

14 October 2022 at 10.30 am

Council Chamber, Argyle Road, Sevenoaks

Published: 29.09.22

This meeting will be livestreamed to YouTube here:

https://www.youtube.com/channel/UCLT1f_F5OfvTzxjZk6Zqn6g



Licensing Hearing

Membership:

Chairman: TBC

Cllrs. Bonin, Pett, Raikes

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Appointment of Chairman		
2. Declarations of interest		
3. LICENSING ACT 2003 REVIEW APPLICATION - Ephesus, 57-59 High Street, Sevenoaks, Kent. TN13 1JF	(Pages 1 - 150)	

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

Consideration of Exempt Information Recommendation:

That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting when considering Appendices I, K, M, O, and sections NC1, NC2, SDL/05 – SDL/15, SDL/19, and SDL/20 of Appendix AA of Agenda Item 3 above, on the grounds that likely disclosure of exempt information is involved as defined by Schedule 12A, paragraph 2 (Information which is likely to reveal the identity of an individual.)

Licensing Act 2003

1.1. Hearings shall be conducted in accordance with this Procedure Note which the Sub-Committee may vary at their discretion if considered in the public interest subject to The Licensing Act 2003 (Hearings) Regulations 2005.

1.2. The quorum for a Sub-Committee shall be two members.

1.3. At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.

1.4. The order of business at hearings shall be:

(a) Election of Chairman.

(b) Declarations of interests.

(c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.

(d) Chairman ascertains who is assisting or representing the parties.

(e) Officer presentation of report

(f) Applicant (or his/her representative) addresses the Sub-Committee.

(g) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the applicant.

(h) Any representatives of Public or Statutory Bodies who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.

(i) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.

(j) Other persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.

(k) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.

(l) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.

(m) Applicant (or his/her representative) makes closing address.

(a) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.

(b) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.

(c) The parties will usually be informed of the decision at the Hearing with a decision notice issued thereafter in accordance with Regulation 26 of the 2005 Regulation, along with details of any applicable appeals process.

This page is intentionally left blank

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

Licensing Sub Committee - Friday 14th October 2022

Report of: Chief Officer Planning & Regulatory Services

Status: For Decision

Key Decision: No

Portfolio Holder: Cllr. McArthur

Contact Officer(s): Jessica Foley, Ext. 7480

Recommendation to Licensing Sub-Committee:

The Sub Committee is asked to determine the Review 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 subject's representation.

Reason for recommendation: A Review application has been received in relation to a Sevenoaks District Council Licensed Premises pursuant to Section 51 of the Licensing Act 2003.

Introduction and Background

- 1 On 12th July 2022 a review application was submitted by Ms Susan Lindsey, Senior Licensing Officer, Licensing Authority in relation to Ephesus, 57-59 High Street, Sevenoaks, Kent. TN13 1JF accompanied by a witness statement and video evidence. **(Appendix A to S)**
- 2 The proceedings set out in the Licensing Act 2003 for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives occur after the grant of a premises licence.
- 3 At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 4 The grounds for review in this particular case are outlined by the applicant in their review application **(Appendix A)** where unauthorised licensable

Agenda Item 3

activities being the sale of alcohol and the provision of regulated entertainment were witnessed.

- 5 The Premises Licence Holder, Mr Cihangir Surucu was served a copy of the review application on 12th July 2022.
- 6 Licensing Objectives which are the subject of this Review is The Prevention of Crime and Disorder.
- 7 The review application has been advertised in line with the Licensing Act 2003 (Premises Licence and Club Premises Certificates) Regulations 2005.
- 8 An original hearing date was set for 30 August 2022, but the Hearing was rescheduled to allow new representatives for the Licence Holder time to prepare.

Background information

- 9 On 27th July 2021 Licensing liaised with Environmental Health regarding a noise complaint at 23:15 hours on Friday 23rd July 2021. The DJ was very loud and the doors were open onto the garden.
- 10 When an Environmental Health Officer arrived at 23:20 hours there were two bouncers outside and two lads going into the premises, the Environmental Health Officer could hear music when the door was open and there were quite a few people milling around outside.
- 11 A Senior Licensing Officer spoke to Mr Surucu and notified him of the issues raised above. He categorically states that the music finishes at 11pm and the doors to the back garden are kept closed. The people out the front are smokers (as he doesn't want them in the back garden as he has neighbours who are close) - and those customers out the front are monitored by the SIA staff. I have notified Mr Surucu that music must NOT play beyond 11pm and any background music should not be audible even with the doors open.
- 12 On 09/08/2021 Licensing received information from the Police regarding noise and antisocial behaviour from the premises as well as a breach of licensing hours. A Senior Licensing Officer requested CCTV to pass over anything from the weekend of 6th and 7th August from midnight to 12.45am - and anything else from previous weekends where issues may have occurred. CCTV responded that there is no real indication that the premises are operating beyond their licensing hours from any footage they have.
- 13 On 06/01/2022 Licensing were notified that Environmental Health had received a complaint regarding Ephesus. They were not able to enforce mask wearing in hospitality at the moment, but the complainant made some

comments about overcrowding and also keeping the doors shut. Licensing confirmed that there are currently no conditions regarding doors and windows being kept closed at the premises and that they do not have music on their licence so under deregulations they need to stop at 23:00 hours unless a TEN (Temporary Event Notice) is in place.

- 14 On the 09/02/2022 Licensing were informed that the Planning team had received an application for Ephesus to change the operating hours and a decision was due by 01/04/2022.
- 15 On 11/02/2022 Mr Surucu was emailed a letter from a Senior Licensing Officer to notify him that they were aware of complaints received by Environmental Health and to remind him of what his Premises Licence authorises. The letter stated that the name of this premises had been passed to the out of hours team. If they receive any further complaints regarding this premises, they will endeavour to visit to witness the situation. If they witness a breach of the licence conditions this Authority will consider formal action. Letter attached as **Appendix T**.
- 16 On 22/02/2022, Environmental Health arranged a meeting for Mr Surucu to attend the council offices to listen to some recordings that Environmental Health felt indicates excessive noise levels. Also in attendance was a Senior Licensing Officer and a Police Officer.
- 17 On 20/04/2022 Planning informed Licensing that the application for Ephesus to extend their opening hours had been refused.
- 18 On 24/05/2022 A Senior Licensing Officer attended a PubWatch meeting where other premises said their customers were telling them that Ephesus is open well past 23:00 hours which is their closing time for Planning and past 00:30 hours which is their closing time for Licensing.
- 19 On 26/05/2022 Licensing received a copy of a letter that Planning had sent to Ephesus following a reported breach of planning conditions. **Appendix U**.
- 20 On 27/05/2022 A Senior Licensing Officer, Ms Susan Lindsey visited Ephesus to undertake out of hours monitoring.
- 21 On 31/05/2022 Ms Susan Lindsey tried to call Mr Surucu regarding the monitoring of the premises and left a message on an answerphone leaving a contact number to call back.
- 22 On 07/06/2022 Ms Susan Lindsey called Mr Surucu at 09:35 hours. Mr Surucu answered but said he had just returned home from holiday and was too tired to speak. He was informed of the monitoring that had taken place and it was agreed that Ms Susan Lindsey would call back later that afternoon.

Agenda Item 3

- 23 Ms Susan Lindsey called back at 15:35 hours. Mr Surucu informed her that he had been away for a couple of weeks. He was informed again about the premises being visited and that Ms Susan Lindsey purchased a gin and tonic after his licensing hours ended at 12 midnight. Mr Surucu told Ms Lindsey that his hours were until 12.30am, but that his application was being appealed by Lyondale. Lyondale are planning consultants, so Ms Susan Lindsey explained he had possibly just appealed the planning application submitted to increase his hours, not a licensing application as both his variation applications were withdrawn before any Committee so there is no decision of the Authority to appeal in this case. He seemed confused about this matter so he was advised to speak with Lyondale to get more clarity of their instruction.
- 24 Ms Susan Lindsey informed Mr Surucu that Licensing have two options with regard to the breaches of his licence as she considers offences under the Licensing Act 2003 might have occurred. Possible action the authority can take are a) to consider prosecution for the offences and/or b) review the licence. Ms Susan Lindsey asked if Mr Surucu had any CCTV footage from 27/05/2022 and he confirmed that his recordings last 1 month. She also asked if he would have a record of payments received across the bar which he said he would have. Ms Susan Lindsey informed Mr Surucu that he may wish to seek legal advice as her next step will be to invite him to an interview under caution for the offences she believes had taken place on 27/05/2022 under the Licensing Act 2003.
- 25 On 05/07/2022 An Interview under Caution was undertaken with Mr Surucu and a representative from Lyondale Limited.
- 26 On 11/07/2022 Ms Susan Lindsey emailed Mr Surucu to notify him that no prosecution proceedings will be pursued but a review application will be submitted.

Responsible Authorities

- 27 The following responsible authorities have been sent notification of the review application by Ms Susan Lindsey and the response from authorities concerned is as follows:
- 28 Environmental Protection Comment Received (**Appendix Y**)
- | | |
|-----------------------|--|
| West Kent Fire Safety | No comment |
| Trading Standards | No comment |
| Public Health Kent | No comment |
| SDC Planning | Comment Received (Appendix V) |
| Kent Child Protection | No comment |

Health & Safety	No comment
Kent Police	Comment Received (Appendix W)
Home Office	Comment Received (Appendix X)

Representations received from others

- 29 Representations supporting this review application have been received from 2 local residents and 1 person representing a business in the local area. A copy of these representations are at **Appendix Z**.

Reviewed Premises

- 30 The premises licence at 57-59 High Street, Sevenoaks, Kent. TN13 1JF was transferred to Mr Cihangir Surucu on 23/10/2018 and renamed Ephesus (Formally Spice Club).
- 31 A variation application was issued on 15/07/2019 to include off sales of alcohol for online sales orders, alcohol sale only with food orders delivered to customers. The changes took effect from this date.
- 32 On the 29/06/2021 a variation application was submitted to extend the hours of operation and add live entertainment on Friday and Saturday evenings but this application was withdrawn on 09/09/2021.
- 33 On the 17/12/2021 a variation application was submitted to extend the terminal hour for sale by retail of alcohol Friday and Saturday until 01:00 hours and add Late Night Refreshment for Friday and Saturdays from 23:00 to 01:00 hours. This application was also withdrawn on 03/02/2022.
- 34 On the 19/08/2022 a witness statement was written along with evidence of unlicensed activities and a fight occurring outside the premises. All information is attached at **Appendix AA**.
- 35 On the 08/09/2022 a Minor Variation application was submitted to add conditions to the Premises Licence. Environmental Health commented on the wording of one of their suggested conditions and an agreement was made. Attached at **Appendix AB**. This licence was granted from 24/09/2022.
- 36 A copy of the current Premises Licence is attached to this report at **Appendix AC** showing the licensable activities currently authorised at the premises including the conditions attached to the licence. Plan of licenced premises at **Appendix AD**. Map of the area at **Appendix AE**.

Agenda Item 3

Licensing Sub Committee Considerations

37 In determining the Review application with a view to promoting the licensing objectives in the overall interests of the local community, the Licensing Authority 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 of the 2003 Act
- The Sevenoaks District Statement of Licensing Policy
- Any other relevant legislation including section 17 Crime and Disorder Act 1998 which imposes a duty on each local authority to exercise its various functions with due regard to the likely effect on the exercise of those functions and the need to do all it reasonably can to prevent crime and disorder in its area. The Sub Committee should also consider this application in light of the Human Rights Act 1998. It is unlawful for a public authority to act in a way which is incompatible with a human right.

Sevenoaks District Council Statement of Licensing Policy

38 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.

39 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.

Options

40 Where the Sub-Committee considers that action under its statutory powers is appropriate, it must take such of the following steps as it considers appropriate (if any):

- Modify the conditions of the premises licence

- Exclude a licensable activity from the scope of the licence
- Remove the Designated Premises Supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

Right of Appeal against review decision

- 41 An appeal against the review decision may be made to a magistrates' court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder and any other person who made relevant representations.
- 42 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

Key Implications

43 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.

44 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.

45 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

46 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

Agenda Item 3

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 - Review Application submitted by Ms Susan Lindsey, Senior Licensing Officer, Licensing Authority

Appendix B - Witness Statement: Ms Susan Lindsey

Appendix C to S - Evidence from Ms Susan Lindsey (Video Evidence not for public, for Licence Holder and Sub Committee to View)

Appendix T - Letter regarding complaints

Appendix U - Letter to Premises from Planning

Appendix V - Comments from Planning

Appendix W - Comments from Police

Appendix X - Comments from Home Office

Appendix Y - Comments from Environmental Protection

Appendix Z - Comments from others

Appendix AA - Supplementary Agenda

****Sections NC1 and SDL/20 of Appendix AA have been moved to the end of the Agenda pack****

Appendix AB - EH comments agreeing wording of conditions for Minor Variation

Appendix AC - Current Premises Licence

Appendix AD - Plan of premises

Appendix AE - Map showing area

Background Papers

[Licensing Act 2003](#)

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

Richard Morris
Chief Officer Planning and Regulatory Services

This page is intentionally left blank

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Susan Lindsey

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Ephesus
57-59 High Street

Post town
Sevenoaks

Post code (if known)
TN13 1JF

Name of premises licence holder or club holding club premises certificate (if known)

Mr Cihangir Surucu

Number of premises licence or club premises certificate (if known)

19/01981/LAPRE

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

✓

3) a member of the club to which this application relates (please complete (A) below)

Agenda Item 3

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Susan Lindsey Senior Licensing Officer Sevenoaks District Council Argyle Road Sevenoaks Kent TN13 1HG
Telephone number (if any) 01732 227491
E-mail address (optional) susan.lindsey@sevenoaks.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓
✓

Agenda Item 3

Please state the ground(s) for review (please read guidance note 2)

The prevention of crime and disorder

On Friday 27th May 2022 I arranged to undertake ‘out of hours’ monitoring (which included ‘Ephesus’) following the receipt of information that the premises was operating outside of it’s authorised licensable hours.

I entered Ephesus at 00:05 hrs and I purchased an alcoholic beverage from the bar at 00:07 hrs (7 minutes after the licensable activity ‘the sale of alcohol’ ceases on their current Premises Licence 19/01981/LAPRE).

Whilst in the premises I witnessed a DJ providing recorded music for customers dancing. The premises licence does not authorise regulated entertainment; but they can provide this, without the need for a licence, up to 23:00 as a result of de-regulation.

When I left the premises at 00:18 hrs, the bar was still serving drinks, the DJ was still playing recorded music, and the customers were still dancing – there were no signs of the premises closing.

I monitored the premises from a distance of approximately 35 meters away until 01:20 hrs. Customers were still entering and exiting the premises with ease and I could clearly hear what music was playing when the doors to the premises opened.

