



LICENSING COMMITTEE - LICENSING HEARING
(SUB-GROUP E)
12 November 2012 at 10.30 am
Conference Room, Argyle Road, Sevenoaks

AGENDA

Membership:

Cllrs. Piper, Raikes and Walshe

(Composition: Each Sub-Committee will contain three Members of the Licensing Committee. Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees.)

IMPORTANT INFORMATION

If an interested party (e.g. a parish or town council) has not made a "relevant representation" (section 18(6) and (7) of the Licensing Act 2003), it will not receive a notice of the hearing (Reg. 6(1) Hearings Regulations). The interested party will not, therefore be "a party to the hearing" (Reg. 2 Hearings Regulations). There will therefore be no right to address the hearing (Reg. 16 Hearings Regulations).

The above also applies to a Member i.e. if s/he does not make a "relevant representation" s/he will not be a "party to the hearing" and has no right to address the hearing unless appointed by "a party to the hearing" to assist or represent that party".

Would you please note that all the reports/information listed on this agenda are available from the Democratic Services Team on request (01732 227241). Alternatively you can make an appointment to view the information at the District Council Offices by contacting the Licensing Partnership Manager on 01732 227325.

1. **Appointment of Chairman**
2. **Declarations of interest.**

Any interests not already registered
3. **Eureka! (UK) Ltd, Manor Lane, Fawkham, Longfield, Kent DA3 8ND** (Pages 1 - 24)

(Fawkham and West Kingsdown)

1. Procedure at Sub-Committees of the Licensing Committee (established in accordance with Section 9 of the Licensing Act 2003)

- 1.1 In accordance with Section 9 (1) of the Licensing Act 2003, the Licensing Committee has resolved to establish five Sub-Committees, each consisting of three members of the Committee.
- 1.2 The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7 January 2011.
- 1.3 Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
- 1.4 The quorum for a Sub-Committee shall be two members.
- 1.5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 1.6 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) Applicant (or his/her representative) addresses the Sub-Committee.
 - (f) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the applicant.
 - (g) 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.
 - (h) 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.
 - (i) 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.
 - (j) Applicant (or his/her representative) makes closing address.
 - (k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.

(l) 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.

(m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.

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LICENSING COMMITTEE (HEARING) – 12TH NOVEMBER 2012

APPLICATION FOR A PREMISES LICENCE FROM EUREKA! (UK) LTD, MANOR LANE, FAWKHAM, LONGFIELD, KENT. DA3 8ND FOR A NEW APPLICATION UNDER THE LICENSING ACT 2003

APPLICATION REFERENCE NO: 12/03197/LAPRE

Report of the: Community and Planning Services Director

Status: For Decision

Head of Service Head of Environment & Operational Services – Mr. Richard Wilson

Recommendation: Members' instructions are requested

Background

The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached at Appendix A.

The application is made by Eureka! (UK) Ltd., Suite L, Radford Business Centre, Radford Way, Billericay, Essex. CM12 0BZ

The application is to:

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.

Agenda Item 3

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 I	To allow the provision of facilities for making 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 J	To allow the provision of facilities for dancing 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 K	To allow provision of facilities for entertainment of a similar description to that falling within I or J 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 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.	
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)

Representations received from statutory consultees:

Fire Safety	NO COMMENTS RECEIVED
Trading Standards	NO COMMENTS RECEIVED
Social Service	NO COMMENTS RECEIVED
Police	NO OBJECTIONS
Commercial	NO COMMENTS RECEIVED
Environmental Protection	NO OBJECTIONS
Development Control	NO COMMENTS RECEIVED

Representations received from interested parties:

4 x local residents and 1 x Parish Council

Agenda Item 3

Conclusions

Without prejudice, the Officer would like to draw to Members attention issues that they may wish to consider:

Mandatory conditions – the following conditions will be added to the premises licence when it is issued.

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.

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 the 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.

