

09 February 2022 at 10.30 am

Council Chamber, Argyle Road, Sevenoaks

Published: 25.01.22

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Licensing Hearing

Membership: (Sub Committee C)

Cllrs. Abraham, Coleman and Edwards-Winsor (substitute)

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 VARIATION APPLICATION - Ephesus, 57-59 High Street, Sevenoaks, Kent. TN13 1JF	(Pages 1 - 64)	Jessica Foley Tel: 01732227480

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.

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.

- (a) 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.
- (b) Applicant (or his/her representative) makes closing address.
- (c) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.
- (d) 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.
- (e) 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.

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

Licensing Sub Committee - Wednesday 9 February 2022 at 10:30am

Report of: Chief Officer Planning & Regulatory Services

Status: For Decision

Key Decision: No

Portfolio Holder: Cllr. McArthur

Contact Officer: Jessica Foley, Ext. 7480

Recommendation to Licensing Sub-Committee:

The Sub Committee is asked to determine the variation application in accordance with the Licensing Act 2003 (as amended 29), Sevenoaks District Council Statement of Licensing Policy, and the Home Office Guidance issued per Section 182 of the Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.

Reason for recommendation:

A variation application has been received for a Premises Licence pursuant to Section 34 Licensing Act 2003. 13 representations against the application have been made by local residents, 1 representation by Environmental Health, and 1 representation made in support of the application by a local resident.

Introduction and Background

- 1 An application has been made to Sevenoaks District Council to vary a Premises Licence for Ephesus, 57-59 High Street, Sevenoaks, Kent. TN13 1JF. The applicant is Mr Cihangir Surucu - Appendix A
- 2 The nature of the proposed variation which is the subject of the variation application is 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 Saturday from 23:00 to 01:00 hours.

No changes are sought for hours Sunday to Thursday.

Agenda Item 3

- 1 A copy of the current Premises Licence (ref 19/01981/LAPRE) with associated plans are at **Appendix B and Appendix C**
- 2 Members attention is drawn to the fact that in August 2019 planning was approved for a rear/side extension to the premises to facilitate further customer space. This extension does not form part of the current Premises Licence Plans and this variation application does not seek to amend the current plans to include this area. Licensable activities cannot take place within this extension, although alcohol can be ‘consumed’ in this area. Regulated entertainment has not been applied for and would not apply to this area, but the premises do benefit from deregulation ‘exemptions’ which are explained at **item 14 to 19** of this report. Photographs and plans of this extension can be found in **Appendix D and Appendix E**.
- 3 For the attention of Members, a further, more detailed, site plan of the area surrounding the licensed premises is at **Appendix F**.
- 4 Local Authority records go back as far as 2004 for this premises showing it was operating under a Justices Licence (under the Licensing Act 1964) in the name of ‘Spice Club’. This licence was converted under the transitional provisions of the Licensing Act 2003 which came into effect in November 2005. The hours of operation for the sale of alcohol have not changed since 2004 to date.
- 5 In September 2018 the Premises Licence was transferred to Mr Cihangir Surucu.
- 6 The applicant was required to advertise the variation application by placing an A4 pale blue sign at the premises, and also to advertise in a local newspaper to inform the public of the application.
- 7 A consultation period took place between 18th December 2021 and 14th January 2022. Responsible Authorities were consulted as part of the process. The applicant conformed with all requirements in accordance with The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

Representation received from Responsible Authorities:

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

Kent Police	No comment made
Environmental Health	Representation received
Kent Fire	No comment made
Child Protection	No comment made
Trading Standards	No comment made
Health & Safety	No comment made
Planning (Appendix I)	Comments received but not objection
Public Health	No comment made
Home Office Immigration	No comment made

Representations received from others

- 9 Representations objecting to this application have been received from 13 local residents and Environmental Health. The relevant grounds of objection in the representations relate to noise, traffic, and antisocial behaviour which are relevant to the licensing objectives of the prevention of public nuisance, public safety, the prevention of crime and disorder, and the protection of children from harm. Copies of the representations are at **Appendix G**.
- 10 One representation in support of this application has been received from a local resident which is at **Appendix H**.
- 11 On the basis of the representations received, it is considered unlikely that this application will be successfully mediated before the Sub Committee Hearing.

Entertainment De-regulation

- 12 Members attention is drawn to section 16.6 of the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003
- 13 No licence permission is required for:
- 14 Live Music
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that does not have a licence, provided that the audience does not exceed 500. A “workplace” is as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces, as well as the means of entry and exit.
- 15 Recorded Music
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- 16 Licence Conditions
(Section 16.36 of the Home Office Revised Guidance)
Any existing licence conditions (or conditions added on a determination of an application for a premises licence) which relate to live music or recorded music remain in place, but are **suspended** between the hours of 08:00 and 23:00 on the same day where the following conditions are met:
 - At the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises,

Agenda Item 3

- If the music is amplified, it takes place before an audience of no more than 500 people, and
- The music takes place between 08:00 and 23:00 on the same day.

17 Licence Reviews: Live and recorded music

(Section 16.55 of the Home Office Revised Guidance)

On a **review** of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition

Licensing Sub Committee Considerations

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

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

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

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

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

20 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.

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.

- 21 The Licensing Sub Committee should be mindful of requirements and responsibilities placed on them by other legislation, in addition to those contained within the Licensing Act 2003. These include, but are not limited to, having due regard to the Equality Act 2010 and the Human rights Act 1998.
- 22 The Sub Committee is asked to note the procedures relating to this hearing which are contained within The Licensing Act 2003 (Hearing Regulations) 2005 (as amended). A link to these Regulations are in the Background Papers section at the end of this report.