On this night I witnessed unauthorised licensable activities : the sale of alcohol and the provision of regulated entertainment.

The Licence Holder was invited into the Council offices for an interview on Tuesday 5th July (by way of a letter sent on 8th June : copy attached marked **SL/17**) which requested that he ensure that CCTV footage from the night in question was downloaded and available for the Local Authority to view and to do this before the footage is overwritten. Bar receipts were also requested.

The Licence Holder confirmed at the interview on 5th July, that CCTV footage was not available for that particular night, and that receipts could only be provided up until 12 midnight.

Please provide as much information as possible to support the application (please read guidance note 3)

I have attached to this application my witness statement and associated evidence **SL/01 to SL/16**.

I would ask the Licensing Sub-Committee to please consider the following actions:

To consider an appropriate period of suspension of the Premises Licence reflecting the seriousness of the undertaking of unauthorised licensable activities.

To take into consideration the current planning condition attached to the premises – ‘The hours of opening of the restaurant shall be restricted to 8.30am to 11pm from Monday to Saturday and 12 noon to 10pm on Sunday and Public Holidays’

To add conditions to their current Premises Licence:

- The premises will have a working CCTV system installed.
All public areas of the licensed premises, including all public entry and exit points and the area immediately in front of the premises will be covered.
The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with accurate date and time stamping.
A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public.
This staff member shall be able to show the Police or a Licensing Authority Officer recordings immediately when requested.
CCTV data will be downloaded and provided upon request by either the Police and/or a Local Authority Officer and this will be provided within 3 working days of receipt of the request.
Should the CCTV system break, Local Authority Licensing will be notified within 48 hours.
- A staff member who is conversant with the operation of daily bar sales will be available at all times the premises is open to provide either Kent Police or a Local Authority Officer with a print-out of bar sales for the hours requested at the time of request.
- All staff will be trained in their roles and responsibilities under the Licensing Act 2003. This will include
 - a) Knowledge of the premises licensable hours
 - b) Knowledge of the Designated Premises Supervisor (in particular who they are, how they can be contacted at any time, and what his/her responsibilities are)
 - c) Knowledge of any conditions attached to the premises licence
 - d) The four licensing objectives
 - e) Underage Sales
 - f) Proxy Sales
 - g) The keeping and maintenance of a refusals log
 - h) Recognising signs of drunkenness and vulnerability
 - i) Actions to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services.Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed at regular 6 monthly intervals. Training records shall be made available for inspection upon request by Kent Police or an authorised Local Authority Officer.

Agenda Item 3

- An incident report book will be kept on site and will be available for inspection by either Kent Police or a Local Authority Officer when requested. This book will contain information on all incidents at the premises and will include the date and time, staff names, a breakdown of each incident, and what remedial action was taken : if any.
- A refusals register will be kept on site and will be available for inspection by either Kent Police or a Local Authority Officer when requested. This register will contain information on all refusals at the premises and will include the date and time, the product and reason for refusal, the name and signature of the staff member involved and any associated comments.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

n/a

Agenda Item 3

Please tick ✓

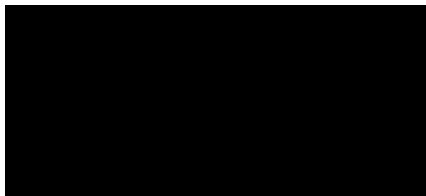
yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**



Signature

.....

Date 12th July 2022

.....

Capacity Senior Licensing Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

This page is intentionally left blank



STATEMENT OF WITNESS

Statement of : Susan Lindsey

Age of witness (if over 18 enter "over 18") : over 18

Occupation of witness: Senior Licensing Officer, Sevenoaks District Council

I have been employed as the Senior Licensing Officer with Sevenoaks District Council since 8th June 2020. Prior to this I worked with both Lewes and Eastbourne Council's undertaking duties of a similar nature since 2007. My responsibilities include the administering of applications and the issuing and enforcement of licences for all areas of alcohol and entertainment licensing under the Licensing Act 2003. I make this statement from my own knowledge.

On Wednesday 25th May 2022 it was brought to my attention that the premises 'Ephesus' (57-59 High Street, Sevenoaks) regularly operates until 2am.

The current Premises Licence issued under the Licensing Act 2003 (number 19/01981/LAPRE) under which 'Ephesus' are authorised; allows the sale of alcohol (for consumption both on and off the premises) on Monday through to Saturday from 10am to 12 midnight, and on Sundays from 12 noon to 11.30pm. Attached as evidence **SL/01**

De-regulation changes mean that no licence is required for either live or recorded music for any performance between 8am and 11pm on any day on premises authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500, and that any condition on the Premises Licence is suspended between these hours. (To note here; the extension to the rear side of the premises is not part of the licensable area so does not benefit from this particular de-regulation for recorded music.)

I have been informed by the Sevenoaks District Council Planning Department that the planning permission for this premises states 'The hours of opening of the restaurant shall be restricted to 8.30am to 11pm from Monday to Saturday and 12 noon to 10pm on Sunday and Public Holidays'.

On Friday 27th May 2022 I arranged to undertake 'out of hours' monitoring in order to assess whether the premises is operating beyond it's authorised licensable hours and to gather any evidence of breaches.

At 23:15hrs on Friday 27th May 2022 I parked my vehicle outside the Chequers Public House in Sevenoaks High Street (shown on attached evidence **SL/02** by a red square).

Agenda Item 3

I walked towards Ephesus, and on the corner at HSBC bank (shown on attached evidence **SL/02** by a black square) I noticed the door to Ephesus was open and music was clearly audible – I could hear the words ‘going crazy right now’. There were 5 people outside. The doors to the premises shut and the music was hardly audible.

I walked to the rear of the premises and took a video at 23:21 hrs which is attached as evidence **SL/03** and **SL/04**.

I then left the area to undertake monitoring checks on other premises. The other licensed premises in the High Street were very quiet with only a handful of customers in.

At 23:49 hrs I returned to the High Street and parked outside ‘Savills’ (shown on attached evidence **SL/02** by a blue square) facing towards the premises. The premises are clearly still open and allowing customers to enter and exit. At this time there are around 10 people congregated outside. At times, I can clearly hear the music with the windows of my vehicle down, but this is only when the door to the premises is open. I can hear ‘Rocket Man’. There is no background noise apart from when a vehicle drives past. I can hear the customers ‘chatting’ but there is no disorder.

At 23:55 hrs 3 customers leave, the remainder go back inside the premises. The door is opened for them by a Security Guard.

At 23:59 hrs a taxi arrives and pulls up outside the premises, waits a couple of minutes, then leaves.

I then left my vehicle and walked to ‘Ephesus’. The door was opened for my by the SIA security guard at 00:05 hrs. The premises was very busy with (I estimate around 40 people inside). At 00:07 hrs I walked to the bar and asked for a gin and tonic. I had to repeat my order to the barmaid as she couldn’t hear what I was saying above the volume of the music. I successfully purchased a gin and tonic for £6 and whilst I ordered this, two other people ordered drinks who were standing at the bar. Attached as evidence **SL/15** and **SL/16**

I walked towards the rear of the premises and noticed that on the right hand side, just beyond the bar was a DJ with a ‘set of decks’ providing the music for people to dance. The extension area of the premises (which is not covered by the Premises Licence) was shut and not being used. I sat down at one of the tables at the back of the premises and recorded two videos (attached as evidence **SL/05**, **SL/06** and **SL/07**, **SL/08**). It is obvious to me that people were there to enjoy the DJ, have a dance and drink. The atmosphere was that of a ‘party’. No food was available.

I left the premises as 00:18 hrs at which point I witnessed a further drink sale at the bar. There had been no announcement that the bar was shutting and it appeared to me that it was still very much ‘open for business’. The tills used look very sophisticated so the premises should be able to provide evidence of the

sales made and at what time. The payments I witnessed were all being made with a card payment facility.

I returned to my vehicle and continued to monitor the premises for a further hour until 01:20 hrs. During this time customers were still exiting and entering the premises with ease, and when the door opened I could hear the music being played. At 01:05 hrs I could hear the words to a song 'we had it almost every night' and again at 01.09 hrs the door opened again and I heard the words 'dancing in the moonlight' Attached video evidence **SL/09**, with confirmation of the timing of this video at **SL/10** and video **SL/11**, with confirmation of the timing of this video at **SL/12** and video **SL/13**, with confirmation of the timing of this video at **SL/14** showing the customers outside the premises and their entering and exiting the premises at the following times:

SL/09 – 00:44 hrs

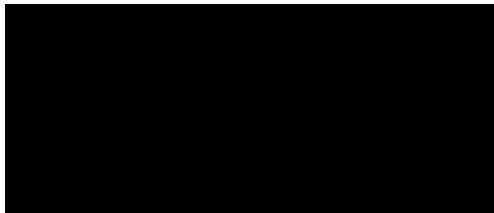
SL/11 – 01:05 hrs

SL/13 – 01:06 hrs

At 01:20 hrs there was no sign that the premises was shutting or beginning to ask people to leave so I finished my monitoring for the evening and went home.

Dated this thirtieth day of May 2022

Signed

A large black rectangular redaction box covering the signature of Susan Lindsey.

Print name SUSAN LINDSEY

This page is intentionally left blank

PREMISES LICENCE



The Licensing Act 2003
Schedule 12, Part A

Premises Licence Number	19/01981/LAPRE
--------------------------------	----------------

Part 1 – Premises Details

Postal address of premises , or if none, ordnance survey map reference or description, including Post Town & Post Code	
Ephesus 57-59 High Street Sevenoaks Kent TN13 1JF	
Telephone number	None Supplied

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Sale or Supply of Alcohol

Times the licence authorises the carrying out of licensable activities	
Sale or Supply of Alcohol	
Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	12:00 - 23:30

The opening hours of the premises	
Sunday	12:00 - 00:00
Monday to Saturday	10:00 - 00:30

The non-standard opening hours of the premises
Not applicable

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption both on and off the premises.

Licence Number: 19/01981/LAPRE
Issue Date: 23/07/2019

Page 1 of 5

Agenda Item 3

Part 2

Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence

Mr Cihangir Surucu
57-59 High Street
Sevenoaks
Kent TN13 1JF

Registered number of holder, for example company number, charity number (where applicable)

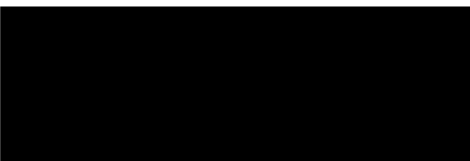
Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Cihangir Surucu
[REDACTED]
[REDACTED]
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: LEW 5098
Licence Authority: London Borough Of Lewisham



Richard Wilson
Chief Officer - Environmental &
Operational Services
Sevenoaks District Council

Licence Number: 19/01981/LAPRE
Issue Date: 23/07/2019

Page 2 of 5

Annex 1 – Mandatory conditions

The supply of alcohol

- Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

(a) at a time where there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions in force from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula— $P = D + (D \times V)$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Agenda Item 3

4. - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Conditions in force from 01 October 2014

1.— (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.— (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

Agenda Item 3

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Annex 2 – Embedded conditions

EC0603 - Regulated Entertainment - (from original Justices Licence)

Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.

EC0601 - Credit Sales (from original Justices Licence)

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, is consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess

Annex 3 – Conditions consistent with the Operating Schedule

1. ID will be requested at the time of delivery, by the delivery driver or associated employee or third party, to confirm the age of the person accepting the alcohol and/ or making the order.