Sources of Information: [http://www.culture.gov.uk/alcohol and entertainment](http://www.culture.gov.uk/alcohol%20and%20entertainment)

Contact Officer(s): Miss. Jessica Bolton Ext. 7480

KRISTEN PATERSON
COMMUNITY AND PLANNING SERVICES DIRECTOR

RISK ASSESSMENT STATEMENT

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 No. 44.

The decision of this Hearing will be encompassed within the issued premises licence, and the licence will take effect on 12 November 2012 subject to any appeal to a Magistrates Court or higher Court.

Comments for Licensing Application 12/03197/LAPRE

Application Summary

Application Number: 12/03197/LAPRE

Address: Eureka Manor Lane Fawkham Longfield Kent DA3 8ND

Proposal: Premises Licence

Case Officer: Jessica Bolton

Customer Details

Name: Mr Davinder Chhatwal

Address: Wickhams Manor Lane, Fawkham, Kent DA3 8NB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

- Fitness of Licence Applicant
- Noise Disturbance
- Parking
- Safety of Premises
- Traffic

Comment: 8:50 PM on 10 Oct 2012 I would like to object to the Licence application on several grounds:

Eureka only has permission for two hundred members.

However their functions are open to non-members which is in breach of planning.

These non-member functions increase noise, traffic and litter pollution within the area and encourages indecent behaviour and dangerous driving from disrespectful visitors.

I reside within 500m of Eureka which in itself makes the application a farce as they have stated no one lives within a mile distance of them.

Only recently, to my knowledge, members of Eureka decided to fix a one way sign to my property so their party guests

would not lose their way- there is definitely no respect for their neighbour's privacy and the neighbourhood within which they operate.

Agenda Item 3

Janet Lockie

From: Paul Blacker <paulblacker@mac.com>
Sent: 03 October 2012 16:46
To: Licensing
Cc: Cllr Parkin, Faye; amarpaltakk@gmail.com; Peter Thomas; Anna Turner Bee
Subject: Eureka Naturist club licence, Fawkham

Dear Jessica

I note with some concern that Eureka has applied for an entertainments licence and that within this application they have shared that there are no residences within 1km, this is wholly inaccurate. As the nearest resident and village councillor I am concerned about this application, and wish to comment and make objections on behalf of myself and my neighbours that I have been able to speak to, who have also voiced great concerns and objections to me.

I have listed below the properties that are within 500m and 1km of this club and would also like to point out that the club is on one side of a beautiful tranquil rural valley, where many young families live. I have fielded many complaints about the noise from the club over the years from residents, and of the revellers at this club roaming further than just the club, i.e. sleeping on our land, and entering peoples property.

The noise has been on many occasions outrageous, the most recent being an open to the public, (even though it is supposed to be a private members club) custom car show on August the 12th. The noise was so great that the horses owned by my family in the field adjacent to the club had to be taken out of the field and stabled to try to calm them down. We and our neighbours, on this day and others, were and are continually disturbed by members of the public trying to find the club. Our family members have also been subjected to members of Eureka club observing them from the woods within the Eureka land, with no cloths on, and as I have 3 young teenage children, I hope you can understand my concerns in relation to this, especially given recent news events.

My family and neighbours and I were astounded to hear that they have been granted numerous licences previously and that we have never once been consulted or notified of their events by them or any other agent. As the closest neighbour to the club I have find it unbelievable that not once, either recently or in the past, have the owners, agents, managers or staff of this club attempted to inform us, or any other neighbour, of events that they will be holding, verbally or in writing, even though they know that we will be directly affected.

Again as this is a residential rural quiet country area, and I am a local village councillor licensing until 3 or 4 every weekend I feel is wholly inappropriate. Although they have indicated that these events will be held indoors, in reality the control of their guests exiting the premises in the past has caused the local residents great concern, noisy vehicles and revellers being amongst their complaints to me. The Eureka website is currently promoting dusk till dawn parties, although they are currently applying for a licence that runs till 3am, which appears to me to be somewhat anomalous.

