

## LICENSING HEARING

Minutes of the meeting held on 4 July 2023 commencing at 10.30 am

Present: Cllr. Clack (Chairman)

Cllrs. Barnes and Lindop

Also Present:	Jamie Moore	Applicant's Representative
	PC Phillip Comben	Kent Police Representative
	Susan Lindsey	Senior Licensing Officer (SDC)
	David Lagzdins	Council's Legal Advisor (SDC)
	Phil Magee	Democratic Services Officer (SDC)

### 1. Appointment of Chairman

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

(Cllr. Clack in the Chair)

### 2. Declarations of interest

There were none.

### 3. LICENSING ACT 2003 TEMPORARY EVENT NOTICE - Eureka, Manor Lane, Fawkham, Kent DA3 8ND

The Hearing gave consideration to the report by the Senior Licensing Officer giving details of an application under Section 100 (1) of the Licensing Act 2003 for a Temporary Event Notice (TEN) for Eureka, Manor Lane, Fawkham, Kent DA3 8ND for 15 - 16 July 2023. It was noted that an objection had been received from Kent Police and that accordingly the application had been referred to the Sub-Committee for determination. Attention was directed to the supplementary agenda, wherein the applicant and Kent Police had discussed their objection and agreed that conditions from the premises licence they agreed to be appropriate to be imposed on the TEN. With the agreement of the Sub-Committee and the other attendees, the Senior Licensing Officer tabled further documents provided by the applicant comprising a risk assessment and event management plan.

The Hearing heard from the applicant and asked questions of clarification. The applicant explained that the premises licence applied to the building only, and that the TEN was required for two outdoor music areas and an outdoor bar. These would operate until 11pm, after which attendees would be directed inside the building. The standard security measures deployed for members would also be applied to guests, including the scanning of photographic ID and the collection of all relevant personal details. 300 attendees had been anticipated. SIA security staff would operate for the

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duration of the event in two shifts of seven personnel, with seven marshals assisting each shift. The swimming pool was closed and gated at 8pm, with a life guard on duty for the period it was open (11am – 8pm). CCTV covered the entry gates, the main building, the swimming pool, and would cover the outdoor bar at the event. Some security staff would remain on site and patrol through the night.

The Hearing heard from Kent Police regarding their objection. It was explained that the objection was on the basis of a lack of detail in the initial application, and the historic issue of sexual assault at the premises, though It was noted that this had declined since 2018. The police met with the applicant on 30 June to discuss the event, and were shown risk assessments and detailed information. Both the applicant and the objector found the imposition of the conditions of the premises license satisfactory, excluding the condition requiring the premises to be for members only. The police explained they felt this would help protect the public.

At 10:57 the Hearing Members withdrew to consider the issues raised, accompanied by the Council's Legal Advisor and the Clerk to the Hearing for the purpose of providing advice only.

At 11:12 the Hearing Members, the Council's Legal Advisor, and the Clerk returned to the Conference Room.

The Chairman informed the Hearing that the Sub-Committee considered that the TEN would be acceptable subject to proposed conditions, which would be appropriate in achieving the licensing objectives, in particular public safety and the protection of children from harm.

Resolved: that a counter-notice not be issued for the Temporary Event Notice (TEN) for Eureka, Manor Lane, Fawkham, Kent DA3 8ND for 15 - 16 July, subject to the statement of conditions contained in the prescribed form of notice attached as an appendix to the minutes.

THE MEETING WAS CONCLUDED AT 11.13 AM

CHAIRMAN

PRESCRIBED FORM OF NOTICE (CONDITIONS ON A TEMPORARY EVENT NOTICE) AND  
STATEMENT OF CONDITIONS

**Sevenoaks District Council, Argyle Road, Sevenoaks, Kent TN13 1HG**  
Reference: 23/02418/LATEN

Notice (Conditions on a Temporary Event Notice) – Permitted Temporary Activities

On 21<sup>st</sup> June 2023 the licensing authority received from you, Mr Stuart Moore, a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on 15<sup>th</sup> and 16<sup>th</sup> July 2023 at Eureka, Manor Lane Fawkham, Kent DA3 8ND. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 (“the Act”). The licensing authority has decided not to give you a counter notice under section 105 of the Act and instead is imposing one or more conditions on the notice in accordance with section 106A(2) of the Act.

The attached statement (“statement of conditions”) sets out the condition(s) which has/have been imposed on the notice.

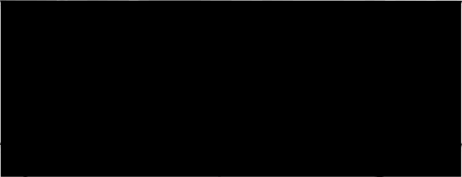
The objection which applies is indicated by an “X” in the following table.

Objection	Insert “X” as applicable
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	X
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	

A copy of this notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the temporary event notice you gave is situated.

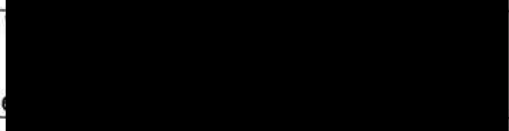
The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine of any amount, or to both.

SIGNATURE	On 	DATE	04.07.23
Officer Print name	SUSAN LINDSEY		

**The condition(s) is/are:**

1. The premises will have installed a comprehensive CCTV system that enables frontal ID of every person entering the premises. The System shall continually record for 24 hours a day. Recordings shall be stored and will be made available on request within 31 days.
2. A staff member conversant with the operation of the CCTV system will be available at all time to provide copies to the relevant authorities.
3. CCTV must be on the front entrance gate and internal areas of the Clubhouse (excluding the Spa) to see who is being let in.
4. A list of every club member's details is available for inspection by relevant authorities.
5. Zero Tolerance to drugs is enforced and any illegal drugs will be confiscated and disposed of in the correct manner.
6. Signs must be displayed to say the premises has a zero tolerance on drugs. If drugs are found, the person/s are to be barred and the Police informed immediately.
7. SIA staff must be on site every day. On party nights, a minimum of 2 SIA staff must be present; all SIA staff are required to sign in and out when they are on duty.
8. If the premises is used by a Third Party, a comprehensive list of staff members, activities, safety measures and contact details of organisers will be taken and stored for a minimum of six months.
9. A designated member of staff, employed by the Licence Holder, will supervise any Third Party events.
10. Sign must be displayed on the gate to ask members to respect the neighbours and leave quietly.
11. Glasses are to be plastic.
12. No person under 18 years old are to be allowed on site.

<b>SIGNATURE</b>		<b>DATE</b>	04.07.23
<b>Officer (print name)</b>	SUSAN LINDSEY		