Options

- 23 When considering this variation for a premises licence, the following options are available to the Sub Committee:
 - Grant the variation in the same terms as it was applied for
 - Grant the variation, but modify or add conditions as appropriate for the promotion of the licensing objectives.
 - Grant the variation, but modify the hours of licensable activity as appropriate for the promotion of the licensing objectives.
 - Reject the variation application.

Right of Appeal

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

Key Implications

Financial

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

Legal Implications and Risk Assessment Statement

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

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

Equality Assessment

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

Net Zero Implications

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

Appendices

Appendix A - Variation application

Appendix B - Current Premises Licence (19/01981/LAPRE)

Appendix C - Plans association with current Premises Licence

Appendix D - Photographs of premises extension

Appendix E - Plans of premises extension

Appendix F - Site plan showing surrounding area

Appendix G - Representations objecting from residents and Environmental Health

Appendix H - Representations supporting from resident

Appendix I - Comments from Planning

Background Papers

[Licensing Act 2003](#)

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

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

[The Licensing Act 2003 \(Hearings\) Regulation 2005](#)

Richard Morris
Chief Officer Planning & Regulatory Services

The Licensing Partnership

Application to vary a Premises Licence

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 <input type="text"/> Customer Name <input type="text" value="Cigangir Surucu"/>	Form Filename <input type="text"/>	
Form Reference <input type="text" value="Cigangir Surucu/"/>		
DOB <input type="text"/> NINO <input type="text"/>	Notes <input type="text"/>	Caps Reference <input type="text"/>
TEL <input type="text"/> Email <input style="background-color: black; color: black;" type="text"/>	<div style="border: 1px solid black; min-height: 100px;"></div>	
Cust <input type="text"/>		
57-59 High Street Sevenoaks Kent TN13 1JF		
Date Form Started <input type="text" value="13/12/2021 11:51:51"/>		
Date of E-signing <input type="text"/> Date Submitted <input type="text"/>		
Validation Ref <input type="text"/>		
Occupancy type <input type="text"/>		
Advisor Name (who started form) <input type="text"/>		
Advisor Department <input type="text"/>		
Self-Service <input type="text"/>		

Licensing Authority:

Ref:

Application to vary a Premises Licence 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.

Use the blank page at the end of the form to provide further details if necessary.

When it is complete you can submit the form directly to us - click on the Submit Form button.

You may wish to print and keep a copy of the completed form for your records.

For help information about filling in this type of electronic form, click on the help information button.

I/We Cigangir Surucu being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Sevenoaks District Council

[Click here for licence lookup](#)

Premises licence number

19/01981/LAPRE

Part 1 - Premises Details

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

57-59 High Street
Sevenoaks
Kent TN13 1JF

Post code

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 24750.00

Part 2 - Applicant Details

Title

Mr

Surname

Surucu

Firstnames

Cihangir

Daytime contact telephone number

02070420419

Email address
(optional)

msteward@tanp.com

Current postal
address
if different from
premises address

C/o Thomas and Thomas Partners LLP
38a Monmouth Street
London

Post Town

Postcode

WC2H 9EP

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To extend the terminal hour for sale by retail of alcohol Friday and Saturday till 01:00 and add Late Night Refreshment for Friday and Saturdays from 23:00 to 01:00.

No changes are sought for hours Sunday to Thursday.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

To complete this part, choose this option on Page 4

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

To complete this part, choose this option on Page 4

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<u>Please give further details here</u> (please read guidance note 3)
Tue					
Wed					
Thur					<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)
Fri					
Sat					
Sun					
					<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>

To complete this part, choose this option on Page 4

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

To complete this part, choose this option on Page 4

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will the entertainment take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Mon				Outdoors	
Tue				Both	
				Please give further details here (please read guidance note 3)	
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment be indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	X
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed				State any seasonal variations for provision of late night refreshment (please read guidance note 4)	
Thur					
Fri	23:00	01:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	01:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption please make selection with an "x" (please read guidance note 7).	On the premises	
Day	Start	Finish		Off the premises	
Mon					
Tue			<u>State any proposed seasonal variations for the</u> supply of alcohol (please read guidance note 4)		
Wed					
Thur					
Fri	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat	10:00	01:00			
Sun					

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4) as currently on licence 19/01981/LAPRE	
Day	Start	Finish		
Mon				
Tue				

L

Wed			<p>Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)</p>
Thur			
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

None

Please make selection with an "x"

I will enclose the premises licence with the declaration

I will enclose the relevant part of the premises licence with the declaration

Neither of above

If checking this box please fill in reasons for not sending the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

None

b) The prevention of crime and disorder

None

c) Public safety

None

d) The prevention of public nuisance

None

e) The protection of children from harm

None

Please make selection with an "x"

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

I/WE UNDERSTAND THAT 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 AMMOUNT

Part 5 - Declaration (please read guidance note 10)

Confirmation of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) If confirming on behalf of the applicant please state in what capacity.

Confirmation

Name Date

Capacity

For joint applications confirmation of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) If confirming on behalf of the applicant please state in what capacity.

Confirmation

Name Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Name

Address

Post Town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

For Official Use Only

Form Filename:

Applicant Name: Cigangir Surucu/

Submission Ref:

Date Submitted:

Use this page if there is any other information that you think we should know about.
Information entered on this page will be sent to us, along with the data on the rest of the form when you use the "Submit" option.

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for the user to provide additional information as instructed in the text above.