Other concerns from residents have been fireworks repeatedly been set off late into the night, and i know that complaints have been made in relation to this. More recently my family members and I have also been very concerned about the noise coming from the club, with extremely raised and angry voices being heard, to the extent that they felt that hey had to leave where they were riding as they were concerned for their safety. Also the application has applied for a making music licence, again this and last year we were continually assailed with some sort of percussionist drummer noise coming from Eureka, and on a number of occasions screams of noise, again coming from the club, shouting at this person to be quiet.

Agenda Item 3

Below I have listed, to my knowledge, the residents within 500m and 1km of the club and would again like to point out that they are on the side of the valley overlooking these properties. Fawkham manor private hospital being one of them, and also that not one of us has been consulted by the club over this or another matter.

Lot 12 - 290m (my own property)
The Spinny - 300m
North Lodge - 300 m
Fawkham Manor Hospital - 500 m
The Grange - 360m
The Wickhams - 350m

Top Lodge
The Barn
Court Lodge
10 properties on Fawkham Valley Road
5 properties on 3 gates road
Scudders Farm
Penis House
Hazel lodge (towards Ash)
Corinthians sports club
7 properties on penis lane.

this even takes it up to Fawkham Village school.

Our concerns are that the granting of a licence will increase further the numbers of ? private members ? that attend the club and so increase the occurrences of problems that we have already experienced form this site.

I look forward to hearing from you in due course in relation to your decision.

Kind regards

Paul Blacker
Lot 12 Fawkham Manor

Hi All

I think its important that the information from Jessica Bolton in the email below is passed on to as many of the residents living in the vicinity of/who have been affected by the events at Eureka, to enable them to have their say should they wish to.

If this could be passed on, I would be very grateful.

Regards
Faye

Agenda Item 3

From: Jessica Bolton
Sent: 01 October 2012 11:29
To: Cllr Parkin, Faye
Cc: Claire Perry
Subject: Eureka, Naturist Club, Manor Lane, Fawkham

Dear Cllr Parkin,

Thank you for your email below.

Please could you let any residents that have been affected know that they need to put a representation in writing to us as soon as possible. The end date for representations is the 16th October.

Please do not hesitate to contact the Licensing Partnership should you require any further assistance.

Many thanks,
Jessica

Jessica Bolton
Licensing Team

Licensing Department
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent, TN13 1HG

Direct Tel: 01732 227480
Fax: 01732 742339
Web: www.sevenoaks.gov.uk

IMPORTANT CHANGES

On 1 January 2010 Sevenoaks District Council, Tunbridge Wells Borough Council and Maidstone Borough Council formed the Licensing Partnership to process and issue licensing applications.

The Licensing Partnership has a central administration based at Sevenoaks, with Licensing Officers located at each local licensing authority, together with admin support to deal with people visiting the Gateways.

Please send all licensing applications to:



Licensing Partnership

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



email: licensing@sevenoaks.gov.uk



tel: 01732 227004

£ *For all licensing applications please make cheques payable to: "Sevenoaks District Council". Alternatively card payments may be made over the telephone.*

From: Cllr Parkin, Faye
Sent: 26 September 2012 22:55
To: Claire Perry
Cc: Jessica Bolton; Leeann Leeds
Subject: RE: Eureka, Naturist Club, Manor Lane, Fawkham

Thank you Claire for that information.

Because local residents have been consulted about the Clubs application for two LDCs, it has come to light that residents within the Clubs locality (Manor Lane) have been subjected to significant music/DJ noise on party nights. Which I believe are held on a Wednesday, Friday and Saturday until the early hours.

A member of the Fawkham Parish Council who lives quite close to this site has confirmed that the music and noise is and has been unacceptable.

