

## **Notice of determination of application for a review of premises licence**

**To:**

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

**Ref:** 22/03351/LAPMV

Sevenoaks District Council being the licensing authority, on the 12 July 2022 received an application for a review of the premises licence in respect of premises known as Ephesus, 57-59 High Street, Sevenoaks, Kent TN13 1JF

On the 14 October 2022, there being a valid application for review, a hearing was held and, having considered the application and representations made, the Licensing Sub-Committee determined as follows:

**To modify the existing conditions of the licence in the following respects, namely**

- Details of the noise limiter that will be used at the premises must be submitted to the Environmental Health Team for prior approval. The noise limiter must be set at a level in consultation with the Environmental Health Team and agreed by 30 November 2022 that ensures neighbours are not caused nuisance or significant loss of amenity at any time and is to be used to control noise from amplified music and sound at all times during regulated entertainment. In the event that noise complaints are received and substantiated by the District Council, the premises licence holder must reduce the level set on the noise limiter to the satisfaction of the District Council.

Section 177A of the Licensing Act 2003 does not apply to this condition

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

Section 177A of the Licensing Act 2003 does not apply to this condition

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

Section 177A of the Licensing Act 2003 does not apply to this condition

**To impose the additional conditions on the licence as follows:**

### SIA conditions

- There shall be two SIA registered security staff employed at the premises after 19:00 on Fridays and Saturdays and up to 30 minutes after the latest terminal hour for licensable activities.
- The SIA staff shall wear high visibility jackets in order to be easily identifiable.
- The SIA staff will manage the outside operation of the premises to ensure

that patrons congregating keep noise to a minimum and move on if they are not re-entering the premises after closure.

#### Dispersal Policy

- The Licence Holder shall have a dispersal policy in place which has been agreed with Licensing Officers. This policy shall be put forward for consideration by 21.10.2022
- The dispersal policy shall form part of the conditions of the licence.
- The dispersal policy may thereafter be altered in future with the agreement of the licensing officer or other appropriate officer (without a variation application being required.)

#### Last entry

- There shall be no new entry to patrons after 23:00

#### Outside Operation

- After 22:00 there shall be no more than 5 patrons permitted to congregate outside (for the purposes of smoking or socialising and with a view to re-entry).

#### **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.

##### Exhibition of films

Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

#### 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.

#### Supply of alcohol for consumption off the premises

A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises.

A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:-

- (i) the supply of alcohol must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- (ii) Any alcohol supplied for consumption off the premises must be in a sealed container.
- (iii) Any supply of alcohol for consumption off the premises must be made to a member of the club in person.

#### Security Staff

Any security staff employed at the premises shall :

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act

#### **Embedded Conditions:**

##### 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.

#### Conditions consistent with the Operating Schedule

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

- k) Training shall be regularly refreshed at regular 6 monthly intervals. Training records shall be made available for inspection upon request by Kent Police or an authorised Local Authority Officer.
- An incident report book will be kept on site and will be available for inspection by either Kent Police or a Local Authority Officer when requested. This book will contain information on all incidents at the premises and will include the date and time, staff names, a breakdown of each incident, and what remedial action was taken: if any.
  - A refusals register will be kept on site and will be available for inspection by either Kent Police or a Local Authority Officer when requested. This register will contain information on all refusals at the premises and will include the date and time, the product and reason for refusal,

### **To suspend the licence for a period of 2 weeks**

#### **Reasons for the Decision**

The reasons for the decision are: Having had regard to the representations made by the Applicant, Licence Holder and interested parties, the Licensing Act 2003, Secretary of State's amended Guidance issued used Section 182 of the Act and the Council's Statement of Licensing Policy the Sub-Committee considered that, on the balance of probability and despite warnings and engagement by the authorities, there had been evidence of repeated non-compliance with the licensing regime. It was considered that the modified conditions, additional conditions and suspension of the License for a period of 2 weeks enable the business to reflect upon the consequences of non-compliance, to develop policies to manage the business so that it is compliant henceforth and train staff appropriately and to align the culture of the business to meet the four licensing objectives. It will also enable sound levels to be agreed with Environmental Health.

The determination will not have effect (a) until the end of the period given for appealing against the decision, or (b) if the decision is appealed against, until the appeal is disposed of. \*

Dated: 19 October 2022

Please address any communications to:

Licensing Partnership  
Sevenoaks District Council  
Council Offices  
PO Box 182  
Argyle Road

Sevenoaks  
Kent TN13 1GP

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