Annex 4 – Conditions attached after a hearing by the licensing authority

Not applicable

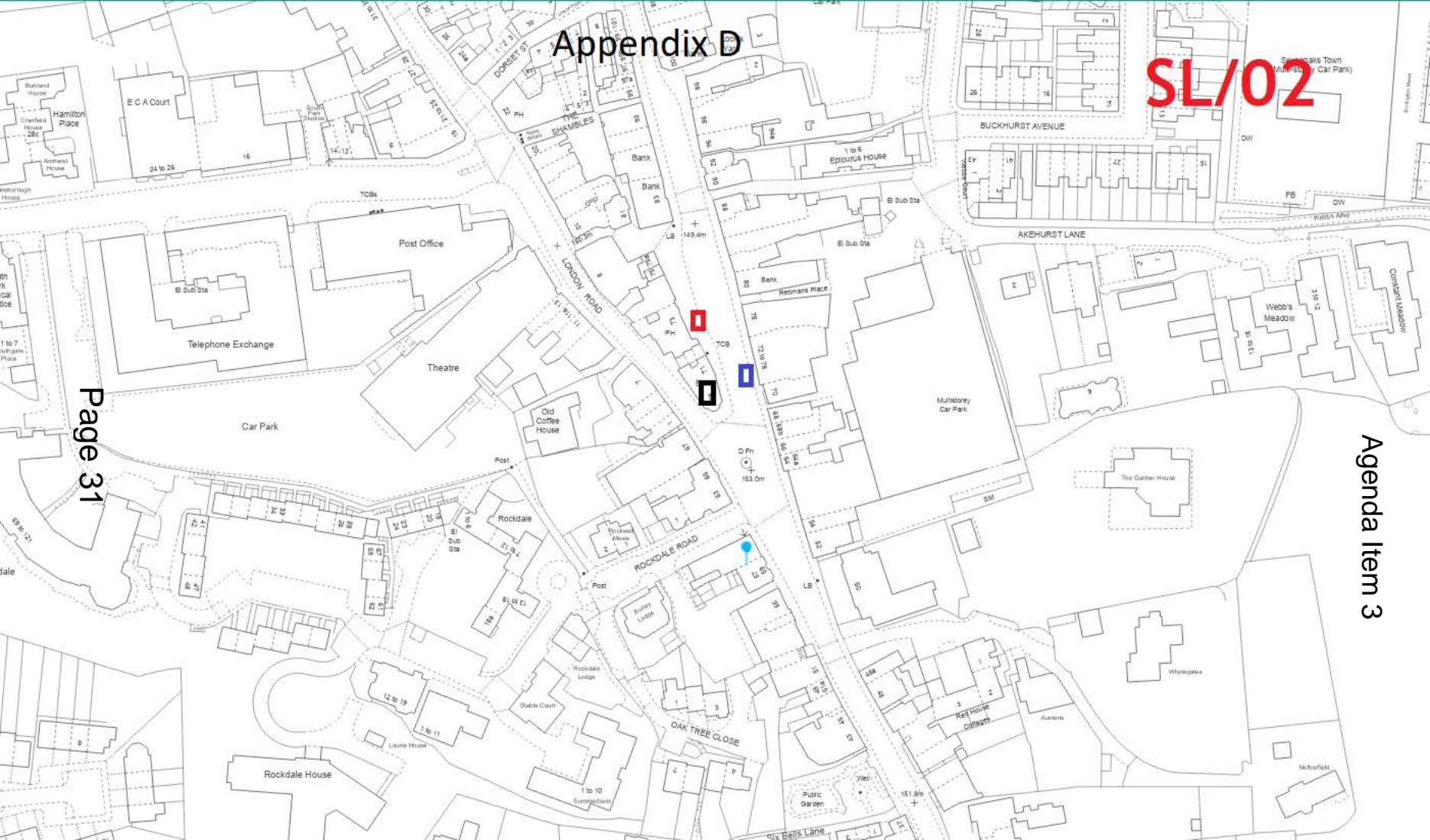
Annex 5 – Plans

Please see attached

This page is intentionally left blank

Appendix D

SL/02

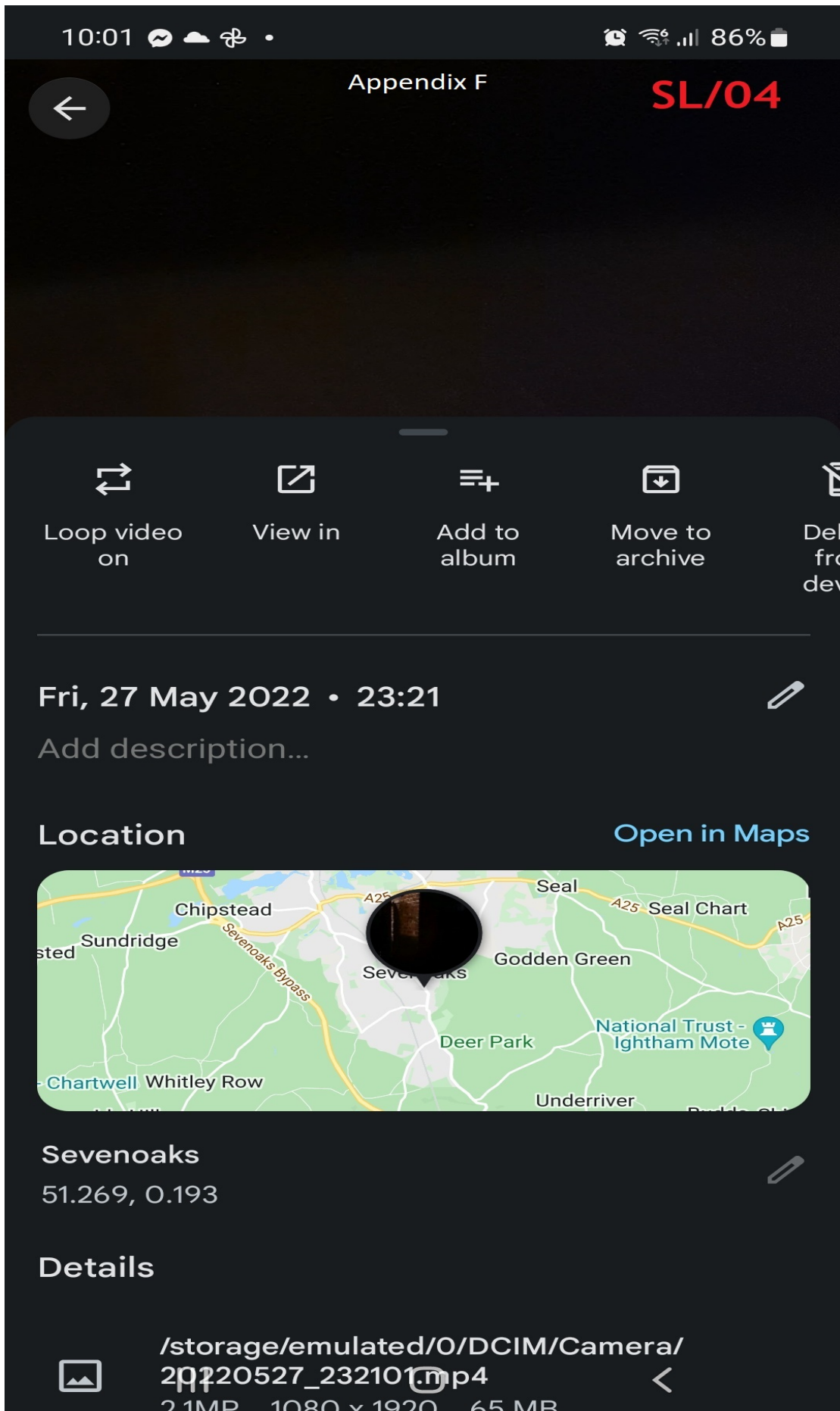


This page is intentionally left blank

Appendix E

Appendix E is a video that will be shown in the Licensing Hearing.

This page is intentionally left blank

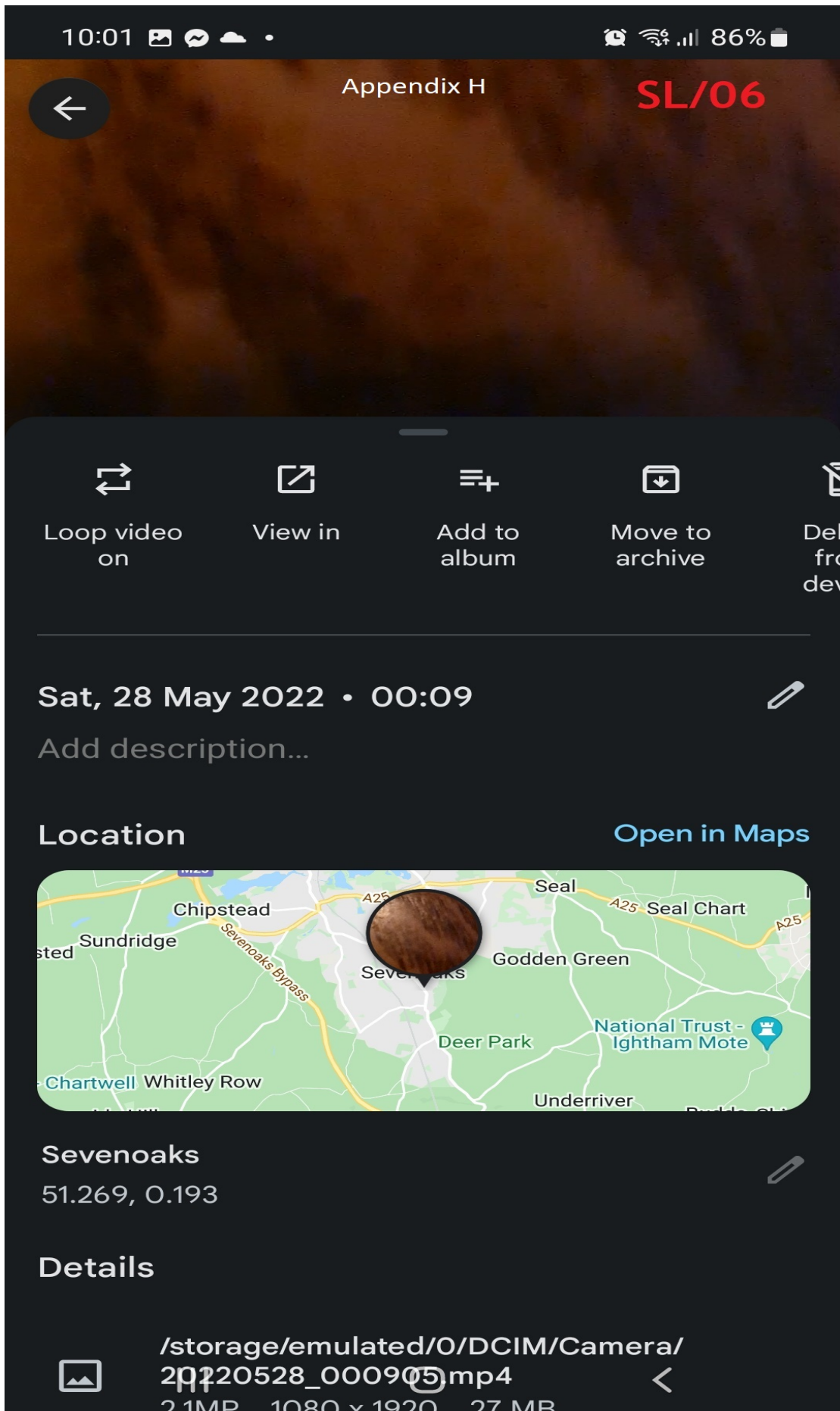


This page is intentionally left blank

Appendix G

Appendix G is a video that will be shown in the Licensing Hearing.