There is a Parish meeting tomorrow evening where the applications will be discussed with the residents who have been and might continue to be affected by these events, so I will keep you updated.

Kind Regards
Faye

Thanks for the link.

From: Claire Perry
Sent: 25 September 2012 07:37
To: Cllr Parkin, Faye
Cc: Jessica Bolton; Leeann Leeds
Subject: RE: Eureka, Naturist Club, Manor Lane, Fawkham

Dear Faye,

We currently have an application in to cover regulated entertainment and they have, recently given a TEN. We have picked this up as part of our enforcement and have been working with the premises to ensure they have the correct authorisation.

You can view the application –

Agenda Item 3

<http://pa.sevenoaks.gov.uk/online-licensing> and use 12/03197/LAPRE in the search field or try clicking on this link <http://pa.sevenoaks.gov.uk/online-licensing/simpleSearchResults.do;jsessionid=E7618AA646060BCFDDCCAE3D08F00EA6?action=firstPage>

Kind regards

Claire

Mrs. Claire Perry
Licensing Partnership Manager
for Maidstone Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council

Direct dial: 01732 227325
Fax: 01732 742339
Email: claire.perry@sevenoaks.gov.uk
www.sevenoaks.gov.uk

From: Cllr Parkin, Faye
Sent: 24 September 2012 21:58
To: Claire Perry
Subject: Eureka, Naturist Club, Manor Lane, Fawkham

Hi Claire

Perhaps you can help educate me, are this club licensed for the events and activities it provides for its members? or have they applied for any TEN's.

Many Thanks

Regards
Faye

12/03/12 Agenda Item 3

LICENSING PARTNERSHIP
03 OCT 2012 SHC
SEVENOAKS DISTRICT COUNCIL

Valid - JB.

Sent: 08 October 2012 08:33

To: Licensing **Agenda Item 3**

Subject: Eureka Naturist club licence, Fawkham

Importance: High

anna.turner-bee@talk21.com

Dear Jessica

It is with great concern that we have "found out" that Eureka Sun club have applied for an entertainments licence – we have not been consulted.

We wish to lodge our very strong objection to this being granted.

Our land is situated right opposite to Eureka; it is only separated by a very narrow road. Our main concern is for our horses who graze in this field during the year. During the summer they are in the fields 24 hours a day.

The noise generated by Eureka's "Party's" has been on many occasions horrendous, the most recent being an "open to the public", (even though it is supposed to be a private members club) custom car show on August the 12th. The noise was so great that our horses had to be taken out of the field and put in the

Agenda Item 3

stables as they were absolutely petrified; in fact I had to sedate one of the horses as he would not calm down as the noises persisted through the day and night.

We are continually overlooked by naked people as there fence has fallen down and not been replaced. On one occasion I found two people asleep on our land, telling me they thought they were at a Eureka party! This field is situated very close to my brothers house who has young children this has caused concern with strangers on our land late at night especially with the recent news story regarding a missing child.

We are absolutely astonished to hear that Eureka have been granted numerous licences previously and that we have never once been consulted or notified of their events by them or any other agent. As the closest neighbour and land owners to the club I have find it unbelievable that not once, either recently or in the past, have the owners, agents, managers or staff of this club attempted to inform us of events that they will be holding, verbally or in writing, even though they know that we will be directly affected.

This is the a very quiet rural area and the fact that Eureka have requested a licence to party till 3am is absolutely unacceptable and extremely concerning. During one of their parties this year I was called by my brother to come and sedate my horse in the middle of the night as not only were fireworks going off for a very lengthy period and after midnight but there was a lot of very loud music being played. My horse was in a terrible state when I arrived and should a licence be granted I have serious cause concern regarding my horses.

Whilst I was clearing my fields (poo picking) one morning on a Sunday at 6am a drummer persisted in playing his drums that he loudly/proudly shouted about using the night before which went on a on till one of the other members shouted for him to stop! If they found it annoying imagine how I found it?