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

XML Specific

Application Type	LAPRE
Licence Case Type	VAR
Licence Status	1_REC
XML Template	PREM_V
CAPS Reference	

Payments request

CallingAppID	VIFO
CallingAppRef	ZZLO00
PaymentSourceCode	01

Customer Message

Response response

PaymentAuthorisationCode	
IncomeManagementReceiptNumber	715193
OriginatorsReference	
CardScheme	
CardType	
PaymentAmount	
ResponseCode	
ResponseDescription	
Number of payment lines	1

Service Message

Payment 1

Receipt Number	
DueDate	
PaymentType	WEB
Pay Description	
XML Description	Premises Licence Variation
PaymentDue	190 VAT <input type="checkbox"/>
Paid	190
Payment Date	
Fund	
Reference	

Payment 2

Receipt Number	
DueDate	
PaymentType	
Pay Description	
XMLDescription	
PaymentDue	VAT <input type="checkbox"/>
Paid	
Payment Date	
Fund	
Reference	

Payment 3

Receipt Number	
DueDate	
PaymentType	
Pay Description	
XML Description	
PaymentDue	VAT <input type="checkbox"/>
Paid	
Payment Date	
Fund	
Reference	

Payment 4

Receipt Number	
DueDate	
PaymentType	
Pay Description	
XML Description	
PaymentDue	VAT <input type="checkbox"/>
Paid	
Payment Date	
Fund	
Reference	

Payment 5

Receipt Number	
DueDate	
PaymentType	
Pay Description	
XML Description	
PaymentDue	VAT <input type="checkbox"/>
Paid	
Payment Date	
Fund	
Reference	

Case Overview

Form file name:	<input type="text"/>	Current Date	<input type="text"/>
Form data set reference	<input type="text" value="Cigangir Surucu/"/>	Date From	<input type="text"/>
Has been E-Signed	<input type="checkbox"/> Date/Time E-Signed		<input type="text"/>
Date/Time Submitted to main server	<input type="text"/>	Data Validation Reference	<input type="text"/>
Date/Time Submitted to external server	<input type="text"/>	Date/Time form Started	<input type="text" value="13/12/2021 11:51:51"/>

Automatic Messaging

Receipt Email Address	<input type="text"/>	Notification Email Address	<input type="text"/>
Receipt Email Subject	<input type="text"/>	Notification Email Subject	<input type="text"/>
Receipt Email Message	<input type="text"/>	Notification Email Message	<input type="text"/>
Mobile Number	<input type="text"/>		

Case Notes

CRM Integration

CRM Case Ref

Form History

17/12/2021 12:26:35 | Received on Remote Server
 17/12/2021 12:28:42 | Submitted | (anon, ,) | Application to Vary a Premises Licence (1.0).wdf, 77619, Licence Inc Bexley, new | Ref: 077619-11217-5NK16XJ
 17/12/2021 12:26:35 | Received on Remote Server
 17/12/2021 12:28:42 | Submitted | (anon, ,) | Application to Vary a Premises Licence (1.0).wdf, 77619, Licence Inc Bexley, new | Ref: 077619-11217-5NK16XJ

Form Database

Primary Record ID	<input type="text"/>	Secondary Record ID	<input type="text"/>
Department Name	<input type="text"/>	Form Status	<input type="text"/>
Depart Classification / Priority	<input type="text"/>	Search Field 3	<input type="text" value="57-59 High Street
Sevenoaks
Kent TN13 1JF"/>
Dept Case Reference	<input type="text"/>		
Date Record Started	<input type="text"/>		
Date Last Modified	<input type="text"/>		

Current User

Title	<input type="text"/>	Surname	<input type="text"/>	First Name	<input type="text"/>	User Record Id	<input type="text"/>
Tel No	<input type="text"/>	Email address	<input type="text"/>		Address	<input type="text"/>	
User Classification	<input type="text"/>						
Portal Username	<input type="text"/>	Expert for this form	<input type="text"/>				

System Data

Pages active with dynamic paging

Data Locked for Editing Date of offline forms creation Enable high-quality print (WDF)

Type of form - ufx, wdf or txt If TXT - Optimised for screen-readers Enable top controls on opening

Start page for expert users Print Collation Config

Form Design Settings

Dynamic paging enabled Use page titles for page menu ESigning is available After ESigning/Submission - go to page No? TXT form is available

Pages with forced error checking

Pages that override forced error checking

Last visible page: Unregistered users Registered users: Expert users: Override for TXT version

Default branding file: e.g. 'UK Revenues & Benefits Branding (1.0)'

Shared Data Dictionary e.g. 'Victoria Forms UK Government Data (1.0)'

HTML pages within WDF Page no for thumbnail

PREMISES LICENCE



The Licensing Act 2003 Schedule 12, Part B Summary

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

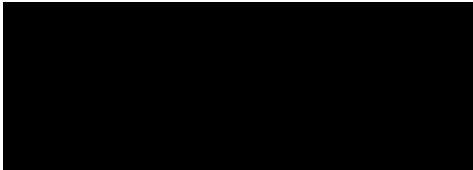
The opening hours of the premises	
Sunday	12:00 - 00:00
Monday to Saturday	10:00 - 00:30

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.

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 of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Cihangir Surucu
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
State whether access to the premises by children is restricted or prohibited As permitted under The Licensing Act 2003



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

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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.

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



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.

