

**FULL REVIEW HEARING FOLLOWING EXPEDITED/SUMMARY REVIEW OF PREMISES LICENCE – Ephesus, 57-59 High Street, Sevenoaks TN13 1JF**

**Licensing Committee – Friday 8 March at 10.30am**

**Report of:** Chief Officer Planning & Regulatory Services

**Status:** For Decision

**Key Decision:** No

**Portfolio Holder:** Cllr. Margot McArthur

**Contact Officer:** Susan Lindsey Ext. 7491

**Recommendation to Licensing Sub Committee:**

The Licensing Sub Committee, taking into account the Sevenoaks District Council Statement of Licensing Policy, the Home Office Guidance issued per Section 182 of the Licensing Act 2003, and all relevant representations, is asked to:

- a) determine a full review of the Premises Licence under Sections 53A and 53C following the expedited/summary review application submitted by Kent Police. The Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives; and
- b) immediately after its determination under (a), review under section 53D any interim steps that have been taken that still have effect. In making its decision the Licensing Sub-Committee should consider whether the interim steps are appropriate for the promotion of the licensing objectives.

**Reason for recommendation:**

The Licensing Authority must hold a full review of a Premises Licence within 28 days after the day of receipt of a Chief Officers application submitted under section 53A of the Licensing Act 2003.

**1.1 Expedited/Summary Review Application**

- 1.2 On 13 February 2024 an expedited/summary review application, accompanied by the associated certificate, was received from Supt. Woolley of Kent Police as the Premises known as Ephesus, 57-59 High Street, Sevenoaks, Kent TN13 1JF are considered to be associated with serious crime or disorder or both. This application and associated certificate can be found at **(Appendix A)** and **(Appendix B)**. Both these appendices are restricted by virtue of paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

- 1.3 On receipt of an expedited/summary review application and certificate, the Licensing Authority must (within 48 hours of the time of its receipt) consider whether it is necessary to take interim steps pending determination of the review of the premises licence. The Authority must, in any event, undertake a review within 28 days after the day of receipt of the expedited review application.
- 1.4 The Licensing Sub Committee held a Hearing on Thursday 15<sup>th</sup> February at 10am to determine whether interim steps were necessary.
- 1.5 A witness statement and associated appendices were provided by the Licence Holder of Ephesus at this Hearing. This documentation can be found at **(Appendix C)** and **(Appendix D)**. Both these appendices are restricted by virtue of paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 1.6 The decision made at this Hearing was to suspend the Premises Licence in full until the final disposal of the full review of the Licence. A copy of the Minutes and Notice of Determination is attached to this report at **(Appendix E)**
- 1.7 A copy of the confidential appendix to the Minutes are attached at **(Appendix F)** (restricted by virtue of paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972)

## **2.1 DPS Variation and Transfer Application**

- 2.2 It is brought to the attention of Members that a DPS (Designated Premises Supervisor) variation application, and a Transfer application were lodged with the Local Authority on the morning of Thursday 15 February 2024 to transfer the responsibilities of Licence Holder, and those of the Designated Premises Supervisor into the name of Mrs Cilem Dogan.
- 2.3 The Licensing Act provides a mechanism which allows both a Transfer application and a DPS variation application to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn.
- 2.4 If the chief officer of police believes the transfer would undermine the crime prevention objective, the police must give notice to the Licensing Authority within 14 days beginning with the day on which he is notified of the application. The Local Authority must then hold a Hearing within 20 working days.

### 3.1 Full Review Procedure

- 3.2 Following the ‘interim steps’ decision, the Local Authority must undertake a review within 28 days after the day of receipt of the expedited review application.
- 3.3 The review application has been advertised in line with regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, and on the licensing authority’s website.
- 3.4 Kent Police have submitted a further representation for consideration at this full review, which is supplemental to their original summary review application. This can be found at **(Appendix G)** (restricted by virtue of paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972).
- 3.5 The interim steps taken by the Licensing Authority at the previous hearing will cease to have effect once a decision has been made on the full review. The Licensing Sub-Committee is obliged to review the interim steps and whether any change is required pending any appeal, or decision not to appeal.

### 4.1 Responsible Authorities

- 4.2 The following responsible authorities have been sent notification of the review application and their response is as follows:
- 4.3
- |                          |   |
|--------------------------|---|
| Kent Police              | see 3.4 above   |
| Environmental Protection | Representation received ( <b>Appendix H, I, J, K, L</b> ) |
| West Kent Fire Safety    | No comment  |
| Trading Standards        | No comment  |
| Public Health Kent       | No comment  |
| SDC Planning             | Representation received ( <b>Appendix M</b> )             |
| Kent Child Protection    | No comment  |
| Health & Safety          | No comment  |
| Home Office              | No comment  |

### 5.1 Representations received from others

- 5.2 Representations have been received from 6 local residents. A copy of these representations are at **(Appendix N)**

### 6.1 Background

- 6.2 The premises licence at 57-59 High Street, Sevenoaks, Kent. TN13 1JF was transferred to Mr Cihangir Surucu on 23/10/2018 and renamed Ephesus (Formally Spice Club).