I have recently been subjected to having to listen to a very heated and angry/loud argument that occurred whilst I was ridding my horse in my school – I was so scared I had to abort my session.

The other concern I have is that when these parties have taken place glass bottles are thrown into the fields along with rubbish which is really dangerous especially if the horses are in the fields 24 hours.

Our concerns are that the granting of a licence will increase further the numbers of concerning incidents, more traffic along very very narrow roads, extreme stress to our horses and the threatened security to my brothers family and my elderly mother.

I hope you consider our objection

Best Regards

Anna and Peter Turner-Bee
Lot 13 and land at lot 12

Agenda Item 3

THE SPINNEY MANOR LANE FAWKHAM KENT DA3 8NB

Valid JB

Licensing Dept.,
Sevenoaks District Council
Council Offices
Argyle Road
Sevenokas
Kent TN13 1HG

9th October 2012

Fax 1 of 1 & Post

A.o. Miss Jessica Bolton
Licensing Team

Dear Miss Bolton,

EUREKA NUDIST CLUB FAWKHAM LICENCING APPLICATION

I refer to the above and am given to understand that an application has been made for 3 days entertainment licence until 0300hrs and that the Club's website advertises 'dusk-til-dawn' parties for members and non-members. This is basically a 'Nightclub' use, whichever way you look at it.

I would submit that the Nudist Club does not have specific planning permission from the LPA as a 'Nightclub' therefore the licencing authority may not legally be in a position to grant a licence.

A 'Nightclub' is not embraced by the 'Use Classes Order' and is 'Sui Generis' that requires a specific planning permission. This has not been applied for and the licences should therefore be withheld.

Moreover, I understand in August a boisterous 'all night party' was held at the club [I was not in the neighbourhood that evening] which caused considerable noise and disturbance to neighbours until the early hours. Unreasonable behaviour is unacceptable and reason enough to refuse a 3-day licence for entertainment etc. Granting a entertainments licence for 3 days can only exacerbate the situation.

These comments are made without legal obligation.

Yours sincerely,

P Thomas



cc Parish Council

12/03197/LAPRE

LICENSING PARTNERSHIP
09 OCT 2012 ZH
DOCUMENTS VERIFIED



Sylvia Lewis

From: Lawrence Moss <lawrence@fawkham.com>
Sent: 16 October 2012 15:28
To: Licensing
Cc: Cllr Parkin, Faye; 'James Hollands'; james@speedgate.co.uk; L. Parlett, Fawkham Parish Council; Parish.Council, Fawkham; 'Paul Blacker'; 'Stephen Billings'
Subject: Eureka! (UK) Limited application - Ref: 12/03197/LAPRE
Attachments: Eureka Licencing application)Oct2012.pdf

Dear Sir

Please find attached comments from Fawkham Parish Council concerning the above application.

If anything is unclear or you have any questions please contact me.

Yours faithfully,
Lawrence Moss

With kind regards

Lawrence Moss
Chairman - Fawkham Parish Council

01474 703028
07810 543621
alternative email: dene99@gmail.com
Skype: [mosses_fawkham](https://www.skype.com/people/mosses_fawkham)

Parishioners Views

When the current planning applications for Eureka were discussed at the Parish Council meeting on 27 September 2012 the following comments were made that we feel are relevant to the licencing application:

