

## LICENSING HEARING

Minutes of the meeting of the Licensing Hearing  
held on 10 December 2012 commencing at 10.30 am

Present: Cllrs. Piper, Raikes and Walshe (Chairman)

Also present:	Mr. M. Davis	-	Applicant
	Mr. G. White	-	Applicant
	SDC Cllr. Mrs. Parkin	-	Objector
	Parish Cllr. Moss	-	Objector
	Mrs. J. Bolton	-	Licensing Officer
	Mr. L. Roberts	-	Legal Adviser
	Ms V. Etheridge	-	Democratic Services Officer

#### 4. Declarations of Interest.

There were no declarations of interest.

#### 5. Eureka! (Uk) Ltd, Manor Lane, Fawkham, Longfield, Kent DA3 8ND

The Hearing gave consideration to a report by the Community and Planning Services Director giving details of an application under the Licensing Act 2003 for a premises licence at Eureka! (UK) Ltd Manor Lane, Fawkham, Longfield, Kent DA3 8ND. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the applicant that he had spoken to the objector immediately prior to the meeting and felt that discussion between the parties could have avoided the hearing. There had previously been a meeting arranged with the Parish Council but he had unfortunately been in hospital and had missed it. Pending today the Parish Council had declined another meeting until the outcome of the hearing. He explained many of the complaints arose from a one off day event that he would not hold again. He disputed claims of noise nuisance stating that it was impossible to hear the music from outside the clubhouse. He was a responsible owner who took pride in looking after his clientele and being a good neighbour. He would be very happy to hold regular meetings with the Parish Council.

In response to questions from the Sub committee the applicant replied that the only real change since it opened in 1974 was management. It also used to be a family club but had been changed to over 18s only for evening parties. He responded to questions concerning memberships and capacity. It was not a night club but gatherings of like minded people. He kept the boundary patrolled and secure but could not help the odd person wandering off, he in turn had helped other people who had wandered onto his land by mistake. In response to questions from the objectors he advised that there was no evidence of drug use in the club house or cabins. He did not see the introduction of the cabins as a change of use of the site but as a natural progression as members had slept in the club house before

## **Licensing Hearing - Monday, 10 December 2012**

The Hearing heard from the objectors who stated that the site had been there a long time but more recently activities appeared to be having more of a significant and detrimental impact on neighbouring residents. Residents did not like complaining.

In response to questions from the Sub committee the objectors advised that residents were generally conditioned to noise due to the proximity of the M20 and Brands Hatch.

At 11.55 a.m. the Hearing Members, withdrew to consider the issues raised. The Council's Legal Advisor was available to give advice as required to the members and Clerk attended to note the decision.

At 12.25 p.m. the Hearing Members, Council's Legal Advisor and Clerk returned to the Council Chamber.

The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interested parties as well as the guidance issued under s 183 of the Licensing Act 2003 and the Council's Statement of Licensing policy.

It was therefore unanimously,

Resolved: That a Premises Licence in respect of Eureka! (UK) Ltd Manor Lane, Fawkham, Longfield, Kent DA3 8ND, subject to the conditions contained in the licence attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 12.27 pm

Chairman

**Notice of determination for application premises licence****To:** EUREKA! (UK) LTD**Of:** MANOR LANE, FAWKHAM, LONGFIELD, KENT. DA3 8ND**Ref:** 12/03197/LAPRE

Sevenoaks District Council being the licensing authority, on the 14 September 2012 received an application for a premises licence in respect of premises known as Eureka! (UK) Ltd Manor Lane, Fawkham, Longfield, Kent DA3 8ND.

On the 10 December 2012 there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

**To grant the Premises Licence:**

Section F	To allow recorded music indoors on Wednesday from 20:00 until 00:00 hours, on Friday from 20:00 until 02:00 hours and on Saturday from 20:00 until 03:00 hours.
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 20:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	
Section G	To allow performances of dance indoors on Wednesday from 20:00 until 00:00 hours, on Friday from 20:00 until 02:00 hours and on Saturday from 20:00 until 03:00 hours.
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 20:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	
Section H	To allow anything of a similar description to that falling within (e), (f) or (g) indoors on Wednesday from 20:00 until 00:00 hours, on Friday from 20:00 until 02:00 hours and on Saturday from 20:00 until 03:00 hours.
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 20:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 20:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	
Section L	To allow late night refreshment indoors on Wednesday from 23:00 until 00:00 hours, on Friday from 23:00 until 02:00 hours and on Saturday from 23:00 until 03:00 hours.
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 23:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	

## Minute Annex

Section O	Hours premises are open to the public in the Summer on Sunday, Monday, Tuesday and Thursday from 10:00 until 22:00 hours, in the Winter on Sunday, Monday, Tuesday and Thursday from 10:00 until 19:00 hours. All year round on Wednesday from 10:00 until 00:00 hours, on Friday from 10:00 until 02:00 hours and on Saturday from 10:00 until 03:00 hours.
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 10:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	

The applicant intends to take the following action in order to promote the four licensing objectives if the proposed application is granted:

### General

Members only club (over 21), CCTV in operation

### The Prevention of Crime and Disorder

Paladin Security (SIA registered), No alcohol sold on site, Zero tolerance on drugs

### Public Safety

Marked fire exits, CCTV, Fire extinguishers

### The Prevention of Public Nuisance

All music inside, Nearest residential property approximately 1km away

### The Protection of Children from Harm

No children allowed (over 21)

To add the following condition on the Licence, in the interests of the prevention of public nuisance as follows:

That the Applicant provide the opportunity for a properly minuted liaison meeting with the Parish Council, to meet a minimum of four times a year, and deal with complaints and concerns or potential complaints and concerns.

### Mandatory Conditions:

#### Door supervision

Any premises which includes a condition that door supervisors must be at the premises to carry out a security activity, shall ensure that each such person is licensed to conduct such activities by the Security Industry Authority.

This licence granted at the Hearing is effective from the 10 December 2012.

## Minute Annex

Dated: 10 December 2012).

Signed .....

Chair – Licensing Hearing

Signed .....

Designation – Licensing Officer

Please address any communications to:

Licensing Regime  
Community and Planning Services  
Council Offices  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent TN13 1GP

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

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