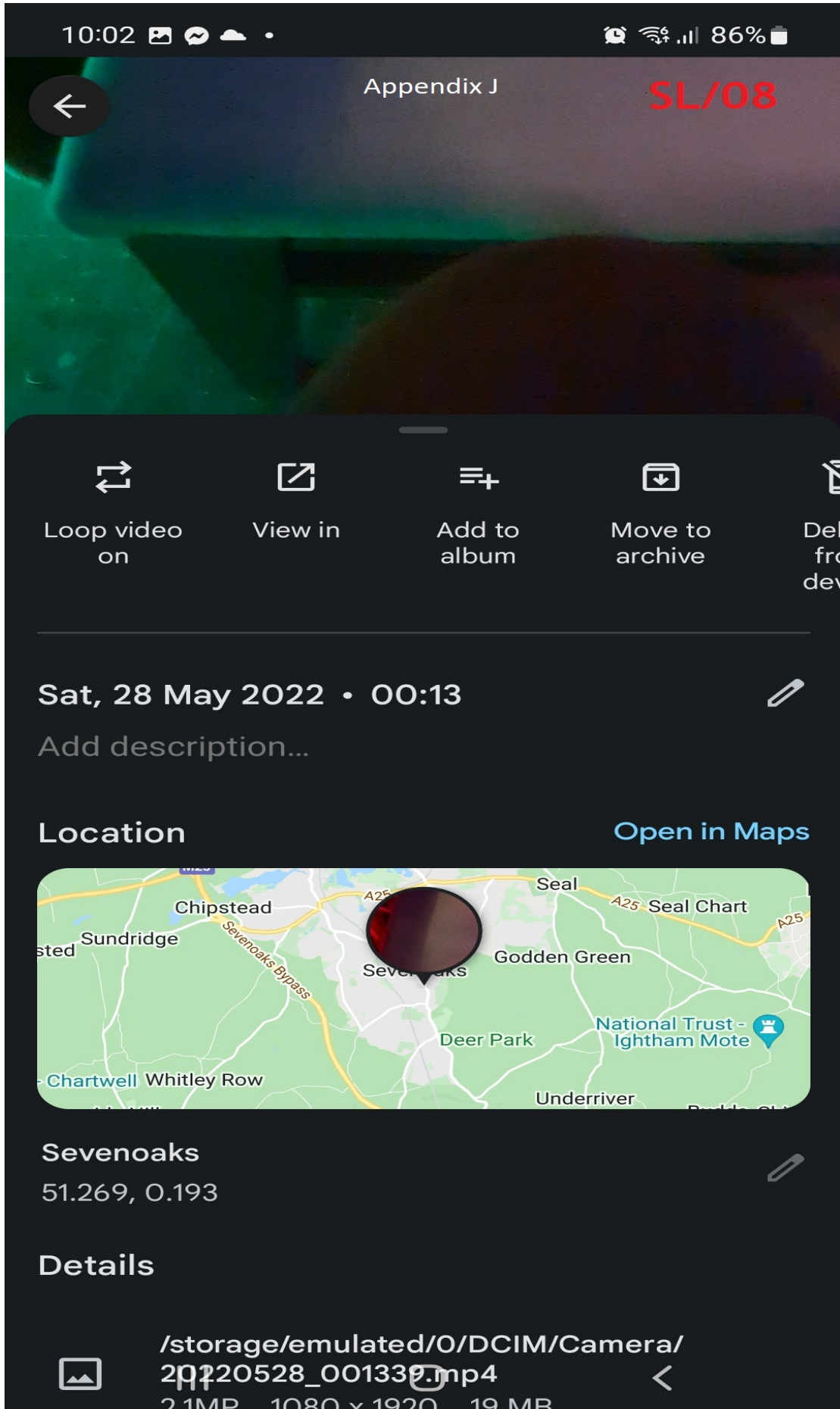
This page is intentionally left blank



This page is intentionally left blank

Document is Restricted

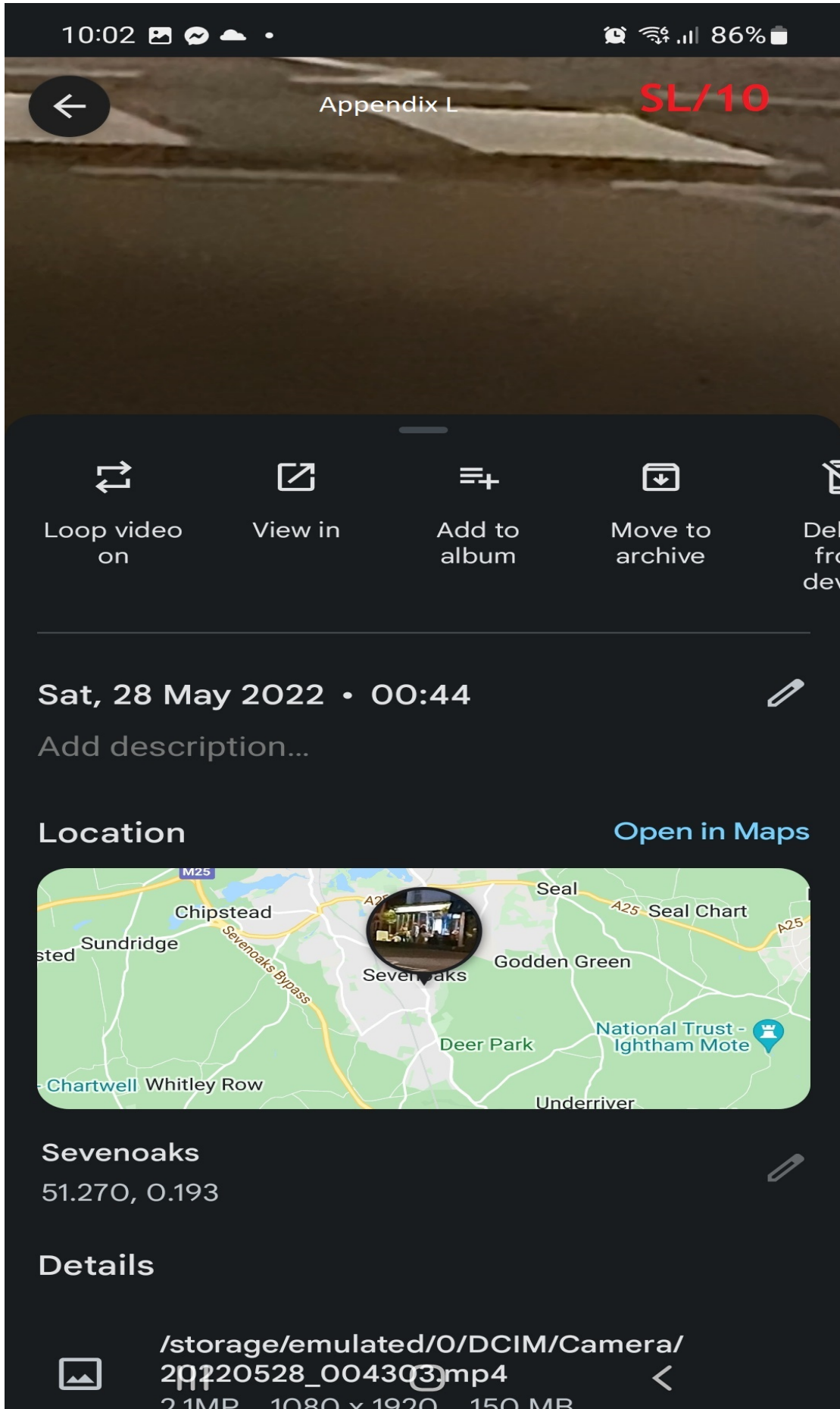
This page is intentionally left blank



This page is intentionally left blank

Document is Restricted

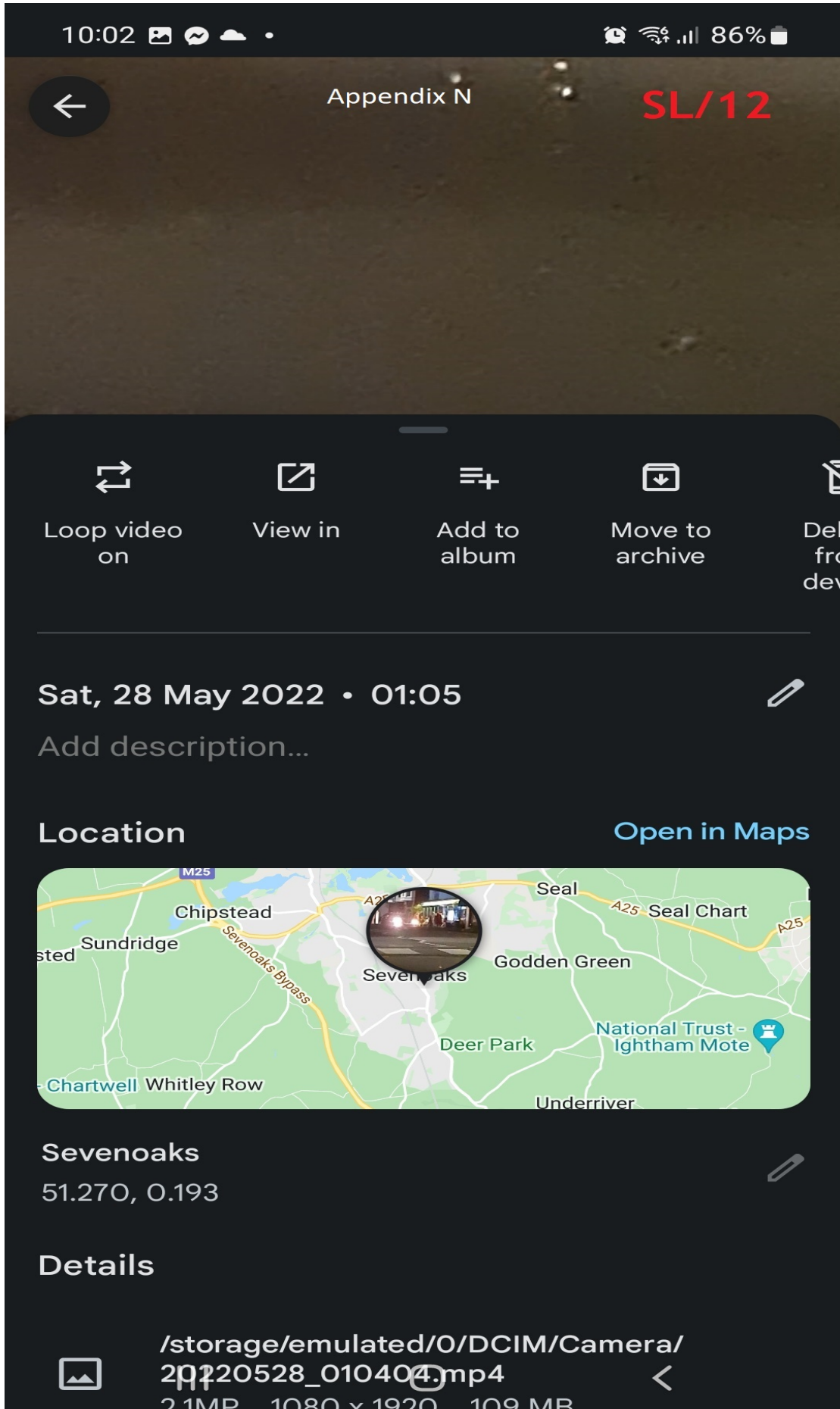
This page is intentionally left blank



This page is intentionally left blank

Document is Restricted

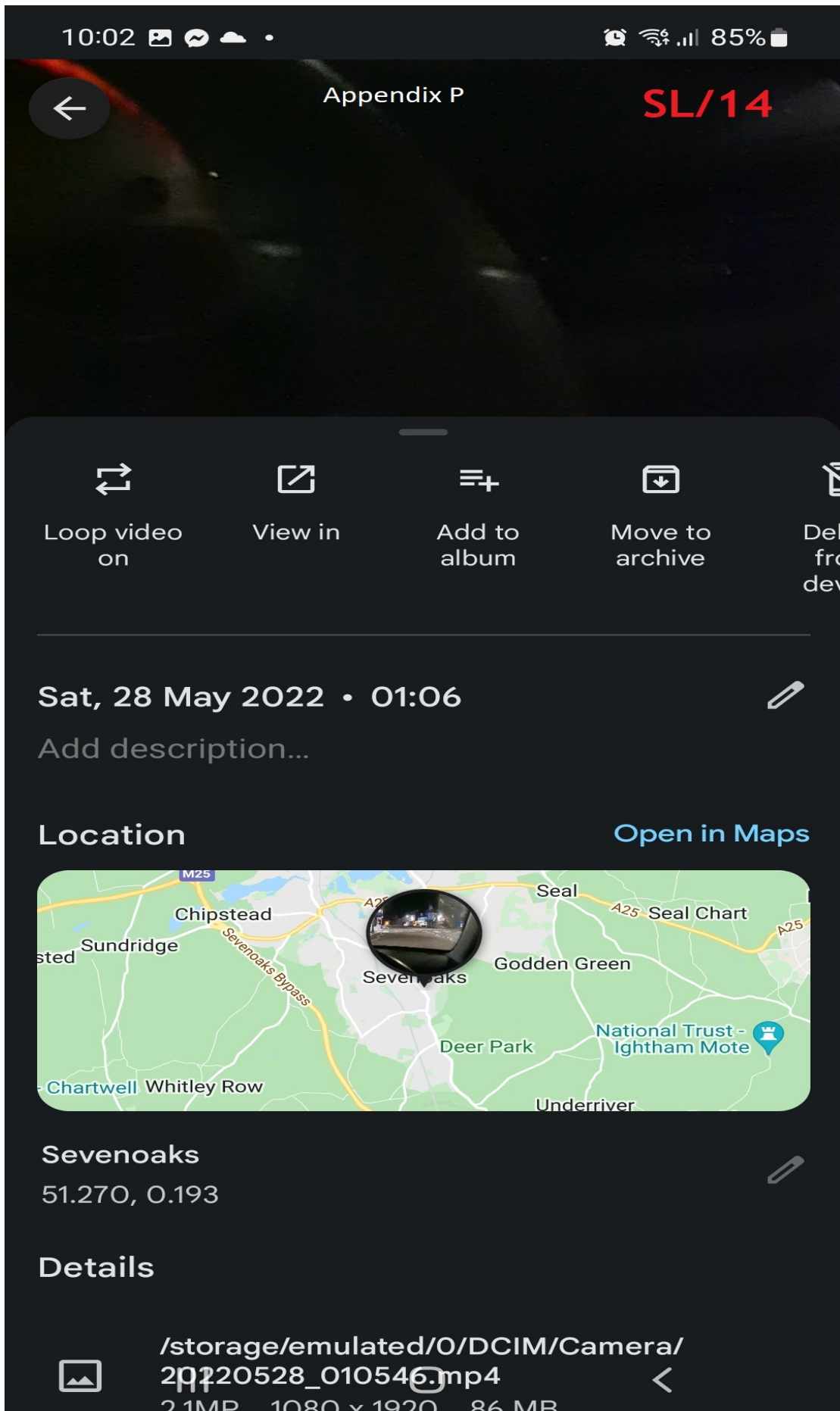
This page is intentionally left blank



This page is intentionally left blank

Document is Restricted

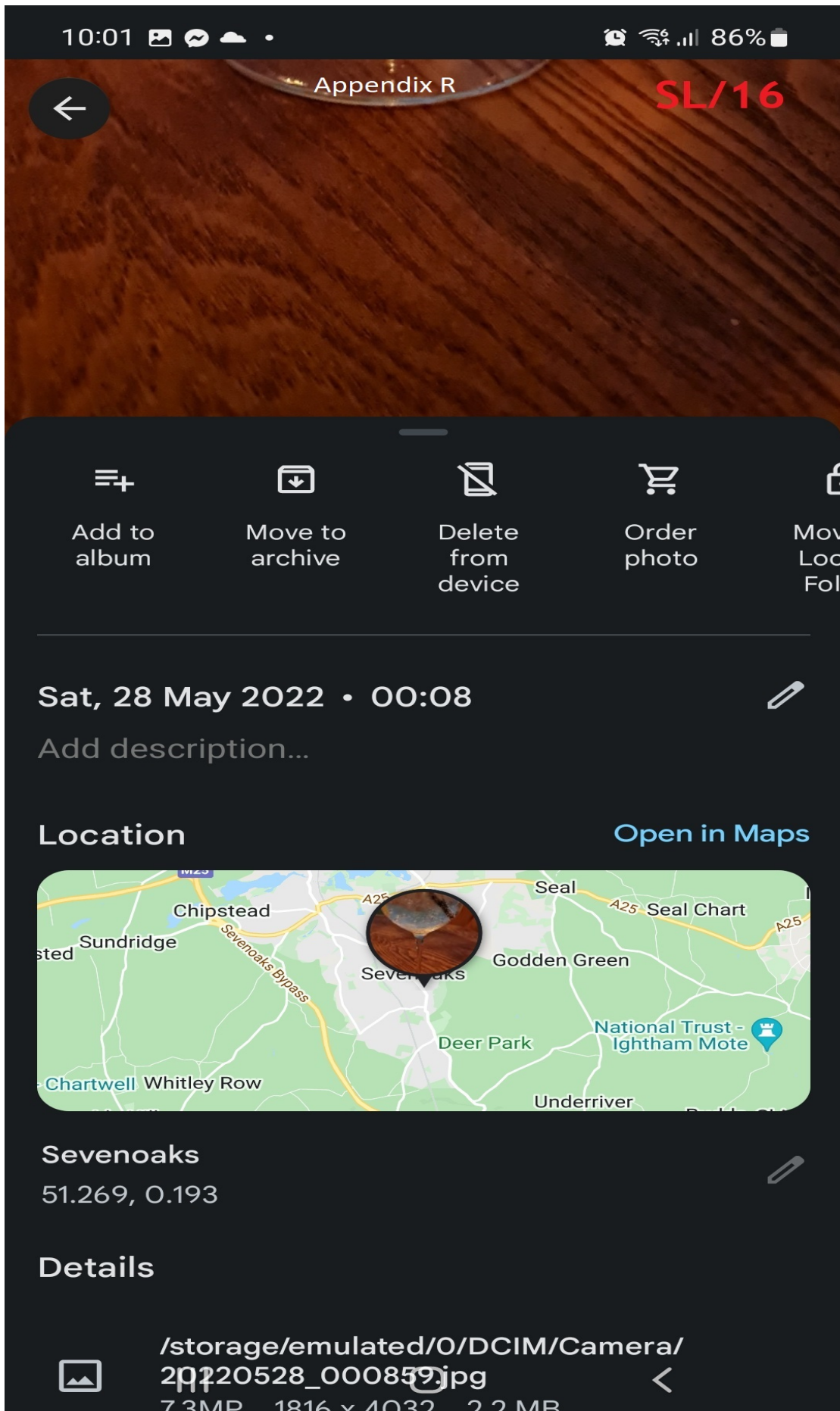
This page is intentionally left blank



This page is intentionally left blank



This page is intentionally left blank



This page is intentionally left blank

Mr Cihangir Surucu
57-59 High Street
Sevenoaks
Kent
TN13 1JF

Email: licensing@sevenoaks.gov.uk
Ask for: Licensing Partnership
My ref: 19/01981/LAPRE
Direct Dial: 7491

Date: 8th June 2022

Dear Mr Surucu

Licensing Act 2003

Offence : Section 136 - Unauthorised licensable activities
Ephesus, 57-59 High Street, Sevenoaks, Kent TN13 1JF

The Licensing Authority has undertaken out of hours monitoring of Ephesus, 57-59 High Street, Sevenoaks, Kent TN13 1JF and has seemingly witnessed unauthorised licensable activities. This is an offence under Section 136 of the Licensing Act 2003.

On Friday 27th May 2022 a Senior Licensing Officer entered your premises at 0005hrs and at 0007hrs purchased a gin and tonic. Whilst in your premises the Officer also witnessed a DJ with a 'set of decks' providing music for customers who were dancing. Your current Premises Licence (number 19/01981/LAPRE) authorises for the sale of alcohol up until 0000hrs on a Friday, with no authorisation for regulated entertainment (although recorded music is allowed under de-regulation for an on-licensed premises until 11pm).

I spoke with you on the telephone yesterday (7th June 2022) and you indicated to me that you have CCTV installed and working and would be able to retrieve footage of the night in question up to a month after the date of the monitoring visit (on Friday 27th May 2022). You also indicated, during our conversation, that you would be able to provide sales receipts of drinks served that night.

I would, therefore, ask you to ensure that this information is downloaded and available for the Local Authority to view, and to do this before the CCTV footage is overwritten. CCTV footage and bar receipts from 2355hrs until 0120hrs will be required.