1. It is alleged that there are some permanent residents on site. The Electoral Roll has been checked and it does not include the property Eureka. This implies that there are no registered electors residing at Eureka. *This view has been presented to the Eureka planning consultant and it has been stated that there are no residents on site but a duty manager is commonly there overnight to supervise the guests' accommodation.*
2. The Manor Lane road access is completely inadequate for the current vehicular activity to Eureka. The narrow lane is being vehicle eroded and disfigured. The traffic causes congestion.
3. Pedestrian access is via roads with no pedestrian provision. No public transport is available to the site.
4. The "Members Only" rules are not being respected
5. Creates considerable litter outside of the site. Evidenced by bottles and cans in the hedgerow on the roadside of Manor Lane.
6. Parties spill into local area with one report of two people sleeping in a residents paddock and another of a woman screaming and being assaulted by a male at 0230h. Police were called and came next morning.
7. Extravagant and very noisy firework displays take place in the early hours. This causes considerable difficulties with animals. *Eureka representative admits that this has happened but they now follow the law after advice from the Police.*
8. There is a long history of entertainments at this site. As far as the residents are aware this has been without an appropriate licence albeit some temporary licences have been obtained but the number and frequency is unknown.

Other Comment:

1. As a result of the Parish Council meeting, the Fawkham Parish Council requested a site meeting. This was accommodated on Friday 5 October but the management and / or directors did not make themselves available. A separate report is attached to this letter of that meeting. Where appropriate the details in the report should be considered as part of this submission.
2. During the site visit we observed what we believe are very very serious safety risks with the close proximity of the touring caravans to one another. Model Regulations for touring caravans state that the spacing should be 6m wall to wall. In many cases the actual spacing is estimated

Agenda Item 3

to be less than 2 metres. A fire in one would unquestionably spread to many and would likely affect the static caravans. This could happen during the night with many caravans occupied and people asleep. The club house itself would also be under serious threat. It takes little imagination to visualise a free standing large propane bottle being knocked over by a smoker and severing the flexible rubber hose. Firework displays and dense woodland add further to this risk.

If anything is unclear would you please contact me directly

Yours sincerely

Lawrence Moss
Chairman – Fawkham Parish Council

7. No person under 18 is admitted and this is generally interpreted as not under 21.
8. The original planning permission is dated 1974 according to the planning agent.
9. At the gate there is a notice with a list of charges. This includes a Non-Members charge. This does not align with the current licence application.
10. During the meeting the representatives took no notes and made few comments.
11. It is clear that there has been rampant contravention of planning requirements over a considerable period.
12. The safety and fire risk of the site is a very serious issue that needs addressing. The close spacing of the caravans, with large gas bottles, would mean that a fire in one could readily spread to all of them and the adjacent buildings and woodland. Model regulations state that there shall 6m spacing between the walls of adjacent caravans.
13. Fireworks. Giles said that they were aware of the law after complaints and police advice following a late firework display two years ago. He stated that they are now compliant but people may be confused with the golf club or other locations that continue to release fireworks late at night.
14. Outside the main gate there is considerable litter on the verge with a number of beer bottles, cans etc. being evident.
15. Although the main electric gate is elaborate and looks secure, there is easy pedestrian access around each end of the gateway. Such access may be uncontrolled.
16. The idea of a liaison committee was raised and we asked that the idea be passed to the management. The idea seemed to be received positively.

With kind regards

Lawrence Moss

01474 703028

07810 543621

alternative email: dene99@gmail.com

Skype: *mosses_fawkham*

Agenda Item 3

Copy of the text of email sent to all Parish Councillors following a site meeting to Eureka on 5 October 2012.

Dear All

SDC Councillor Faye Parkin and I visited the above site from 0930 until about 1030 today. The visit was in connection with the two current planning applications. We were accompanied by Anna Turner-Bee, Parish Cllr Paul Blacker's sister who represented Paul. We met Mark Batchelor the Planning agent who prepared the applications and Giles White who is a general helper to the Director Mike Davies. It is disappointing that no manager or director made themselves available to meet us.

