

APPLICATION TO VARY A PREMISES LICENCE – Ephesus, 57-59 High Street, Sevenoaks. TN13 1JF

Licensing Committee – Friday 10th May 2024 at 10.30am

Report of: Chief Officer Planning & Regulatory Services

Status: For Decision

Key Decision: No

Portfolio Holder: Cllr. Margot McArthur

Contact Officer: Jessica Foley Ext. 7480

Recommendation to Licensing Sub Committee:

The Licensing Sub Committee is asked to determine the application in accordance with the Licensing Act 2003 (as amended), Sevenoaks District Council Statement of Licensing Policy, and the Home Office Guidance issued per Section 182 of the Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.

Reason for recommendation:

A variation application has been received for a Premises Licence pursuant to Section 34 Licensing Act 2003. 2 representations against the application have been made by local residents that have not been withdrawn.

1.1 Background

1.2 An application to vary a Premises Licence, submitted by Mrs Cilem Dogan via her agent (Mrs Aysen Ipek Kilic of NARTS), was received 20th March 2024. A copy of this variation application can be found at (**Appendix A**) with the proposed new Plan at (**Appendix B**)

1.3 The nature of the proposed variation which is the subject of the variation application is to:

Add Late Night Refreshment – Friday and Saturday from 23:00 to 00:00 hours.

Include the garden space to the licensable area.

- 1.4 No changes are requested to be made to the Operating Schedule or Conditions of the Licence.
- 1.5 A copy of the current Premises Licence (ref 20/01376/LAPRE) with associated plans are at (**Appendix C.1 (and C.2 redacted)**) and (**Appendix D**)

2.1 Representation received from Responsible Authorities:

2.2 The following Statutory Bodies (described as Responsible Authorities by the Licensing Act 2003) were consulted about this application

Kent Police	No objection
Environmental Health	No objection with comments (Appendix E)
Kent Fire	No comment made
Child Protection	No comment made
Trading Standards	No comment made
Health & Safety	No objection
Planning	No comment made
Public Health	No comment made
Home Office Immigration	No comment made

3.1 Representations received from others

- 3.2 Representations objecting to this application have been received from 1 local resident. Copies of the representations are at (**Appendix F.2**) along with the response sent from the Senior Licensing Officers.

4.1 Licensing Sub Committee Considerations

- 4.2 In determining the application with a view to promoting the licensing objectives, the Sub Committee must give appropriate weight to:

The steps that are appropriate to promote the licensing objectives
The representations presented by all parties
The Home Office Guidance issued under section 182 Licensing Act 2003
The Sevenoaks District Council Statement of Licensing Policy
Any other relevant legislation.

- 4.3 The Licensing Act 2003 requires representations to address the four Licensing Objectives:

Prevention of crime and disorder
Public safety
Prevention of public nuisance
Protection of children from harm

A representation is a 'relevant representation' if it is about the likely effect of the grant of the licence on the promotion of the licensing objectives. The objector must establish that such a consequence is a *likely* effect of the grant (i.e. more probable than not).

4.4 Sevenoaks District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. A link to this Policy is in the Background Papers section at the end of this report.

4.5 The aims of the Policy are:

To minimise nuisance and disturbance to the public through the licensing process

To help build a fair and prosperous society that properly balances the rights of people and their communities

To integrate its aims and objectives with other initiatives, policies plus strategies that will reduce crime and disorder, encourage tourism, encourage an early evening and night time economy which is viable, sustainable and socially responsible, reduce alcohol misuse, encourage employment, encourage the self-sufficiency of local communities, reduce the burden of unnecessary regulation on business, and encourage and promote, live music, dancing and theatre for the wider cultural benefit of communities generally.

4.6 The Licensing Sub Committee should be mindful of requirements and responsibilities placed on them by other legislation, in addition to those contained within the Licensing Act 2003. These include, but are not limited to, having due regard to the Equality Act 2010 and the Human rights Act 1998.

4.7 The Sub Committee is asked to note the procedures relating to this hearing which are contained within The Licensing Act 2003 (Hearing Regulations) 2005 (as amended). A link to these Regulations are in the Background Papers section at the end of this report.

5.1 Options

5.2 When considering this variation for a premises licence, the following options are available to the Sub Committee:

- Grant the variation in the same terms as it was applied for
- Grant the variation, but modify the conditions as appropriate for the promotion of the licensing objectives.
- Grant the variation, but modify the hours of licensable activity as appropriate for the promotion of the licensing objectives.
- Reject the variation application.

6.1 Right of Appeal

6.2 Under Section 181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal to the Magistrates Court in respect of variation applications to Premises Licences. This right of appeal is open to both the applicant and to any person who has made relevant representation. The appeal application must be made within 21 days of the written notification of the Sub Committee's decision.

Key Implications

Financial

A decision made by the Sub Committee may be appealed by any party to the proceedings of a Magistrates Court. Costs associated with this matter and incurred by any party, may in certain circumstances be awarded against the Council.

Legal Implications and Risk Assessment Statement.

This Hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005.

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where decision departs from the Policy or Guidance, the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

Appendices

Appendix A – Application to vary a Premises Licence

Appendix B – Proposed Plan

Appendix C.1 – Current Premises Licence

Appendix C.2 – Extra conditions private from public view

Appendix D - Current Plan

Appendix E – EH No objection with comments

Appendix F.2 - Representations from resident and responses

Background Papers

[Licensing Act 2003](#)

[Revised Guidance issued under section 182 of Licensing Act 2003](#)

[Sevenoaks District Council Statement of Licensing Policy](#)

Richard Morris
Chief Officer Planning & Regulatory Services