I would be grateful if you can contact me to arrange a mutually convenient appointment in order to conduct a formal interview. The interview will be under caution and tape recorded in accordance with the Police and Criminal Evidence Act 1984. You may seek legal advice in advance and you may have legal representation at the interview. I have included guidance material containing further advice on this process.

Licensing Partnership



I trust you will give this matter your attention and I look forward to receiving a reply within the next 7 days.

If you have any queries, please feel free to contact me on 01732 227491.

Yours sincerely

SUSAN LINDSEY MIOL
SENIOR LICENSING OFFICER

Licensing Partnership



Mr Cihangir Surucu
57-59 High Street
Sevenoaks
Kent
TN13 1JF

Email: licensing@sevenoaks.gov.uk
Ask for: Jessica Foley
My ref: 19/01981/LAPRE
Tel: 01732 227480

Date: 11th February 2022

Dear Mr Surucu,

Premises Licence - Ephesus, 57-59 High Street, Sevenoaks, Kent. TN13 1JF

I am writing regarding your Premises Licence **19/01981/LAPRE**. I understand there have been complaints of noise late at night to our Environmental Health Team.

I am not in a position to confirm or refute these allegations, but would like to take this opportunity to remind you of what your Premises Licence allows.

Sale of alcohol - Monday to Saturday - 10:00 to 00:00 hours
Sunday - 12:00 to 23:30 hours

As you are no doubt aware, a breach of this would be a contravention of section 136 (1) (a) A person commits an offence if - he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

We would prefer to deal with this informally however, it is important that I inform you that the name of this premises has been passed to the out of hours team. If they receive any further complaints regarding this premises, they will endeavour to visit to witness the situation. If they witness a breach of the licence conditions this Authority will consider formal action.

The Live Music Act took effect from 1 October 2012 and since 6th April 2015, now applies to recorded music.

A licence is not required to stage a performance of live music or the playing of recorded music if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

The licensed premises is only the area shown on the plan that accompanies the Premises Licence. I have enclosed the current plan for you.

Agenda Item 3

The workplace exemption ONLY applies to live music. You no longer need a licence to put on live music in a workplace if the performance takes place between 8am and 11pm to an audience of less than 200 people. This would apply to the area I believe you have at the premises that is not currently shown on the plan.

Live unamplified music does not need a licence anywhere and with no audience limit between 08:00 to 23:00 hours.

Please note that Planning is separate legislation to Licensing and you may have different hours under planning. I believe you are aware of this and currently have a planning application submitted to change your hours of use.

I hope that we will not receive any further complaints. If you have any queries or require any information then please do not hesitate to contact me.

Any complaints regarding noise are copied to our out of hours team in Environmental Health. We look forward to your co-operation to ensure there are no issues at the premises.

I will be attending the meeting you have with Environmental Health on Tuesday 22nd February 2022 at 11am.

Yours sincerely,

A large black rectangular redaction box covering the signature of Jessica Foley.

Jessica Foley
Licensing Partnership

Mr Cihanger Sucuru
Ephesus
57-59 High Street
Sevenoaks
Kent
TN13 1JF

Tel No: [REDACTED]
Ask for : Maria [REDACTED]
Email: [REDACTED]
My Ref: 22/00012/BRCN
Date: 25/05/2022

URGENT

Dear Mr Sucuru

RE: Ephesus, 57-59 High Street, Sevenoaks, Kent, TN13 1JF

I am writing with reference to the above premises where it has been brought to our attention that you are operating outside of the permitted hours.

As you are aware the above premises as per condition 5 (ref: 97/02051/HIST) of the application for change of use states that operating hours are to be 8.30am to 11.00pm Monday to Saturday and 12 noon to 10.00pm on Sundays and bank holidays. The reason being for residential amenities in the area.

I understand that Ephesus has been trading outside of the prescribed hours stated above and there has been a breach with this condition. You will be aware that you were refused permission to extend these hours and therefore continue to be in breach of planning control.

Please be advised that should you continue to operate outside of your permitted hours, you risk enforcement action.

We will continue to monitor the situation and your co-operation with this matter is much appreciated. I look forward to hearing from you in due course.

Yours sincerely

Maria [REDACTED]
Planning Enforcement Officer

Chief Executive: Dr. Pav Ramewal

Council offices
Argyle Road
Sevenoaks
Kent TN13 1HG

t 01732 227000
e information@sevenoaks.gov.uk
DX30006 Sevenoaks
www.sevenoaks.gov.uk

This page is intentionally left blank

From: Stephanie [REDACTED]
Sent: 29 July 2022 13:47
To: Licensing <licencing@sevenoaks.gov.uk>
Subject: Ephesus, 57 - 59 High Street, TN13 1JF (Our Reference: PA/22/00234)

Good afternoon,

Your reference: 22/02601/REVIEW

- Our previous comments below which related to the opening hours are still relevant to the license review as the licensable activities and breach of those activities appear to not comply with a planning condition. A recent application to vary the opening hours was submitted however, this was refused (22/00315/CONVAR). It is also advisable to check the rest of property's planning history and ensure no breaches of planning consent occur.

Previous comment in relation to 21/03522/LAPRE

'The applicant is advised to assess the original permission for the use of the premises as a restaurant (97/02051/HIST). Conditions relating to operating hours (8:30am to 11pm Mondays - Saturdays and 12noon to 10pm Sundays and Public Holidays) and food and drink consumption at the premises are included. Any changes or variation to these conditions would require a planning application to be submitted'.

Kind Regards,

Stephanie [REDACTED]
Graduate Planning Officer
Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | TN13 1HG

This advice is without prejudice to the decision making processes of the local planning authority which considers the views of all those consulted on planning applications and in no way prejudices any future determinations or decisions made by the local planning authority.

You are advised to seek your own independent advice on any issues raised in this email.

Tel: 01732 227000

[REDACTED]
www.sevenoaks.gov.uk

From: Maria [REDACTED]
Sent: 02 August 2022 15:42
To: Jessica Foley <jessica.foley@sevenoaks.gov.uk>
Subject: RE: Ephesus, 57 - 59 High Street, TN13 1JF (Our Reference: PA/22/00234)

Hi Jess

To clarify, in planning terms all the time the licensee operates outside of the conditioned operating hours which are 8.30am to 11.00pm Monday to Saturday and 12noon to 10.00pm on Sundays and Bank Holidays he is breaching planning conditions and a breach of condition enforcement notice could be served. It is

Agenda Item 3

important to note that the operating hours and licensed hours are not currently in line with each other.

We also understand that the licensee wishes to apply for Temporary Event Notices to operate outside of the alcohol licensed hours and stay open later. This would again be a further breach of condition for planning.

Furthermore, the licensee/owner has applied to vary the operating/opening hours and this application was refused in April 2022.

Kind regards

Maria

Kent Police comments relating to Ephesus Review Hearing**Comments Submitted by PC 12876 Comben on 05/08/2022**

Whilst Kent Police have no formal representations to make in relation to the review there are concerns which warrant raising. These concerns along with police licensing activity surrounding the venue are outlined below:

There have been two incidents reported to Kent Police which can be attributed to the venue, both were made on **Saturday 8th January 2022 (at 01:55am and 01:58am)** relating to an assault/disturbance that occurred directly outside the venue. The victim of this assault declined to support any prosecution however stated he had been drinking in a club like bar, and although he could not confirm the name, he described the location as Ephesus.

The victim sustained facial injuries, which required hospital treatment, he stated these were caused by three males that had been drinking in the venue and set upon him whilst he was smoking outside the front of the premises.

Since the victim did not wish to support any further police action a crime report was recorded however filed as 'no further action'. CCTV enquiries confirmed a disturbance outside Ephesus, but no coverage of the assault could be found.

Sevenoaks District Council Licensing Department along with Environmental Health were notified of this incident and the subsequent reports that had been made. It was confirmed that no Temporary Event Notices were in place at the time of this disturbance taking place so clearly the venue was operating beyond its agreed hours.

As a result of this incident Police attended the venue **Friday 14th January at 19:00**. The premises licence holder and Designated Premises Supervisor: Mr Chinangir SURUCU was present and spoke with PC 12876 COMBEN and PS 12068 BALLARD. This visit was also part of a licensing visit following a variation application that had been submitted by Mr Surucu to extend the licensable hours. Whilst there were no immediate concerns present at the time of the visit, the recent incident was discussed however Mr Surucu stated he had no knowledge of the incident taking place. The layout of the venue was observed, and general noise concerns were discussed, it was expressed that these matters were being dealt with by Environmental Health however concerns were raised surrounding the local residents reporting gatherings outside the venue.

On **Friday 11th February** Police were notified of a concern that underage sales were taking place within the venue and that an unknown member of staff was propositioning underage girls for sex.

This information was assessed but could not be corroborated.

On **Tuesday 22nd February 2022** Mr Surucu attended Sevenoaks District Council to meet with Police, Environmental Health, and the Licensing Authority. The meeting generally centred around noise complaints and issues relating to patrons leaving the venue later than the scheduled operating hours. Mr Surucu denied that any licensable activity was taking place later than his operating hours

Agenda Item 3

would allow, he stated he was the only person that would be serving drinks from behind the bar as none of his staff were trained, so therefore he was certain that no alcohol would have been served outside of the operating schedule.

Mr Surucu is aware of the hours permitted on his premises licence, this is evident following his use of temporary event notices to extend his hours during 2021 and the two applications to vary the premises licence to extend his hours, both applications were subsequently withdrawn.

Appendix X

From: ISD Alcohol Licensing <Alcohol@homeoffice.gov.uk>
Sent: 12 July 2022 15:43
To: Susan Lindsey <Susan.Lindsey@sevenoaks.gov.uk>; Licensing <licencing@sevenoaks.gov.uk>
Cc: kscb@kent.gov.uk; Kent Police - West Division Licensing <west.division.licensing@kent.pnn.police.uk>; ISD Alcohol Licensing <Alcohol@homeoffice.gov.uk>; Environmental Health <Environmental.Health@sevenoaks.gov.uk>; KCC - Trading Standards <Trading.Standards@kent.gov.uk>; phbusinesssupport@kent.gov.uk; Planning Validation <planning.validation@sevenoaks.gov.uk>; buildingsafety.maidstone@kent.fire-uk.org
Subject: RE: Review Application - Ephesus, 57-59 High Street, Sevenoaks, Kent

Good Afternoon,

Having searched our databases, we can find no record of any Immigration offences in relation to the above premises, therefore Immigration Enforcement will not be making any representations at this time.

Regards

Phil Thomas

The Alcohol and LNR Licensing Team
Interventions and Sanctions Directorate
Immigration Enforcement
Home Office
15th Floor Long Corridor
Lunar House
40, Wellesley Road
Croydon CR9 2BY

This page is intentionally left blank

Since the summer of 2021, the Environmental Health Team has had significant involvement with this premises, investigating complaints of noise nuisance, together with commenting on licence and planning applications submitted by the applicant seeking to extend the times they are permitted to operate (often consecutively).

During this period, the Environmental Health Team has primarily been in contact with two residents (who, to the best of my knowledge are independent of one another) and they have both complained of amplified music until 02:00 hours on occasions. I am also aware that the Police have previously received reports of rowdy behaviour outside causing disturbance to residents, as have Environmental Health Team. In response, I understand the premises now uses security staff at the door.

Noise monitoring equipment was installed at a resident's property from 6th December 2021 until 9th January 2022. The results indicated amplified music played at excessive level (and beyond the hours allowed by the premises licence). In response, a Community Protection Warning Letter was issued to the premises licence holder on 9th February 2022 (copy attached). A meeting was subsequently held at the Council Offices on 22nd February 2022, attended by the licence holder (Cihangir Surucu), Jessica Foley (Senior Licensing Officer), Phil Comben (Police Sargent) and myself. Some of the noise recordings were played to the licence holder, though Mr Surucu denied that the music was from his premises. During the meeting, Mr Surucu explained that his business model was to trade as a restaurant earlier in the evening and to operate a bar with regulated entertainment / DJ Desk to provide a party atmosphere / facilitate dancing as the evening progressed.

After this intervention, no further complaints were received until 16th May 2022. A letter was sent to Mr Surucu on 27th May 2022 informing him of the further complaint, together with a summary of the planning and licencing constraints he is required to abide by (copy attached).

More recently, I visited Mr Surucu to inform my licence review comments. Mr Surucu confirmed that a noise limiter had been installed some months ago and that any music played at the premises would be controlled by the device. I understand the noise limiter is manufactured by Formula Sound and is the AVC 2D model, which I am reasonably confident should be satisfactory. I understand that when this equipment was installed the company concerned made a noise assessment to inform the level it should be set to. However, it is presently unclear whether the assessment included the flat immediately above the restaurant or whether the level set is acceptable. I have recently tried without success to contact the resident who lives above, in order to establish whether they are affected by excess noise. A licence condition requiring use of a noise limiter is suggested below.

The licence holder has constructed an enclosed seating area attached to the main building constructed of double-glazed glass and a retractable roof made from a canvas-like material. A UPVC door connects the two. I understand that the seating area is not part of the licenced area of the premises. Whilst the windows might be expected to offer a reasonable amount of noise attenuation, the roof is unlikely to do so. During my recent visit it was demonstrated to me that the connecting door

Agenda Item 3

is effective at attenuating the amplified music when played inside the restaurant at the max. level permitted by the noise limiter.

Previously, it has been suggested that when this connecting door has been left open, this has been a major contributor to the noise (for one of the residents we have dealt with, at least). I understand that the licence holder now empties this area after 23:00 hours and locks the door - by way of mitigation. This is possibly a bit late, and I would recommend that this is subject to the review of the licencing committee. It is understood that this area is used to seat diners, so I would question whether it needs to be open later than 22:00 hours? An argument could be made for not allowing its use at all during regulated entertainment, but this might unnecessarily adversely impact the business. Although the seating area is unlicensed so cannot have conditions attached to it, a condition could be applied requiring this door to be closed after a certain time.

I understand that on review of a premises licence section 177A(4) of the 2003 Act permits the District Council to add a condition that takes effect before 23:00 hours, notwithstanding the deregulation changes (see 16.55 of the Revised Guidance issued under section 182 of the Licensing Act 2003).

If the Licensing Committee are minded to amend this premises licence I would therefore recommend that they consider imposing the following draft conditions:-

1. Details of the noise limiter that will be used at the premises must be submitted to the Environmental Health Team for prior approval.

The noise limiter must be set at a level that ensures neighbours are not caused nuisance or significant loss of amenity at any time and is to be used to control noise from amplified music and sound at all times during regulated entertainment.

In the event that noise complaints are received and substantiated by the District Council, the premises licence holder must reduce the level set on the noise limiter to the satisfaction of the District Council.

2. All doors and windows must be kept closed, other than for access and egress, during the playing of regulated entertainment.