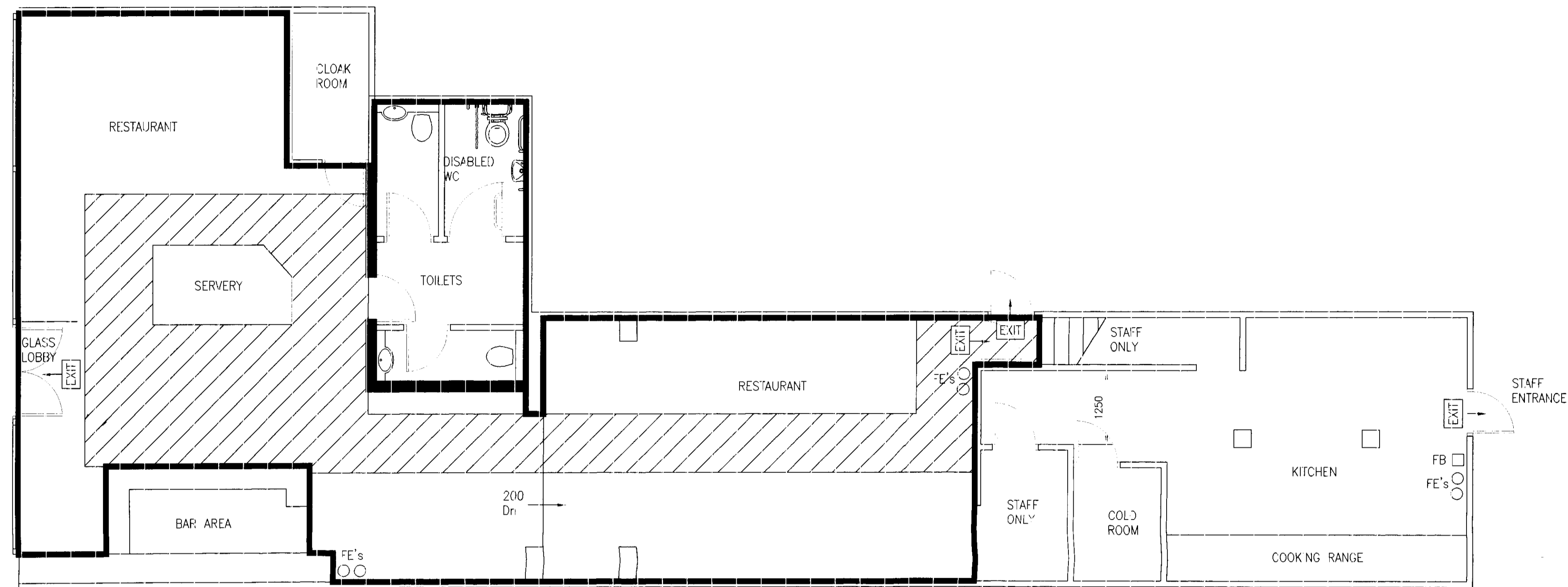
Annex 4 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 5 – Plans

Please see attached

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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

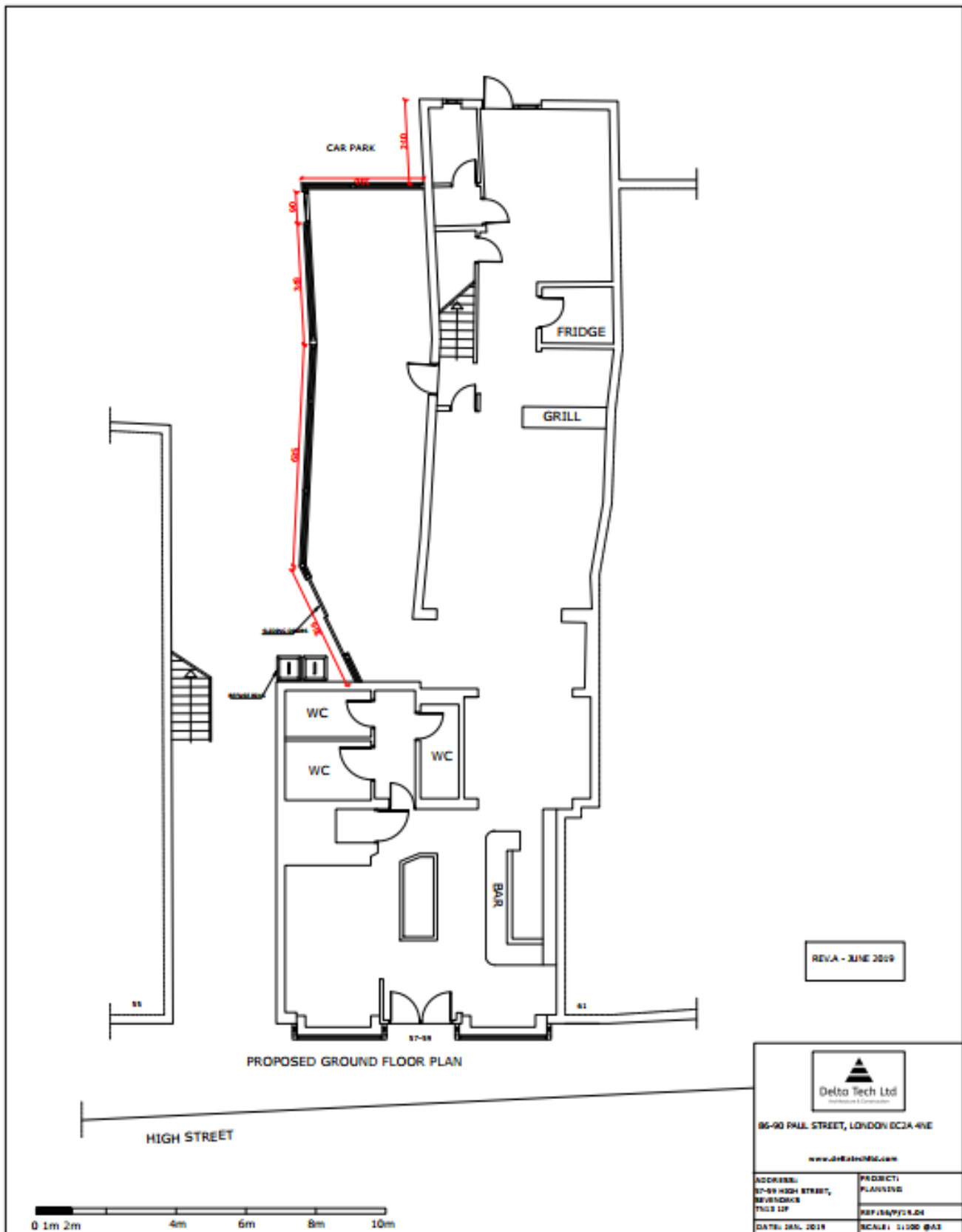
Scale	Drawn	Checked
A1@1:50 A3@1:100		TW