- 6.3 A variation application was issued on 15/07/2019 to include off sales of alcohol for online sales orders, alcohol sale only with food orders delivered to customers. The changes took effect from this date.
- 6.4 On the 29/06/2021 a variation application was submitted to extend the hours of operation and add live entertainment on Friday and Saturday evenings but this application was withdrawn on 09/09/2021.
- 6.5 On the 17/12/2021 a variation application was submitted to extend the terminal hour for sale by retail of alcohol Friday and Saturday until 01:00 hours and add Late Night Refreshment for Friday and Saturdays from 23:00 to 01:00 hours. This application was withdrawn on 03/02/2022.
- 6.6 A review application was submitted by the Licensing Authority on 12<sup>th</sup> July 2022 due to the witnessing of unauthorised licensable activities (the sale of alcohol and the provision of regulated entertainment), disorder and noise at the premises. A Hearing was held on 14<sup>th</sup> October 2022 which resulted in a period of suspension of the licence for 2 weeks, modification to licence conditions, and the imposition of additional conditions.
- 6.7 On the 08/09/2022 a Minor Variation application was submitted to add conditions to the Premises Licence. Environmental Health commented on the wording of one of their suggested conditions and an agreement was made and the minor variation approved.
- 6.8 A copy of the current Premises Licence is attached to this report at **Appendix O** with associated plans at **Appendix P**
- 6.9 Members' attention is drawn to the fact that Mr Surucu's name still appears on this licence as the Licence Holder and Designated Premises Supervisor, as the final determination of the Transfer application, and DPS variation application into the name of Mrs Cilem Dogan (submitted on 15<sup>th</sup> February) was still un-determined at the time of writing this report, although both applications have immediate interim effect.
- 7.1 Review under section 53C - Licensing Sub Committee Considerations and Options**
- 7.2 At the Hearing, the Licensing Authority must:
- (a) consider any relevant representations; and
  - (b) take such steps as it considers appropriate for the promotion of the licensing objectives.
- 7.3 The options the Licensing Authority can take are:
- (a) modification of the conditions of the premises licence;

- (b) the exclusion of a licensable activity from the scope of the licence;
- (c) removal of the Designated Premises Supervisor from the licence;
- (d) suspension of the licence for a period not exceeding 3 months; and
- (e) revocation of the licence.

7.4 The Licensing Sub-Committee may choose to make any steps taken under options (a) or (b) above temporary only. If so then the period may not exceed 3 months.

### **8.1 Review under section 53D - Licensing Sub Committee Considerations and Options**

8.2 At the Hearing, the Licensing Authority must:

- (a) consider any relevant representations;
- (b) consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- (b) determine whether to withdraw or modify the interim steps taken.

8.3 The options the Licensing Authority can take are:

- (a) modification of the conditions of the premises licence;
- (b) the exclusion of a licensable activity from the scope of the licence;
- (c) removal of the Designated Premises Supervisor from the licence; and
- (d) suspension of the licence.

8.4 The decision of the Licensing Sub-Committee on the interim steps will have effect until the period for appeal on the full review has passed, or until the appeal has been disposed of. However, the Licensing Sub-Committee may choose to impose the interim steps for a lesser period if they so choose.

### **9.1 Right of Appeal**

9.2 Appeals to the decisions under sections 53A/53C (full review) or 53D (review of interim steps) may be made to the Magistrates Court within 21 days of being notified of the licensing authority's determination on the review.

9.3 An appeal to the full review may be made by the premises licence holder, the chief officer of police or any other person who made relevant representations. An appeal to the review of the interim steps may only be made by the premises licence holder or the chief officer of police.

- 9.4 An appeal to the review of the interim steps must be heard within 28 days of the appeal being lodged.
- 9.5 The decision of the licensing authority on the full review will not have effect until the end of the period allowed for appeal, or if the decision is appealed against, the time the appeal is disposed of.

## **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.

The legal implications are as set out in this report.

### 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 – Expedited/Summary Review Application from Kent Police (**restricted**)
- Appendix B – Associated Chief Officer of Police Certificate (**restricted**)
- Appendix C – Witness Statement of previous Licence Holder (**restricted**)
- Appendix D - Appendices to witness statement (**restricted**)
- Appendix E - Minutes and Notice of Determination
- Appendix F - Confidential appendix to Minutes (**restricted**)
- Appendix G - Further Review documentation from Kent Police (**restricted**)
- Appendix H - Representation Environmental Protection
- Appendix I - Noise monitoring report
- Appendix J - Video from 18<sup>th</sup> November 2023 at 01:18am (**restricted**)
- Appendix K - Video from 10<sup>th</sup> December 2023 at 00:46am (**restricted**)
- Appendix L - Video from 10<sup>th</sup> December 2023 at 00:46am (**restricted**)
- Appendix M - Representation Planning
- Appendix N - Representations from 6 local residents
- Appendix O - Current Premises Licence
- Appendix P - Plans associated with the Premises Licence

## **Background Papers**

[Licensing Act 2003](#)

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

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

**Richard Morris**  
**Chief Officer Planning & Regulatory Services**