3. The door that connects the main restaurant to the (currently unlicensed) glazed seating area at the side must be closed and locked after 22:00 hours (or such other time as determined by the Licensing Committee).

CH

The Proper Officer
 NTS Catering Limited
 Ephesus Restaurant
 57 - 59 High Street
 Sevenoaks
 Kent
 TN13 1JF

Please ask for: [REDACTED]
 Direct Line: [REDACTED]
 E-mail: [REDACTED]
 Our Ref: CH - 21/05387/NOIMUS/S -01
 Date: 9th February 2022

Dear Sir,

A COMMUNITY PROTECTION NOTICE MAY BE ISSUED AGAINST YOU
Pursuant to Section 43(5)(a) of the Anti-Social Behaviour, Crime and Policing Act
2014

Take notice that this warning letter has been issued to you on 9th February 2022. A Community Protection Notice may be issued against you following complaints of Anti-Social Behaviour at **Ephesus, 57 - 59 High Street, Sevenoaks, Kent, TN13 1JF** and that Sevenoaks District Council (The Council) is satisfied, on reasonable grounds, that your conduct is having a detrimental effect on the quality of life of those living in the locality, and that said behaviour is continuing or of a persistent nature.

This conduct is unreasonable and must stop immediately;

The conduct referred to is as follows:-

Causing or permitting amplified music to be played at a noise level / bass so as to cause neighbours unreasonable disturbance

Failure to comply with the actions outlined below will result in The Council issuing you with a Community Protection Notice in accordance with Section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Please do not ignore this letter. This warning provides you with an opportunity to rectify the situation or modify your behaviour before further legal action is taken against you.

Action to be taken	You must do this by
You must ensure that any music or amplified sound played at this premises does not cause unreasonable disturbance to neighbours due to excessive level or bass.	With immediate effect

Agenda Item 3

A Community Protection Notice is a legal sanction. If you fail to comply with the conditions attached to the Notice further action could be taken that may include;



1. A Fixed Penalty Notice of £75
2. Prosecution in the Magistrates Court which could result in;
 - a. On summary conviction a fine not exceeding £2,500 for a person or a fine for a business.
 - b. The court may make whichever order the court thinks is appropriate for ensuring that the notice is complied with.
 - c. An order can be made requiring you to carry out specified work, or to allow specified work to be carried out by or on behalf of The Council.
 - d. The court may require you to surrender possession of any item used in your failure to comply with the Notice, to a constable or to a person representing The Council. The court may require this item to be destroyed or disposed of by the police force. A justice of the peace may issue a warrant, authorising a constable or authorised person to enter your premises to seize the item.

We are also considering what other action may be required to stop your behaviour described above. This may include an Abatement Notice served under the Environmental Protection Act 1990 and / or application for a Criminal Behaviour Order (in the event of a prosecution).

This warning letter will remain in effect for 12 months from the date of this letter after which it will be reviewed.

If you wish to discuss this matter, please do not hesitate to contact me using the telephone number at the head of this letter.

Yours faithfully,


Charles 
Environmental Health Officer
Environmental Protection Team

Mr C. Surucu
Ephesus
57 – 59 High Street
Sevenoaks
Kent
TN13 1JF

Ask for: Charles [REDACTED]
Direct Line: [REDACTED]
Email: [REDACTED]
DX: DX 30006 Sevenoaks
Your ref:
Our ref: 22/01905/NOIMUS/S
Date: 27th May 2022

Dear Mr Surucu,

Environmental Protection Act 1990, Section 80
Complaint of statutory noise nuisance from amplified music at:
Ephesus, 57 – 59 High Street, Sevenoaks

The Environmental Protection Team has been contacted and asked to investigate a further complaint of noise nuisance from amplified music played at the above premises. In particular, complaints were received on 13th May at 23:54 hours and 21st May at 23:18 hours.

I understand that Planning Enforcement Team have recently written to you in connection with a potential breach of your planning consent. You are also advised to have regard to your Premises Licence, which I understand restricts regulated entertainment from recorded and live music until 23:00 hours (as per the deregulation amendments that have been consolidated within the Licensing Act 2003). Please contact the Licensing Team for further information on this.

You are reminded that a Community Protection Warning Letter was issued to you on 9th February 2022 after the District Council previously investigated a complaint of excessive noise against you.

The situation is being monitored and the complainant has been asked to make short recordings of any incidents using a noise application provided by the Council or alternatively to keep a written record. Visits may also be undertaken by Council officers and / or a digital recording may be placed in a property in your vicinity to gain evidence of the alleged noise nuisance.

The Environmental Protection Act 1990 requires the Local Authority to investigate allegations of nuisance and, if statutory nuisance is established or considered likely to occur, to serve notice requiring abatement of that nuisance. If breach of such a Notice were to be witnessed, steps would be taken to refer the matter for prosecution to the Magistrates Court.

Agenda Item 3

I should be grateful if you would contact me on the telephone number shown above to enable this matter to be discussed further.

Yours faithfully,



Charles [redacted]
Environmental Health Officer
Environmental Protection Team

From: [REDACTED]
Sent: 07 August 2022 21:41
To: Susan Lindsey <Susan.Lindsey@sevenoaks.gov.uk>
Cc: [REDACTED]
Subject: Ref: review of licence 22/0260/REVIEW - Ephesus

Dear Ms Lindsey

Please find below a representation from the owners of the Sun Do, 61 High Street, Sevenoaks.

I hope this arrives ahead of the deadline. I could not find an online portal for submitting the comments below.

**Ref: review of licence
22/0260/REVIEW - Ephesus**

We urge that the current licensing and opening hours of Ephesus are scrutinised very carefully and potentially revised on the grounds of unacceptable noise and disorderly behaviour after current licensing hours.

Since we first opened in 1967, we have operated with as much respect as possible for the local residents. The catalogue of objections to Ephesus' previous application (see appendix G to the documents circulated for the withdrawn hearing on 9.2.2022), and previous complaints to Kent Police and Environmental Health, illustrate just how much Ephesus' contravention of current licensing/opening hours is having on the mental health of the local residents.

We are in support of making Sevenoaks a thriving centre of retail, business and hospitality as long as it respects the basic rights of local inhabitants to sleep and peace in their own homes. And even if there was a balance to strike between business health and personal health, it is important to point out that, at present, Ephesus already has the competitive edge on licensing hours over other similar establishments in the vicinity (e.g The Sennockian on the High St and The Restoration on Bank St). The point here is that the balance already sits in favour of Ephesus over and above the local residents and that it is time to revalue the latter.

In summary, we request that;

-that the current opening hours (and the regular breach of these hours) are reviewed with a view to reducing them so to enable the immediate local community to recover from how this is negatively impacting on their mental health and daily lives.

Kind regards,
Mr. Mrs. Man

Agenda Item 3

From: [REDACTED]
Sent: 05 August 2022 12:39
To: Licensing <licencing@sevenoaks.gov.uk>
Subject: Ephesus, High Street, Sevenoaks. 22/0260/REVIEW

Dear Sirs

It's become apparent that in spite of their licence extension application being refused, Ephesus is carrying on flouting their requirement to close at 11 pm. Opening until 1 o'clock in the morning or later is totally inappropriate in this mixed use area of town. There are 9 houses in Oak Tree Close as well as flats either side on the High Street and several residences in Rockdale Road. There are no close parking facilities meaning that the late night revellers must walk some distance to reach their cars, causing further disturbance to residents in the area. I believe the Police expressed concern about their application encouraging more crime or disturbance in the area. When we return home late at night it's interesting to see there is a group of customers outside the front of the property (who are not queueing). This doesn't seem to occur at other restaurants in town where you may see the odd smoker popping out for a few minutes.

It seems grossly unfair that this business is carrying on trading, ignoring the restrictions which all other licensed premises in the town observe.

Yours faithfully

Alan and Christine Bumstead

From: [REDACTED]
Sent: 09 August 2022 13:58
To: Licensing <licencing@sevenoaks.gov.uk>
Subject: Ephesus representation

09.08.2022

To Whom it May Concern:

Regarding Ephesus Restaurant.

My name is Thomas Gold. My partner Susan Wood and I live at:

[REDACTED]

Our home is less than 50 metres from the back door to the restaurant. Rockdale Road is double yellow however the street is lined with cars at night on weekends. As their patrons leave as late as 1.15 often drunk the noise from screaming and singing has now become out of control. Car doors being slammed as well as engines revving and screeching off down the road.

The restaurant in question has been a nuisance to the neighbourhood from the day they opened their doors. The problem is now become so acute that after 8 years in the neighbourhood we are not considering leaving solely because of the noise and disruption caused by the restaurant and their customers.

The other two restaurants in the immediate vicinity (Branded and Sun Do) have never been a problem and we consider them to be excellent neighbours. That is the last thing we would ever think about Ephesus. On the contrary, it seems like they go out of their way to cause disruption and aggravation.

It seems like they never observe the hours which they are licensed for. Last weekend the 5th and 6th of August there was loud music well past midnight and drunk people leaving the premises way past 1.00am.

Last night (Monday the 8th) there was a van parked at their back door and it seemed like they were intentionally banging things around and throwing things into the van until 5.30am.

The rear of the building is a flimsy plastic extension which almost magnifies sounds coming from the back of the building.

Agenda Item 3

This should be a quiet residential street which is adjacent to Rockdale Housing Association. This OAP facility certainly should not be subjected to the noise or the drunks leaving the bar way into the early morning hours. For that matter no one on this street should be.

The restaurant has never had any regard for the neighbours. They think they are a late hours nightclub and seemingly could care less what their alcohol license and business license say. Quite simply, they are a restaurant with a bar and should not be allowed to sell alcohol to people who come in drunk and proceed to get them more drunk.

They should inform their customers that there is no parking on Rockdale Road and this should be enforced, either by the restaurant or by the council. Their customers should be informed that the restaurant is in a residential neighbourhood and they must leave quietly so as to not disrupt the sleep of the residents.

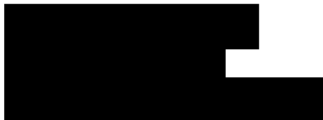
In a perfect world, this restaurant should have a severely restricted alcohol license until they prove that they are capable of adhering to the licensing rules they have been granted.

I apologise for this long rant but the situation here has become increasingly difficult. The stress and anxiety caused by the noise from this restaurant are ruining our time here. They are a nuisance and that goes for their customers as well.

Susan and I encourage the licensing department to restrict their hours of operation as well as the hours they are able to sell alcohol. Also, late night enforcement of the parking restrictions would be greatly appreciated. We are more than happy to support local restaurants who are good neighbours but we have no use for this restaurant which over the years has proven to be the worst, most disrespectful neighbour imaginable.

Thank you in advance,

Thomas Gold
Susan Wood





STATEMENT OF WITNESS

Statement of : Susan Lindsey

Age of witness (if over 18 enter "over 18") : over 18

Occupation of witness: Senior Licensing Officer, Sevenoaks District Council

I have been employed as the Senior Licensing Officer with Sevenoaks District Council since 8th June 2020. Prior to this I worked with both Lewes and Eastbourne Council's undertaking duties of a similar nature since 2007. My responsibilities include the administering of applications and the issuing and enforcement of licences for all areas of alcohol and entertainment licensing under the Licensing Act 2003. I make this statement from my own knowledge.

This statement is made following my previous statement dated 30th May 2022 with regard to the Premises 'Ephesus, 57-59 High Street, Sevenoaks'.

On Monday 15th August 2022 I received an email from Nick Chapman the Sevenoaks District Council Environmental Health Manager informing me that he was working out of hours and was called over the weekend (13th / 14th August 2022) by a nearby resident to Ephesus in respect of a noise complaint.

Details of Nick Chapman's visit and findings are outlined in his statement attached at **SDL/01** (with his associated evidence NC1 and NC2).

The Sevenoaks CCTV team emailed Nick Chapman on the morning of Sunday 14th August to confirm that the last group of people left Ephesus at 01:24am on Sunday 14th August and included a statement in their email that at 01:10am CCTV witnessed 2 males snorting class A drugs in Rockdale Road just after leaving the premises. This email is attached as evidence **SDL/02**

I checked the records held on the Sevenoaks District Council Uniform system and noted that Mr Surucu had applied for a Temporary Event Notice covering the premises Ephesus from 00:01am on 13th August to 2am on 14th August for the sale of alcohol, but that this Temporary Event Notice did not include the provision of regulated entertainment. A copy of this Temporary Event Notice is attached **SDL/03**.

The Premises Licence issued for Ephesus does not include regulated entertainment (live and recorded music) although the premises does benefit from deregulation of these activities up to 11pm.

Agenda Item 3

I wrote to Mr Surucu on 15th August (attached as evidence **SDL/04**) to bring to his attention the offence pursuant to Section 136 of the Licensing Act 2003 and to clarify that the 3 further Temporary Event Notices submitted for future weekend dates did not, also, cover the licensable activity of regulated entertainment. This letter was emailed to him (copying in his consultant Lyondale whose email address appears on the Temporary Event Notice).

Upon receipt of this letter, Mr Surucu telephoned me to query its content. During our conversation, Mr Surucu said he believed another local pub was watching his premises and reporting things through. He said his music was background and the sound system was his own personal equipment. I told Mr Surucu that it did not matter who owned the equipment and that I consider 'background music' to be low enough that a conversation can be held within his premises and people heard without the need to raise any voices, and that this is not what the Environmental Health Officer had witnessed over the weekend. I expressed my utter disbelief that Mr Surucu would allow such activities to take place whilst his premises is actively under 'review', and that the matters witnessed over the weekend would be reported through as a further statement to the Licensing Sub-Committee Review Hearing. Mr Surucu stated that he thought this to be a conspiracy, and that it is because he is Turkish. I assured Mr Surucu that this is not the case.

On 15th August I then received a telephone call from a local resident who had video footage of a fight which had occurred around 2am on the morning of Saturday 13th August. I asked her to release the video footage she had taken of the fight which she has done, and she has given permission for this to be released to the Licensing Sub-Committee and Mr Surucu. These pieces of video footage are attached as evidence **SDL/05** to **SDL/15**.

On Tuesday 16th August 2022 Charles [REDACTED] (Sevenoaks District Council Environmental Health Officer) sent me a copy of a letter he had sent to Mr Surucu in relation to the noise complaint received over the weekend. This letter is attached as evidence **SDL/16**, with Mr Surucu's response attached as evidence **SDL/17**.

An email was received from Lyondale Planning Ltd (Mr Surucu's consultant) on 16th August 2022 withdrawing the 3 future weekend Temporary Event Notices (attached as evidence **SDL/18**).