Date	Drawing Number	Rev
26.05.05	C1203-P01	A

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1. Mrs Christine Bumstead

- Crime Objections
- Noise Disturbance
- Opening Hours
- Parking
- Prevention of Public Nuisance
- Protection of Children from Harm

This part of the High Street is inappropriate for such late night hours. The noise from the guests disturbs all in the vicinity who would like to sleep at reasonable hours, especially the children. The Police were concerned about the previous application for fear of increased disorder. There are no parking facilities for the guests so further disturbance could be caused as they find their transport home. The neighbouring restaurants, The Sun Do and Branded, appear to run successful businesses without any inconvenience to neighbours - they both close at 11 pm at the latest.

On leaving The Sun Do at about 10.45 pm recently it seemed that a lot of Ephesus' (smoking) customers crowded on the pavement at the front of the restaurant, increasing the noise level.

We need to act now to prevent the extension of opening hours and not wait for increased crime and disorder, public nuisance and children suffering from disturbed sleep. If anything, the hours need reducing in line with the other restaurants.

2. Denis and Jean Carrigan

With reference to Ephesus 57-59 High Street Sevenoaks. We are residents in [REDACTED] Rockdale Road and strongly object to Ephesus extending their hours of operation.

We already experience noise and disruption from their clientele which goes on into the early hours of the morning with shouting and car doors banging. Extending their hours of operation would be absolutely intolerable.

Regards

Denis and Jean Carrigan

3. Thomas Gold and Susan Wood

Dear Ms. Foley,

My name is Thomas Gold. My partner Susan Wood and I reside at [REDACTED] Rockdale Road [REDACTED]. We have lived here for 3 and a half years and in this neighbourhood for over 8 years.

The purpose of this letter is to express our inexorable objection to any extension of Ephesus Restaurants' operating hours. As our home is directly affected by the noise created by the restaurant itself including their outdoor patio as well as the noise created by their patrons as they come and go from the restaurant, the anti-social behaviour we have witnessed at the rear of the restaurant and in the adjacent driveways as well as Rockdale Road we are certainly in a position to understand the needs of the neighbourhood and how the residents are affected by the conduct of the patrons as well as the facilities and entertainment offered by the restaurant.

The restaurant seems to be unwilling to adhere to their existing license restrictions as they periodically have music playing well into the early morning hours. On these nights the noise coming from the restaurant as well as from the cars parked illegally on Rockdale Road (both sides are double yellow lines and are most often ignored in the evenings). But beyond the nights when they do have music the noise, congestion and general nuisance of a late hours bar which seems to get busier once the local pubs close is absolutely unbearable. Sleep is impossible as people leave via the rear entrance of the establishment singing, screaming, urinating on any wall they want then get in their cars slamming their car doors, playing loud music and screeching their tyres as they leave the neighbourhood.

Regarding the parking situation, Rockdale Road as you may know is wide enough for two cars to pass. As we mentioned the street is double yellow on both sides of the road which is generally ignored. When you do get cars parked illegally on both sides of the road it is extremely difficult for any vehicle to get through and a concern is always that an ambulance or other emergency vehicle should need to get into Rockdale Housing facility at the end of the road where many elderly people reside.

An extension of their existing hours would only compound the problem and extend our agony caused by living so close to this establishment.

Online reviews of the restaurant refer to it as a nightclub and extending their operating hours will just add to the opinion of their customers that it is indeed an after hours venue intended for the rowdy and boisterous to frequent into the very early hours of the morning.

While we are tenants in this property we do know that others who own their homes are concerned about property values in the area which will be directly effected

should this extension of hours or any other modification to their business license terms be allowed.

We want to make it clear that we are not opposed to any business succeeding in the area. The other two restaurants within 30 seconds from our front door, Branded and Sun-Do, have never caused any problems for us. The only business that seems to push the limits of the residents of this neighbourhood is Ephesus.

Their clientele are often a nuisance with the potential to be disorderly thus effecting our safety as well as the enjoyment of our home. The establishment seems to encourage their late light business and are willing to bend the terms of their existing business license to secure that trade.

We strongly encourage the council to deny this request.

Respectfully,

Thomas Gold

Susan Wood

4. J R Hacker

REASONS FOR OPPOSING THE PROPOSED EXTENSIONS TO THE LICENCE

1. The Prevention of Crime and Disorder

- If this revised application to extend licensing hours on Fridays and Saturdays is approved, these premises will still have the latest closing times in the area. This will inevitably act as a magnet to customers from public houses etc with an earlier closing time.
- The later hours will act as a precedent for applications for licence extensions from competing pubs and restaurants.