Matters that were ascertained from the representatives and other observations that are relevant or concern to the applications are:

1. There are 38 touring caravans on site arranged around the perimeter of an open area that resembles a large car park in scale. These caravans were not connected to drainage but connected to containers in most cases. Many looked like they had been there a long time and the majority had no number plates. Ages and sizes varied but all were typical of a touring caravan. They were parked in close proximity to one another being generally say 2m apart with no adjacent space for parking etc. Some were probably as close as 1.5m. Giles said that there are normally 25 to 28 touring caravans on site and the large number seen today was due to the seasonal changeover. The caravans are mainly used at weekends and always by their owners, they are not let out for rental. There was stated to be 22 to 23 electric hook ups for the caravans. A number of the caravans had 47Kg free standing propane bottles alongside (this is a large size about 1.2m tall). This is indicative of the caravans being on site for long periods
2. There is stated to be no facility on site for caravan storage.
3. It was stated by Giles White that there is no residential use and no residents on site. It is normal for the duty manager to stay overnight but this is a rolling duty and no single manager person stays on site for more than a few days. The duty manager normally sleeps in one of the static caravans.
4. The Mobile Homes / Static caravans have their own discrete area which is quite confined and has an unprotected and unscreened 2000 litre propane tank in close proximity amongst them.
5. There is no mains drainage for the whole or any part of the site.
6. The sum total of accommodation types can sleep 90 people at two occupants per facility. Giles stated that invariably only two people use each facility so the number of 90 or more seems realistic. Accommodation units were verified to be made up of 12 Log Cabins, 8 Static Caravans, a Lodge (sleeps four) and 38 touring caravans on the day of the visit.

Fawkham Parish Council

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10 October 2012

Licensing Partnership
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Dear Sir

Premises Licence

Eureka Eureka Manor Lane Fawkham Longfield Kent DA3 8ND

Ref. No: 12/03197/LAPRE | Status: Open for Consultation | Applicant Name: Eureka! (UK) Ltd

Fawkham Parish Council wishes to object to the above application because the scope and extent of the application is well beyond what we feel is reasonable or acceptable in the rural location that is occupied by the Eureka Naturist Club. The proposed licenced hours are excessive and music outside of the licenced site should not be audible after midnight on any day or at any time of year. Further, all activities associated with any licence that may be issued should terminate at midnight on any day.

Fawkham Parish Council has five members. One of our Councillors has declared an interest and has not contributed to this letter. The consultation necessary to formulate our objection has been based on an exchange of emails and a draft letter. This approach has been necessary as we learnt about this application after our last meeting. The short notice of the closing date for comments makes this the only practical solution for presenting the Council's views.

Technical Aspects

We have read the applications and from an accuracy point of view comment as follows:

1. The description of the premises is as follows:

Agenda Item 3

Please give a general description of the premises (please read guidance note1)

Nativist club with members, holding discos.

Members of the Fawkham Parish Council visited the site on 8 October in connection with a current planning application. We can verify that the activities at Eureka extend beyond the above description. There are 12 log cabins, a lodge and 8 static caravans permanently on site offering overnight accommodation for 44 people minimum. There is also a caravan parking area that when we visited had 38 caravans present that can afford sleeping for at least a further 76 people. None of this accommodation currently has planning permission.

2. In section "O" of the application it describes that the premises generally open at 1000h each day. This is difficult to understand when there is fixed overnight accommodation and a caravan park.

3. In section "P" it states:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Members only club (over 21)
CCTV in operation.

According to the Eureka website the site is open to Non Members. There is also a tariff at the main entrance that identifies a charge for non members. It is impractical for the site to operate under the terms of the information in the licence application unless non-members are excluded.

4. Reference this statement by the Applicant:

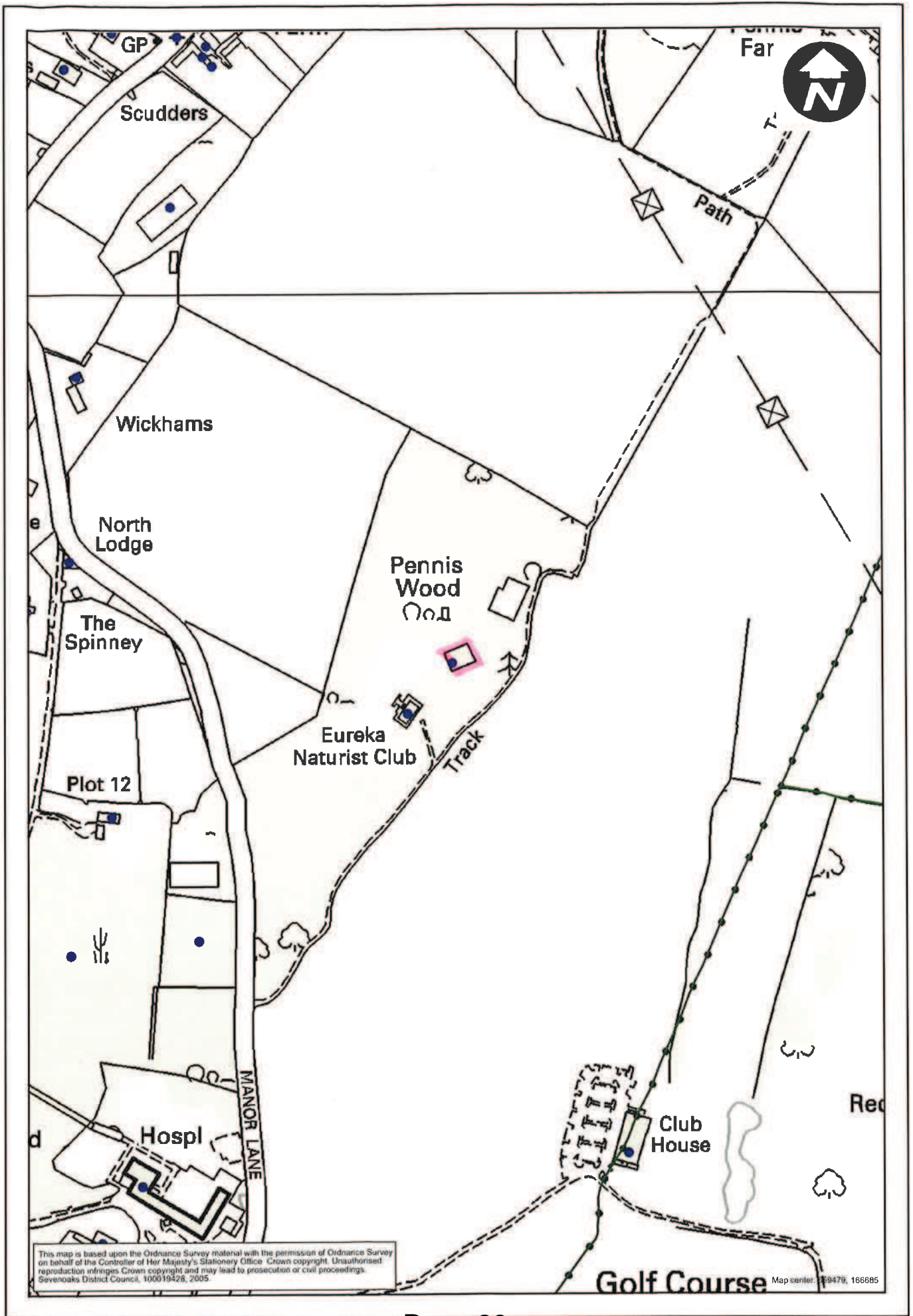
d) The prevention of public nuisance

All music inside.
Nearest residential property approx 1KM

Google Earth shows that the distance to the nearest residential property is 310m and not 1Km as stated. There are several other houses within a radius of 350m. Fawkham Manor Hospital main building is 520m from the Applicant's clubhouse.

Local Parishioners are of the opinion that in recent years the music source has been outdoors for some events. There have been reports of the music being audible well away from the site on Valley Road.

5. The proposed licenced location of the music source on the Applicant's site is not identified.



Agenda Item 3

