

18. LICENSING ACT 2003 VARIATION APPLICATION - Ephesus, 57-59 High Street, Sevenoaks, Kent TN13 1JF

The Chairman welcomed everyone to the Hearing.

The Hearing gave consideration to the report by the Senior Licensing Officer which gave details of an application for a variation of a premises licence for Ephesus Restaurant, 57-59 High Street, Sevenoaks, TN13 1JF. The Sub Committee was informed that representations had been received from the Council's Planning and Environmental Health departments as well as twelve local residents.

The Applicant and his Legal Representative addressed the Hearing. The Application sought to extend the hours for the sale of alcohol along with the supply of refreshments and recorded music on Friday and Saturday nights. The Legal

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Representative stated the intention was for the premises to remain a food led restaurant with music played to enhance the ambience of the food experience. The application did not seek to establish the premises as a nightclub venue. Members were advised that the applicant had been able to hold later hours under temporary event notices on three occasions over the Christmas period. Following a previous review of the premises licence, revised conditions had been adhered to including the fitting of a noise limiter with the assistance of Environmental Health Officers and implementing a Dispersal Policy with two Security Guards on duty from 10pm. The Legal Representative explained that the licensing application was not bound by the decision of the Planning Inspector to refuse planning permission to vary the opening hours past 11pm.

In response to questions from the Sub-Committee Members the Applicant explained that under current conditions last orders for food were taken at 11pm and staff finished their shifts at the premises at midnight. Under the requested variation, staff would remain on the premises until approximately 03:00 hours. The Applicant explained that being able to serve food later would prevent patrons from leaving the premises and travelling into the High-Street to find food.

The Respondents addressed the Hearing. Concerns were raised as to the noise levels at night which had prevented residents from sleeping. Residents considered that the later opening hours requested under the variation application were unreasonable and likely to cause greater noise and disturbance. It was highlighted that the premises was also located near to a local care home. Respondents raised matters of public safety as they had previously experienced anti-social behaviour at the location in the early hours of the morning as patrons left which had resulted in the Police being called. The Environmental Health Representative also raised concerns over noise levels of patrons leaving the premises in the early hours and also recommended limiting last entry of patrons to 11pm.

The Legal Representative for the Applicant advised the Sub-Committee that in consultation with Environmental Health, acoustic levels had been set using a noise limiter which were reasonable and acceptable. In response to a noise complaint during a temporary event notice, Environmental Health had also carried out a site visit and had found that levels were adequately adhered to.

The Applicant also drew Members attention to the agreed dispersal policy which formed part of the conditions of the Licence. This included steps to mitigate the noise and disturbance of patrons leaving the location and outlined how the premises sought to manage this. This detailed that staff would call taxis for patrons who required them and a designated Security Industry Authority (SIA) staff member would ask patrons to leave quietly to minimise disturbance and monitor the street outside. The Applicant also explained that he was undertaking training to become an SIA supervisor.

At 2:00pm the Hearing Members withdrew to consider the issues raised, accompanied by the Council's Legal Advisor and Clerk to the Hearing for the purpose of providing advice only.

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At 2:52pm the Hearing Members, Council's Legal Advisor and Clerk to Hearing returned to the Conference Room.

The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the applicant and interested parties the Licensing Act 2003, Secretary of State's amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy and had decided to reject the application for a variation of the premises licence. The Sub Committee considered that the application was not appropriate for the achievement of the Licensing Objectives, in particular: the prevention of public nuisance, prevention of crime and disorder and public safety.

A full decision notice would be issued within five working days to all interested parties and would be appended to the Minutes.

Resolved: That the variation application for the Premises Licence in respect of Ephesus, 57-59 High Street, Sevenoaks, Kent TN13 1JF be rejected for the reasons laid out in the Notice of Determination as attached as an appendix to these Minutes.

THE MEETING WAS CONCLUDED AT 2.54 PM

CHAIRMAN

Notice of Determination of Application for Variation of Premises Licence

To: Cihangir Surucu

Of: Ephesus Restaurant, 57-59 High Street, Sevenoaks, TN13 1JF

Ref: 23/00893/LAPRE

Sevenoaks District Council being the licensing authority, on the 8 March 2023 received an application for a variation to a premises licence in respect of premises known as Ephesus Restaurant, 57-59 High Street, Sevenoaks, TN13 1JF.

On the 27 April 2023 there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

To REJECT the application for the variation of the Premises Licence.

Reasons for the Decision:

The reasons for the decision are as follows:

Having had regard to the representations made by the Applicant and interested parties, the Licensing Act 2003, Secretary of State's amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy, the Sub-Committee considers that the decision to reject the variation application for licensed activities is appropriate for the achievement of the Licensing Objectives, in particular the prevention of public nuisance, prevention of crime and disorder and public safety.

An extension of licensed hours would not be appropriate at this location and would create noise and disturbance at the premises late into the night and into the small hours of the morning. The Sub-Committee notes that there are greater expectations for residential amenity in the area due to the proximity to a residential area and a local care home.

The potential for anti-social behaviour caused by patrons leaving the premises into the early hours of the morning would also increase risk to public safety and increase the risk of crime and disorder.

The Sub-Committee notes that the premises has, since obtaining their reviewed premises licence, been compliant with the conditions of the licence as well as ceasing activities at appropriate hours. However the Sub-Committee are not satisfied that granting extended hours for licensable activities complies with the achievement of the Councils licensing objectives to minimise nuisance and disturbance to the public through the licensing process.

The Sub-Committee determines that the existing hours on the premises licence remain suitable to achieve the licensing objectives. Therefore, the rejection of the variation application is appropriate.

Note

The Applicant is reminded of the ability to apply for up to 20 temporary event notices per year.

The Applicant is also reminded that the premises is subject to a planning condition which restricts the opening hours of the premises to:

Monday – Saturday from 08:30 hours until 23:00 hours

Sunday and Bank holidays from 12:00 until 22:00 hours.

Dated: 05/05/2023

Please address any communications to:

Licensing Partnership

Sevenoaks District Council
Council Offices
PO Box 182
Argyle Road
Sevenoaks
Kent TN13 1GP

Note: Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.