2. Public Nuisance

- The narrow pavement outside Ephesus is already attracting gatherings of customers. This can be intimidating to residents returning home during the evening given that the customers are unlikely to be 100% sober.
- The presence of a “bouncer” suggests that some sort of trouble is expected. These concerns are also referred to in Kent Police’s objections to the previous application (reference 21/01465/LAPRE) which stated that *“Kent Police believes that the extended hours prolong the exposure to alcohol and would suggest that a terminal hour of midnight would be more appropriate for all licensable activity. This is to limit the potential for disorder due to excessive intoxication and increased tension from such activities.”*
- Parking in the area is already tight and Rockdale Road needs to be kept clear, in particular for emergency access to Rockdale House care home.
- The coming and going of private cars and taxis up to 2am, or later, on Fridays and Saturdays will create unacceptable levels of noise.
- I leave the question of general noise levels to others who are more directly affected. However, I am aware that this is already a problem for those not protected by intervening buildings.
- Extract from Police comments on previous application: *“Signage will be displayed at the exit and in any outside area used by patrons requesting customers to respect the neighbours/patrons and not cause unnecessary noise.”* I don’t have much confidence in the effect of such notices at any time but certainly not at closing time.
- Extract from Police comments on previous application: *“There will be no admittance or re-admittance to the premises after 23:00 hours, customers leaving to smoke must remain within a designated smoking area at all times or re-admittance will be refused.”*

Apart from the public pavement outside the restaurant, the only potential smoking area on the premises is the so-called garden, which now has a very flimsy structure enclosing it. This provides very little protection from the noise caused by customers.

- It is noted that this application makes no reference to Live and Recorded Music or to the Performance of Dance. If this application is approved, it could open the way to a later application to include these activities which would undoubtedly add to the existing Public Nuisance issues.

5. Mrs Clare Hadden

- Noise Disturbance
- Opening Hours
- Public Safety
- Traffic

There is very limited parking and a small pavement space, and close parking is by residential buildings (including Rockdale housing for the elderly). Having extended hours for serving alcohol will result in noise and possibly disorder in the street, and disturbance on the High Street with a risk to road safety for pedestrians, road users and residents.

6. J & J Murphy

Dear Madam

We object to the above Application based on the following concerns.

The close proximity of quiet Residential Housing.

Longer opening hours which allows customers to consume Alcohol most definitely increases the risk of disorderly and criminal behaviour.

Already Residents have to keep windows closed at the weekend when the music has been clearly audible, plus the recent addition of an outdoor space for the use of Ephesus customers adds to the noise level and disturbance of sleep.

We would be grateful if the Licensing Team would give every consideration to our concerns as we feel strongly that should the Application by Ephesus to extend their opening hours be granted, the noise nuisance would not be tolerable and will have a detrimental effect on the mental health and well being of the Local Residents.

7. Jane Kostelnyk

Dear Sir/Madam

I live in the High Street and am concerned to learn that Ephesus has submitted an application to extend the sale of alcohol and late night refreshment until 1am on Fridays and Saturdays.

There is already an issue with noise nuisance emanating from Ephesus at weekends, especially in summer when customers congregate outside and music is audible. If the licensing hours are extended, this will without doubt increase the noise created by Ephesus. It is also likely to increase the incidence of anti-social behaviour in what is primarily a residential area.

I would ask the Licensing Committee to bear these points in mind and reject the application.

Regards

Jane Kostelnyk

8. Mr and Mrs Man

We are writing in reference to the above-mentioned Licence application submitted by Ephesus. At the moment, with the current arrangements, the Police have been called on numerous occasions by our tenants and other property owners in the area, all unable to sleep, to address the noise from the restaurant beyond the opening hours as far into the morning as 4am. The current external construction/temporary polymer structure has no acoustic properties allowing for total transfer of noise from within to the exterior. The conduct of the applicant has amply demonstrated that it pays no respect to licensing hours.

Given that the current licence is being abused on a regular basis - we therefore object to the application.

Kind regards,
Mr. Mrs. Man

9. Susan Marling

Dear Jessica Foley,

I am the owner of the house at [REDACTED] just around the corner from the Ephesus restaurant.

I want to object to the application made by that establishment to extend their 'refreshment' hours to 1pm on Fridays and Saturdays.

This is a residential area and one that includes a care home. We have already experienced late night music and revellers regularly and especially before Christmas (16th, 17th and 18th) after 12.30am. This is not allowed.

In fact the place is listed on Trip Advisor (see attachment) as a 'nightclub' where you can have a good time dancing to live music til late. So the idea that the management is going to serve soft drinks to a quiet crowd until 1pm at weekends is a nonsense.

The police chipped in with the last application and pointed to the likelihood of 'disorder' and the 'adverse effect on the local area from the public nuisance perspective.' The comments remain valid.

Please nip this in the bud. The extension to the licence will otherwise be the thin end of the wedge.

Best wishes,

Susan Marling

10. Mrs Louise Marshall

- Crime Objections
- Noise Disturbance
- Opening Hours
- Parking
- Protection of Children from Harm
- Public Safety
- Traffic

My husband and I strongly object to the proposed extension of the opening hours and alcohol license at Ephesus restaurant. We are disturbed every Friday and Saturday night by very loud music and noise coming from Ephesus. To the point where we can hear the words of the songs and the heavy bass in our bedroom until the early hours. Despite repeated calls and complaints to Sevenoaks council and the Environmental team this restaurant make no attempt to contain the noise and music by closing their back door. They frequently play loud music into the early hours and pay no consideration to those residents living nearby. We believe they are already contravening their current license by having a live DJ every Friday and Saturday night until 2am. Ephesus post live videos on their Facebook page with this footage and of their staff serving drinks until 2am. We have lived in the area for five years and moved here from London to get away from late night noise pollution. This restaurant are ruining the peace and quiet in the area and the situation is becoming increasingly stressful to deal with. We have young children and the music wakes them and disturbs all of our sleep two nights out of seven a week. We have grave concerns about the traffic and noise pollution and crime levels that also come hand in hand with a late night venue so close to not only our house but the nursing home nearby.