Later, on 16th August 2022, a LATE temporary event notice was submitted to the Authority for 26th August from 11.01am to 28th August at 2am. This temporary event notice included activities: the sale of alcohol, regulated entertainment, and late night refreshment. Both Kent Police and Environmental Health objected to this notice, and as a result of these objections, the 'event' cannot go ahead. As this notice is submitted as a 'late' application, no Hearing is necessary to determine it. A counter-notice to this 'event' was issued and sent to the applicant on 19th August by Sharon Bamborough, Head of Licensing Partnership.

Sevenoaks CCTV control room have provided me with a video disc covering 13th August 2022 2am until 2.30am showing the outside area in front of Ephesus.

This has been submitted as evidence **SDL/19**. Stills from this video evidence are attached as evidence **SDL/20**

This video footage clearly shows the individuals involved in the fight (attached as evidence SDL/05 to SDL/15) were customers from Ephesus. SIA security staff from Ephesus were involved in trying to control this, but were unable to do so and it appears staff were re-called back to the premises at 0221hrs, and the premises shut at 0222hrs, before the fight ended.

I have asked Kent Police if Ephesus telephoned through to report this incident on the night, and was informed that it was a local resident who telephoned it through, not anyone from Ephesus.

Dated this nineteenth day of August 2022

Signed

A large black rectangular redaction box covering the signature area.

Print name SUSAN LINDSEY

This page is intentionally left blank

On Saturday 13 August 2022, I was working as the duty out of hour's officer for Environmental Health.

At 23:34 I was telephoned by Yvonne [REDACTED] (CCTV Operator) who advised that a complaint has been received about amplified music and noise at Ephesus from a nearby resident. I immediately contacted this resident to discuss the complaint. I agreed to visit the complainants property to assess the intrusiveness of the noise.

At around 00:05 on 14th August 2022 I arrived in Sevenoaks and parked along Sevenoaks High Street in front of Savills within a designated parking bay. From my car I could see approximately 15 persons stood and seated in front of Ephesus. Noise of these 'customers' was audible from where I was parked.

I then visited the complainant. Within the complainants bedroom, bass and 'customer noise' was readily audible. The complainant had their bedroom window open but I considered this typical given the warm weather on the evening of the visit. I witnessed the level of the music periodically rising and falling, such that nature of the music and not just the bass was audible. I assume these incidents were caused by, the front door to Ephesus being opened and closed to allow access and egress of customers.

Within the complainant's bedroom, the bass and noise from customers was sufficiently intrusive so as to prevent or disturb sleep. The complainant stated that noise had been of a similar level on the preceding evening and I was shown some videos which I was advised had been taken at around 02:00 on 13 August 2022 which appeared to show a number of individuals fighting on Sevenoaks High Street in front of Waitrose. The complainant advised that they had contacted the police about this.

At 00:18 I left the complainants property and observed the activities at Ephesus from across the road (in front of Waitrose). At 00:19 I took a photograph of Ephesus which shows the crowd of people stood at the front of the premises (NC1). From this location noise of customers was clearly audible. I noted that when the front door to Ephesus was opened music could be heard from my monitoring location.

At 00:21 I took a short video to demonstrate the activity ongoing at Ephesus (NC2).

I then walked to the rear of Ephesus via Rockdale Road and through the carpark. I was able to confirm that Ephesus was the source of the amplified music. From the side alleyway along the side of the premises I was able to see into the conservatory area and the room beyond. From this location I was able to hear amplified music and see purple lighting within the rear room. I could hear Shania Twain 'That don't impress me much' and again confirm that the amplified music was being generated from within Ephesus.

At approximately 00:30, I witnessed a group of four men attempt to enter Ephesus. They were advised by the doorman that the premises was full and shortly after they left.

At approximately 00:35, I telephoned CCTV and advised that I would shortly be leaving the area. I asked that they monitor the premises and confirm what time it closed.

On Sunday 14 August 2022 at 08:18, I received an email from Yvonne [REDACTED] (CCTV operator) to advised that the premises closed at 01:24.

Document is Restricted

This page is intentionally left blank

SDL/02

From: Yvonne [REDACTED]
Sent: Sunday, August 14, 2022 8:18 am
To: Nick [REDACTED]; Sharon [REDACTED]
[REDACTED]; Nick Hubbard PC 46013074
[REDACTED]; [dennis](#) [REDACTED]
<[dennis](#). [REDACTED]>
Cc: CCTV [REDACTED]
Subject: Ephesus, High Street, Sevenoaks

Morning Nick,

I monitored the above premises for you after your visit last night.
I can confirm that the last group of people left the premises at 01.24 this morning, whilst monitoring, there were a lot of people outside on the street so presume it was noisy. Also at 01.10, CCTV spotted 2 males snorting class A drugs in Rockdale Road just after leaving the above premises. Police were advised but no patrols available to attend.
Let me know if you require the CCTV footage.

Best regards

Yvonne

This page is intentionally left blank

The Licensing Partnership Temporary Event Notice

Sevenoaks District Council, Tunbridge Wells Borough Council, Maidstone Borough Council and London Borough of Bexley have a Licensing Partnership to process and issue licensing applications.

Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.

Thank you for using the Licensing Partnership self service. Before completing the form, please be aware of the following information:

Form Submission:-

When you have completed the application form please submit it. When you submit the application, you will receive an electronic response which will be sent directly to the email address provided in the application.

Payment:-

If you are submitting an application which requires a payment, please have your credit or debit card to hand as payment can be made upon submitting your application form. Applications requiring a payment will only be validated once payment is confirmed.

General Information:-

If you have any problems with completing the form please contact licensing@sevenoaks.gov.uk

For official use only

Title	Customer Name	Form Filename	
Mr	Cihangir, Surucu	Form Reference	Cihangir, Surucu
DOB	NINO	Caps Reference	
TEL		Notes	
Email			
Customer Address			
Date Form Started	29/07/2022 15:22:56		
Date of E-signing			
Date Submitted			
Data Validation Ref			
Occupancy type			
Advisor Name (who started form)			
Advisor Department			

Agenda Item 3

Licensing Authority: *The Licensing Partnership*

*Licensing Partnership
P.O. Box 182
Sevenoaks
Kent TN13 1GP*

Temporary Event Notice

Please Note: You will need to make a payment of £21.00 before the form submission can be accepted. You will be directed to pay when you submit the form.

Information on the Licensing Act 2003 is available at www.sevenoaks.gov.uk/licensing

Before completing this form **please read the guidance notes at the end of the form.** You may wish to keep a copy of the completed form for your records.

I, the proposed premises user, hereby give notice under section 100 of the Licencing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

Please select the Council where the premises is situated:

Sevenoaks District Council

1. Personal Details of Premises User <i>(Please read note 1)</i>		
1. Your name		
Title	Forenames	Surname
Mr	Cihangir	Surucu
2. Previous names <i>(if relevant)</i>		
3. Your date of birth		
4. Your place of birth		
		Turkey
5. National Insurance Number		
6. Your current address <small>(We will use this address to correspond with you unless you complete the separate correspondence box below)</small>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%; background-color: black; height: 40px;"></div> <div style="width: 50%; background: repeating-linear-gradient(45deg, transparent, transparent 2px, #ccc 2px, #ccc 4px);"></div> </div>		
7. Other contact details		
Telephone numbers		
Daytime		
Evening (optional)		
Mobile (optional)		
Fax number (optional)		
Email address		

Licensing Authority: *The Licensing Partnership*

8. Alternative address for correspondence (Address for correspondence associated with this application, if different to the previous address)

--	--

9. Alternative contact details (if applicable)

Telephone numbers

Daytime		
Evening (optional)		
Mobile (optional)		
Fax number (optional)		
E-Mail address (optional)		

2. The Premises

Please select the address of the premises where you intend to carry out the licensable activities. If there is no address please select the street record in the address lookup and supply further details of the location (including Ordnance Survey references) (Please read note 2).

57 - 59 High Street
Sevenoaks
Kent
TN13 1JF

--	--

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	05/01086/PRETRA	
Additional address information		

Do you intend to use the whole of the premises at this address (Please read note 3)
 (If no, please give a description and details below)

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

--

Please describe the nature of the premises below. (Please read note 4)

Restaurant

--

Please describe the nature of the event below. (Please read note 5)

Restaurant Event

--

3. The Licensable Activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on - either double click with the mouse, or press the space bar in the relevant field). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	
The provision of regulated entertainment (Please read note 7)	
The provision of late night refreshment	
Are you giving a late temporary event notice? (Please read note 8)	

Please state the date and times on which you intend to use these premises for licensable activities. (Please read note 9) Please give times in 24 hour clock. eg. 19:00. (Please read note 10)

Start Date	13/08/2022	Time	00:01	End Date	14/08/2022	Time	02:00
------------	------------	------	-------	----------	------------	------	-------

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

120

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 12)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	
	Both	

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 13)

4. Personal Licence Holders (Please read note 14)

	Yes	No
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	<input checked="" type="checkbox"/>	

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	Lewisham	
Licence number	LEW 5098	
Date of issue	2018	
Date of expiry		
Any further relevant details		

5. Previous Temporary Event Notices you have given (Please read note 15)

	Yes	No
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	<input checked="" type="checkbox"/>	

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

1

	Yes	No
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)		<input checked="" type="checkbox"/>

6. Associates and business colleagues *(Please read note 16)*

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period:	Yes	No
a) ends 24 hours or less before; or		
b) begins 24 hours or less after the event period proposed in this notice?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(Please mark an "X" in the box that applies to you)		
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:	Yes	No
a) ends 24 hours or less before; or		
b) begins 24 hours or less after the event period proposed in this notice?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(Please mark an "X" in the box that applies to you)		

7. Condition *(Please read note 17)*

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Declaration

--

8. Declarations *(Please read note 18)*

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and

(ii) to permit an unauthorised licensable activity to be carried on at any place an that a person is liable on conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) months, or to both.


Please tick the box if you agree with the declarations above.

Date	29/07/2022	
Name of Person signing	Mr Cihangir Surucu	

For completion by the Licensing Authority

9. Acknowledgement *(Please read note 19)*

I acknowledge receipt of this temporary event notice.

SIGNATURE	 On behalf of the Licensing Authority	DATE	
Name of Officer Signing			

For Official Use

Ref 1 *Cihangir, Surucu*

Ref 2

Ref 3

Mr Cihangir Surucu
[REDACTED]
[REDACTED]
[REDACTED]

Email: licensing@sevenoaks.gov.uk
Ask for: Licensing Partnership
My ref: 22/02810/LATEN
Direct Dial: 01732 227491

Date: 15th August 2022

Dear Mr Surucu

Licensing Act 2003

Temporary Event Notification : 13th - 14th August 2022

Ephesus, 57-59 High Street, Sevenoaks

It has been brought to my attention that on Sunday 14th August an authorised Officer of Sevenoaks District Council witnessed the playing of recorded music in the form of a DJ at your premises 'Ephesus, 57-59 High Street, Sevenoaks, until 00:15hrs.

The Temporary Event Notice applied for to cover 00:01hrs on Saturday 13th August to 02:00hrs on Sunday 14th August was for the sale of alcohol only (for consumption on the premises). The application did not request 'regulated entertainment' (which includes the provision of live and recorded music).

You do not have live or recorded music authorised on your Premises Licence (19/01981/LAPRE) issued under the Licensing Act 2003: but you do benefit from de-regulatory legislation which does allow for recorded music and live music to be played between the hours of **8am and 11pm** if certain conditions are met.

Pursuant to section 136 of the Licensing Act 2003 it is an offence to carry on or attempt to carry on a licensable activity on or from any premises other than under and in accordance with an authorisation. A person guilty of this offence is liable to be imprisoned for up to 6 months and/or an unlimited fine

I will be requesting that information in relation to this past weekend's activities be disclosed to the Licensing Sub-Committee at the review hearing for Ephesus.

I note that you have submitted a further 3 Temporary Event Notices for the following dates:

- 20th August - 21st August 2022
- 27th August - 28th August 2022
- 3rd September - 4th September 2022

None of the above Temporary Event Notices include the provision of regulated entertainment, so in the interests of clarity, I am informing you now that any live or recorded music provided under any de-regulatory benefits must cease at 11pm.

Licensing Partnership



If you wish to discuss any of the matters contained in this letter, or any other matters further, please do not hesitate to contact me on the number shown at the top of this letter.

Yours sincerely

Susan Lindsey (MIOL)
Senior Licensing Officer
Sevenoaks District Council

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Mr C. Surucu
Ephesus
57 - 59 High Street
Sevenoaks
Kent
TN13 1JF

Ask for: Charles [REDACTED]
Direct Line: 01732 227174
Email: [REDACTED]
DX: DX 30006 Sevenoaks
Your ref: 22/02810/LATEN
Our ref: 22/03140/CONLIC/S
Date: 16th August 2022

Dear Mr Surucu,

Environmental Protection Act 1990, Section 80
Licensing Act 2003

Complaint of noise nuisance from amplified music and customer noise at:
Ephesus, 57 - 59 High Street, Sevenoaks

As you may already be aware, the Environmental Health Team received details of a further noise complaint on Saturday 13th August at 23:34 hours.

An officer visited the complainant shortly after midnight and observed excess noise emanating your restaurant during an assessment made from the complainant's property. The bass from amplified music was considered to be intrusive, increasing in level when the front entrance door was opened. Noise from a large group of customers waiting outside the restaurant was also considered to be excessive. My colleague was advised that noise on the preceding evening had been of a similar level.

Prior to leaving, my colleague walked around the restaurant and confirmed that the noise was from your restaurant.

You have already been informed that this information will likely be disclosed to the Licensing Sub-Committee at the review hearing for Ephesus. Please also be aware that Environmental Health Team have now objected to the following TEN applications you have made: 22/02951/LATENL (20th - 21st August), 22/02952/LATEN (27th - 28th August, and 22/02973/LATEN (3rd - 4th September) 2022.

During our meeting on 3rd August 2022 you informed me that all music played at Ephesus is controlled by your Formula Sound noise limiter. This does suggest to me that the level has been set too high and will need to be adjusted downwards.

Going forwards, and subject to the outcome of the review hearing, the Environmental Health Team will have regard to this incident and will be considering what other enforcement action may be necessary to control noise from your premises to acceptable levels.