11. Andrew Monk and Ly Truong

Dear Jessica,

Re: Ephesus application number 21/03522/LAPRE

We strongly object to the application by the Ephesus bar/club and restaurant to extend their hours of operation on Friday and Saturday evenings until 1:30am for the following reasons. We do not feel that it is appropriate for the use of this premises for a late night club-style bar, due to its close proximity to Rockdale supported living and home for the elderly, high-street residences, and our own neighbouring residences on [REDACTED] [REDACTED] where we live. This is an area of quiet residential character that is within the Conservation Area. We fear the application, if approved, will cause significant noise disturbance to the surrounding residences, and will lead to an increase of anti social behaviour, and causes concern to public safety due to crowing on the narrow pavement..

Objection 1 : The significant noise disturbance granting this application will cause falls under 'Public Nuisance'.

We already experience significant noise disturbance from the Ephesus bar. The patrons, as well as the music, are clearly audible from our property approximately 80 metres away, even with our windows closed, which currently disturbs our sleep. We fear that later opening hours will cause us greater disturbance until the early hours of Saturday and Sunday mornings.

Our property has single glazing, as do many of our neighbours, that cannot be changed due to the Grade II listing. In the summer with windows open the disturbance will be greater.

The Ephesus restaurant has developed an external terrace, enclosed by lightweight construction that is not suitable for late night hospitality; plastic sheeting and a retractable fabric roof, as an extension of its bar operation. This construction offers very little sound reduction, enabling customers and music to be clearly audible by local residences. The construction is not 'fit for purpose'.

Kent Police objected to the previous applications to extend operations (August 2020). We note their response which we feel is directly applicable to the current application: "Naturally the noise of customers leaving the

venue during the late hours is likely to have an adverse effect on the local area from a public nuisance perspective”.

In summary, we fear that granting this license application will cause significant disturbance to the surrounding residences, will alter the character of this peaceful conservation area, and set a precedents for such permitted activity. Plus ‘opens the door’ for further applications in line with those submitted August 2020, for louder music and dancers.

Objection 2: Anti social behaviour ‘Public nuisance’

We fear that we will experience anti social behaviour in the area with the extended alcohol license. We can already hear customers leaving and have noticed people gathering in the park opposite our house, which add to the noise disturbance. We fear that this type of behaviour will increase with extended hours of alcohol sales and operation.

Kent Police objected to the previous applications (August 2020). We note their response which we feel is directly applicable to the current application: “Kent Police believes that the extended hours of prolong the exposure to alcohol and would suggest that a terminal hour of midnight would be more appropriate for all licensable activity. This is to limit the potential for disorder due to excessive intoxication and increased tension from such activities”.

The bar currently shows a focus on alcohol offering fixed price ‘all you can drink’ lunches.

This leaves us greatly concerned about the potential for anti-social behaviour, due to the prolonged licensing hours, in addition to the noise of patrons gathering and departing the Ephesus until the early hours of the morning.

Objection 3: Crowding on the narrow pavement ‘Public safety’

We are also concerned by crowds; queuing to enter and smoking, blocking the narrow footway in front of the bar. At present one often has to walk in the road to pass the bar. These crowds can also be intimidating to residents and passers-by.

In addition to our three main objections, we site below other relevant policy and points we wish to raise: **Sevenoaks Neighbourhood Plan** (March 2021 Final Draft): Please be aware of Section 2.3 ‘Issues for the Neighbourhood

Plan' 'Movement and public realm', which sets-out the need to promote pedestrian movement in the town centre at this 'significant junction'.

The congestion on the footway that is likely to be caused goes against the sentiment of this strategy.

Conservation Area

Relevant extracts from: Sevenoaks High Street Conservation Area Appraisal and Management Plan (Planning Guidance 2008):

1.3 'Conservation areas can also play a key part in promoting economic prosperity by ensuring that an area offers attractive living and working conditions which encourage further investment'. We do not feel that the application fits with the sentiment of this statement.

5.13 Crime (page 48) - 'All new development should be carefully designed to provide a safe and secure environment'. As expressed above our concerns about health and safety do not fit with the sentiment of this statement. Managing a conservation area is as much about preserving character as it is historic building fabric.

Ecology

We also feel there should also be consideration to the rich diversity of birdlife in this area, including many nesting birds, at a time when so many bird species are in decline. Research has shown that loud music can impact bird behaviour and reproduction.

Ephesus building fabric

In addition to the above points, we do not believe Ephesus terrace building fabric is fit for purpose for this application. I am an architect and am aware of the need for an acoustic assessment when submitting for planning. The terrace enclosure at the rear of the venue clearly has little sound reduction performance (non when the roof is open) making it not fit for purpose.

As acoustic assessment is required as a planning submission document. The assessment would cover the sound reduction performance of the building fabric relative to the sound generated within, in comparison with existing ambient sound levels, and acceptable sound to the surrounding area. Please advise if an assessment was submitted with the planning application?

In conclusion

To conclude, we **strongly object** to this application and hope that Sevenoaks Council see sense in not granting this application for a late license/music, to protect the character of the area, and the health and safety of its residents, and not to set a precedent for out of character development in Sevenoaks town.

Yours sincerely,

Andrew Monk and Ly Truong

12. Claire Billis - Head of Housing and Maintenance

Dear Sirs

I wish to make representation on behalf of Rockdale Housing in relation to the current Licensing Application 21/03522/LAPRE.

Rockdale Housing is a registered social landlord providing accommodation for older people which was founded in 1947. The Association is also a registered Community Benefit Society. Our mission is to provide affordable homes, care and other help to improve the quality of life for older people. On our site in Rockdale Road we have a Residential Care Home with 48 rooms and 152 sheltered rent/leasehold apartments and 28 leasehold properties in Akehurst Lane.

I have reviewed the licensing application and have strong reservations around the revised opening times and proposal for 'late night refreshments' and how this is likely to impact the quality of lives for a number of Rockdale's older residents and on-site staff. I have outlined these as below:

- **The prevention of crime and disorder:**

In this residential and commercial area, we are concerned at the potential for disorderly behaviour if large numbers of people congregate in and around the area, specifically in Rockdale Road. There is also restricted off road and office parking in the area and a number of our Care and Support staff leave their cars parked in this area overnight, by increasing the number of people in the area late in the night you put peoples cars at risk of damage; both accidental and deliberate. It is also likely there would be an increase in litter, particularly from takeaway wrappers, cigarette butts and packets and other littered items.

- **Public Safety**

Rockdale provides 24 hour support for its elderly residents and staff are located on-site overnight. Whilst we have effective lone working policies in place there is an increase risk to their safety when leaving the site in Rockdale Road to attend to an emergency overnight in Akehurst Lane (rear of Waitrose), with large numbers of people congregating, potentially under the influence of alcohol in the area heightens risks further.

- **The prevention of public nuisance:**

The 'Ephesus' premises is in close proximity of Rockdale Housing properties, predominately those in Rockdale Road. There is a real concern that guests will cause a serious noise nuisance in the early hours of the morning. Rockdale feel that allowing the sale of alcohol up to 30 minutes before closing this late at night

could lead to noise and anti-social behaviour in local streets at a time when most respectable local residents are in bed and trying to sleep.

If you wish to discuss in more detail please do not hesitate to contact me.

Kind regards

Claire Billis Head of Housing and Maintenance

13. Gaëlle & Matthias Voss

Dear Ms Foley

We refer to the above revised licence application that we understand the restaurant Ephesus has submitted to Sevenoaks District Council to extend operating hours on Fridays and Saturdays by one hour.

We previously objected, by way of email of 26th August 2021 to Ms Susan Lindsey, to Ephesus' original licence application (21/01465/LAPRE), on the grounds that the proposal, if implemented, would adversely impact on the safety of people living in the neighbourhood and having to pass the restaurant late in the evening, including by forcing people to step into a street with fast passing traffic and also being intimidated by some of Ephesus' clientele in front of the restaurant. There was also a concern over increased noise and general nuisance exposure for people living in the vicinity.

We understand that these concerns were shared by Kent Police in their assessment of the application at the time.

Whilst the scope of the current revised application is obviously reduced, we maintain the same concerns over the now proposed extension of working hours. Longer opening hours on Fridays and Saturdays will inevitably lead to increased alcohol and drug consumption (the former presumably being the primary purpose behind the proposed extension), in turn leading to enhanced nuisance, a greater risk of crime and a general adverse impact on public safety, for the people living in the neighbourhood.

We therefore would like to register our objections to the revised application with you.

Best regards

Gaëlle & Matthias Voss

14. Environmental Health Team

The Environmental Health Team has been investigating residents' complaints of noise nuisance from this premises since last summer and therefore opposed a variation at that time proposing to extend opening hours, sale of alcohol and to allow regulated entertainment.

Whilst this application to vary the licence does not include regulated entertainment, I remain concerned: residents have complained for some time that there are regularly breaches of Ephesus' licence. Environmental Health Team has recently undertaken noise monitoring using recording equipment and is still analysing the results. However, our preliminary findings indicate that regulated entertainment has been played well beyond 23:00 hours (which is allowable under the de-regulation provisions) and that there has therefore been a significant breach of licence conditions.

It is therefore my opinion that this is not the right time to consider extending the licence, particularly as this may facilitate further such breaches, potentially resulting in disturbance to nearby residents.

The Police have confirmed a report that a fight occurred outside of Ephesus on 8th January 2022 during the early hours of the morning (reports received by Police were timed at 01:55 and 01:58). We do not currently have full details of the incident but once again, it is an obvious cause for concern and if it is confirmed that those involved had recently left Ephesus, then this is further evidence of a breach of licence conditions.

For these reasons, Environmental Health Team opposes this application to vary the licence.

CH

Application Summary

Address: 57-59 High Street Sevenoaks Kent TN13 1JF

Proposal: Premises Licence

Case Officer: Jessica Foley

Customer Details

Name: Mr osman koca

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Licensing Application

Reasons for comment: - No Objection

Comments: 3:02 PM on 13 Jan 2022 This is one of the cosiest and most welcoming place in town. I could not praise enough the professionalism of the staff members and the quality of the food. A place where I dine with my wife and children regularly and always made special by the staff and owner. He does go extra mile to make sure we always enjoy our experience with Ephesus. Never been disappointed.

I also run small business in town and considering what we have been through past couple of years with lockdowns, restrictions and covid, I can easily say this place has been our high light since May 2021.

Having chats with the boss on the bar and sipping cocktails certainly one of the most refreshing things in my weekly activities. When he brought to my attention that he was having trouble with licences I was shocked. I could freely say since May 2021 I have been either dining or having cocktails at this place once a week and I have never come across any concerning activity nor behaviour. I do recommend this place to all off my clients and never had any negative comments from any of my friends or family.

Once again I highly recommend this place for fine dining and beautiful cocktails and wines.

Many Regards
Osman Koca (OZ Makas Barbers)

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From: Stephanie Payne <Stephanie.Payne@sevenoaks.gov.uk>

Sent: 13 January 2022 15:18

To: Licencing <licencing@sevenoaks.gov.uk>

Subject: Ephesus, 57 - 59 High Street, TN13 1JF (Our Reference: PA/21/00500)

Good afternoon,

Your reference: 21/03522/LAPRE

The applicant is seeking to extend operating hours to allow for late night refreshment and the sale of alcohol. 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. It is also advisable to check the rest of property's planning history and ensure no breaches of planning consent occur.

Kind Regards,

Stephanie Payne

Graduate Planning Officer

Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | TN13 1HG

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