Chief Executive: Dr. Pav Ramewal

Council offices
Argyle Road
Sevenoaks
Kent TN13 1HG

t 01732 227000
e information@sevenoaks.gov.uk
DX30006 Sevenoaks
www.sevenoaks.gov.uk



INVESTORS
IN PEOPLE

Platinum
Until 2022

Agenda Item 3

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours sincerely,



Charles [redacted]
Environmental Health Officer
Environmental Protection Team

c.c Licensing Team
Planning Enforcement Team
Police Licencing Team

SDL/17

From: CIHANGIR SURUCU [REDACTED]
Sent: 16 August 2022 14:52
To: Charles [REDACTED]
Cc: DMS Insert <dmsinsert@sevenoaks.gov.uk>; Licensing Officers <Licensing.Officers@sevenoaks.gov.uk>; Planning Enforcement <planning.enforcement@sevenoaks.gov.uk>; Phillip Comben PC 46012876 [REDACTED]
Subject: Re: Our ref. 22/03140/CONLIC/S Complaint of noise from Ephesus, 57 - 59 High Street, Sevenoaks on 13 - 14th August 2022

EXTERNAL EMAIL: Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

When the environment officer attended our Restaurant , he had checked the sound noise limiter and said he was happy with the outcome, but in your email your saying the opposite.

When the officer left my premises he went the oak tree pub which I strongly believe their one of the people complaining about my premises. To my understanding is there some sort of work taking place with the Oak tree pub and council against my place.

I believe there is some sort of racism going on and the council is doing there best along with some of the high road pubs and restaurants to make my business seem bad to the public and make me lose.

The pressure is starting affect my whole life as I've put everything into my business doing my best to serve people.

If this is going to continue this way I'm going to have to take some action myself with my solicitors.

I would like PC Phil to look into the that night and take cctv footage from the oak tree pub and the environment officer will be seen sitting with pub owner.

Kind regards
Cihangir Surucu

This page is intentionally left blank

SDL/18

SDL/18

From: enquiries [REDACTED]
Sent: 16 August 2022 09:39
To: Licencing <licencing@sevenoaks.gov.uk>
Cc: 'Alex Martin' [REDACTED] >
Subject: RE: Temporary Event Notice - 22/02951/LATENL & 22/02952/LATEN - Ephesus - 20/08/2022 & 27/08/2022

EXTERNAL EMAIL: Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Licencing,

We would like to [withdraw these licences](#) (22/02951/LATENL & 22/02952/LATEN - Ephesus - 20/08/2022 & 27/08/2022) with immediate effect and will reapply for the amended versions.

Kind regards,

Jenny Munn

Hours: Monday – Friday 09.00 – 17:30

Lyondale Planning Ltd | Crown House Home Gardens Dartford Kent DA1 1DZ



Lyondale Planning: Expert Planning Consultants & Architectural Designers

This email and any files transmitted with it are intended solely for the use of the individual(s) to whom they are addressed. If you are not the intended recipient and have received this email in error, please notify the sender and delete the email.

This footnote also confirms that our email communications may be monitored to ensure the secure and effective operation of our systems and for other lawful purposes. This email has been swept for known malware and viruses but we cannot guarantee that this message or any attachment is virus free.

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Consultee comments

Dear Sir/Madam,

A consultee has commented on a Licensing Application. A summary of the comments is provided below.

Comments were submitted at 22/09/2022 11:16 AM from Mr Charles Hook (Not Available) on behalf of SDC Environmental Protection.

Application Summary

Reference:22/03351/LAPMV

Address:57-59 High Street Sevenoaks Kent TN13 1JF Proposal:Premises Licence - Minor Variation

Case Officer:Jessica Foley

Comments Details

Comments:I refer to the above application for a minor variation to vary this premises licence.

Amongst other things, the applicant proposes "to add following conditions recommended by the Environmental Health Authority".

However, the application appears to a typographical error and incorrectly transcribes the time that the EH Team recommended the connecting door between the restaurant and glazed seating area should be closed and locked: I suggested 22:00hours (but raised this as a point the Licensing Committee may wish to determine) but the application states 23:00 hours.

Provided this is a typo and the applicant is prepared to amend this matter, the EH Team has no objections to this minor variation. If this is not the case and the applicant has sought to amend the times we recommended, then we would object.

CH

Kind regards

From: Jessica Foley

Sent: 22 September 2022 13:03

To: Mahir Kilic [REDACTED]

Subject: FW: Consultee Comments for Licensing Application 22/03351/LAPMV

Importance: High

Good afternoon Mrs Aysen Ipek Kilic,

I have received the below comments from Environmental Health.

Please could you confirm if the condition should be amended?

Many thanks,

Jessica

Agenda Item 3

-----Original Message-----

From: Mahir Kilic [REDACTED]
Sent: 22 September 2022 14:42
To: Jessica Foley [REDACTED]
Subject: re: FW: Consultee Comments for Licensing Application 22/03351/LAPMV

Dear Jessica,

We will reduce the hours to 22:00 to ensure EH supports to Minor Variation.

Kind Regards,
Mahir Kilic
020 7241 3636

-----Original Message-----

From: Jessica Foley [REDACTED]
Sent: 23 September 2022 09:58
To: Charles Hook [REDACTED]
Subject: FW: FW: Consultee Comments for Licensing Application 22/03351/LAPMV

Hi Charlie,

Please see email below for Ephesus minor variation. Can you confirm that you do not have any objections now?

Many thanks,
Jess

-----Original Message-----

From: Charles Hook [REDACTED]
Sent: 23 September 2022 10:40
To: Jessica Foley [REDACTED]
Subject: RE: FW: Consultee Comments for Licensing Application 22/03351/LAPMV

Yes, I can now confirm no objections.

Many thanks

Charlie

PREMISES LICENCE



The Licensing Act 2003
Schedule 12, Part A

Premises Licence Number	22/03351/LAPMV
--------------------------------	----------------

Part 1 – Premises Details

Postal address of premises , or if none, ordnance survey map reference or description, including Post Town & Post Code	
Ephesus 57-59 High Street Sevenoaks Kent TN13 1JF	
Telephone number	None Supplied

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Sale or Supply of Alcohol

Times the licence authorises the carrying out of licensable activities	
Sale or Supply of Alcohol	
Monday to Saturday	10:00 - 00:00
Sunday	12:00 - 23:30

The opening hours of the premises	
Sunday	12:00 - 00:00
Monday to Saturday	10:00 - 00:30

The non-standard opening hours of the premises
Not applicable

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption both on and off the premises.

Licence Number: 22/03351/LAPMV
Issue Date: 26/09/2022

Page 1 of 7

Agenda Item 3

Part 2

Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence Mr Cihangir Surucu [REDACTED]	
Email address	[REDACTED]

Registered number of holder, for example company number, charity number (where applicable) Not Applicable
--

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Cihangir Surucu [REDACTED]
--

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number:	LEW 5098
Licence Authority:	London Borough Of Lewisham



Richard Morris
Chief Officer - Planning & Regulatory Services
Sevenoaks District Council

Annex 1 – Mandatory conditions

The supply of alcohol

- Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

(a) at a time where there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions in force from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula— $P= D + (D \times V)$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Agenda Item 3

4. - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Conditions in force from 01 October 2014

1.— (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.— (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

Agenda Item 3

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Annex 2 – Embedded conditions

EC0603 - Regulated Entertainment - (from original Justices Licence)

Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.

EC0601 - Credit Sales (from original Justices Licence)

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, is consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess

Annex 3 – Conditions consistent with the Operating Schedule

ID will be requested at the time of delivery, by the delivery driver or associated employee or third party, to confirm the age of the person accepting the alcohol and/or making the order.

To add following conditions recommended by Licensing Authority

1. The premises will have a working CCTV system installed.

All public areas of the licensed premises, including all public entry and exit points and the area immediately in front of the premises will be covered.

The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available

for a minimum of 31 days with accurate date and time stamping.

A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public.

This staff member shall be able to show the Police or a Licensing Authority Officer recordings immediately when requested.

CCTV data will be downloaded and provided upon request by either the Police and/or a Local Authority Officer and this will

be provided within 3 working days of receipt of the request.

Should the CCTV system break, Local Authority Licensing will be notified within 48 hours.

Agenda Item 3

2. A staff member who is conversant with the operation of daily bar sales will be available at all times the premises is open to provide either Kent Police or a Local Authority Officer with a print-out of bar sales for the hours requested at the time of request.

3. All staff will be trained in their roles and responsibilities under the Licensing Act 2003. This will include

- a) Knowledge of the premises licensable hours
- b) Knowledge of the Designated Premises Supervisor (in particular who they are, how they can be contacted at any time, and what his/her responsibilities are)
- c) Knowledge of any conditions attached to the premises licence
- d) The four licensing objectives
- e) Underage Sales
- f) Proxy Sales
- g) The keeping and maintenance of a refusals log
- h) Recognising signs of drunkenness and vulnerability
- i) Actions to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services.
- j) Documented records of training completed shall be kept for each member of staff.
- k) Training shall be regularly refreshed at regular 6 monthly intervals. Training records shall be made available for inspection upon request by Kent Police or an authorised Local Authority Officer.

4. An incident report book will be kept on site and will be available for inspection by either Kent Police or a Local Authority Officer when requested. This book will contain information on all incidents at the premises and will include the date and time, staff names, a breakdown of each incident, and what remedial action was taken : if any.

5. A refusals register will be kept on site and will be available for inspection by either Kent Police or a Local Authority Officer when requested. This register will contain information on all refusals at the premises and will include the date and time, the product and reason for refusal, the name and signature of the staff member involved and any associated comments.

To add following conditions recommended by Environmental Health Authority

1. Details of the noise limiter that will be used at the premises must be submitted to the Environmental Health Team for prior approval.

The noise limiter must be set at a level that ensures neighbours are not caused nuisance or significant loss of amenity at any time and is to be used to control noise from amplified music and sound at all times during regulated entertainment.

In the event that noise complaints are received and substantiated by the District Council, the premises licence holder must reduce the level set on the noise limiter to the satisfaction of the District Council.

2. All doors and windows must be kept closed, other than for access and egress, during the playing of regulated entertainment.

Agenda Item 3

3. The door that connects the main restaurant to the (currently unlicensed) glazed seating area at the side must be closed and locked after 22:00 hours.

Annex 4 – Conditions attached after a hearing by the licensing authority






Not applicable

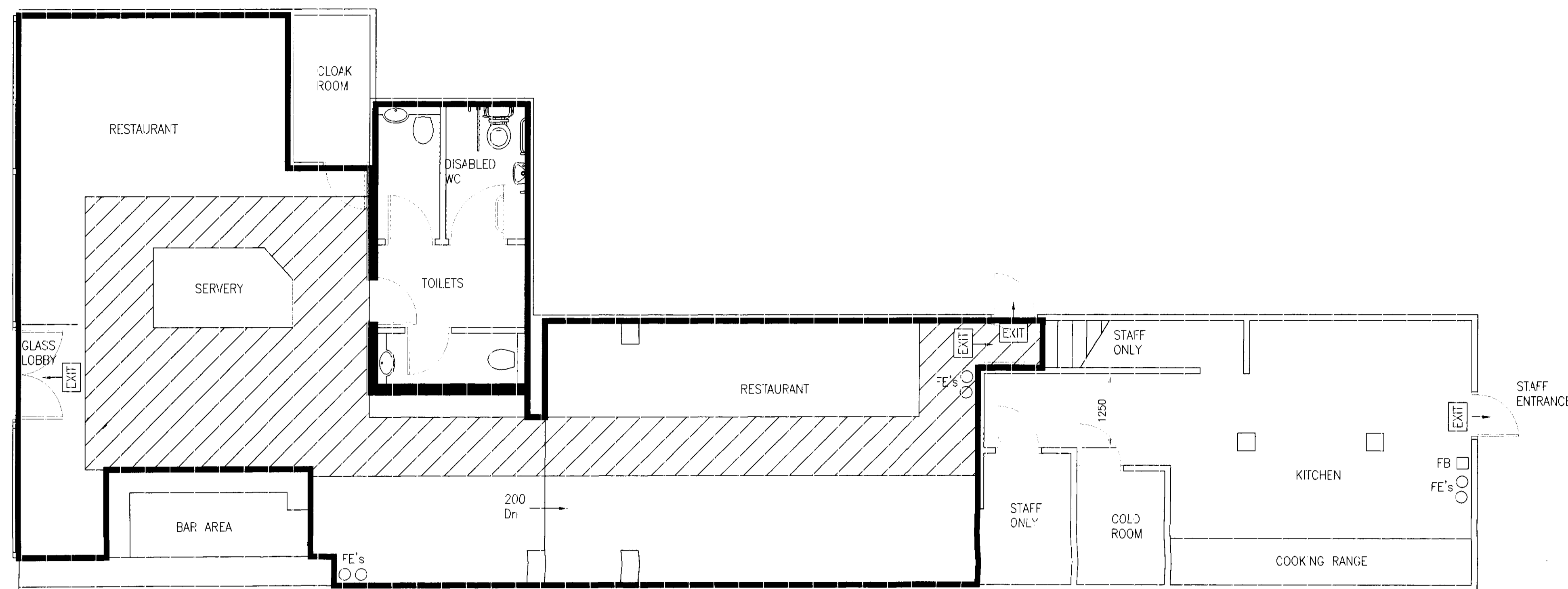
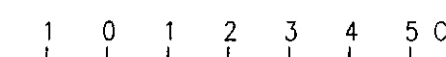
Annex 5 – Plans

Please see attached

This page is intentionally left blank

NOTES

1. THE ORIGINAL SIZE OF THIS DRAWING IS A1.
2. ALL DIMENSIONS ARE IN MILLIMETRES.
3. ALL LEVELS ARE IN METRES.
4. ALL DIMENSIONS ARE TO BE CONFIRMED AND CHECKED ON SITE PRIOR TO COMMENCEMENT OF FABRICATION DRAWINGS AND/OR SITE WORKS.
5. ALL WORKS ARE TO BE CARRIED OUT IN ACCORDANCE WITH ALL RELEVANT BRITISH STANDARDS, CODES OF PRACTICE, BUILDING REGULATIONS, HEALTH AND SAFETY REQUIREMENTS AND MANUFACTURERS' RECOMMENDATIONS.
6.  EMERGENCY EXIT ROUTES
7.  DENOTES ESCAPE ROUTES NOT IMPEDED BY ANY STRUCTURES
8. FE's  FIRE EXTINGUISHERS
8. FB  FIRE BLANKET
8.  AREA OF PUBLIC ACCESS




Rev	Description	Date
A	DISTRICT COUNCIL NOTES ADDED	17.11.05

Client
SUN CATERING

Project
**SPICE CLUB
 SEVEN OAKS
 KENT**

Drawing Title
LICENSE PLAN LAYOUT

 **Conditioning Environmental Services Limited**
 Unit 6B
 Possingworth Farm
 Blackboys, Uckfield
 East Sussex, TN22 5HE
 Tel No: 01435 868588
 Fax No: 01435 860813
 Email: info@acenvironmentalservices.com

Scale	A1@1:50 A3@1:100	Drawn		Checked	TW
-------	---------------------	-------	---	---------	----

Date	Drawing Number	Rev
26.05.05	C1203-P01	A

This page is intentionally left blank

Appendix AE

Site plan showing area



This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank