

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

Licensing Committee (Hearing) – 10 December 2012

APPLICATION REFERENCE NO: 12/03197/LAPRE

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Report of the: DEPUTY CHIEF EXECUTIVE & COMMUNITY AND PLANNING SERVICES DIRECTOR

Status: For Decision

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

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**Recommendation:** Members' instructions are requested

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### Background

Hearing adjourned from 12<sup>th</sup> November 2012.

Questions sent to the applicant at the request of Councillors attached at Appendix B.

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

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

**The application is to:**

Section F	To allow recorded music indoors on Wednesday from 20:00 until 00:00 hours, on Friday from 20:00 until 02:00 hours and on Saturday from 20:00 until 03:00 hours.
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 20:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	
Section G	To allow performances of dance indoors on Wednesday from 20:00 until 00:00 hours, on Friday from 20:00 until 02:00 hours and on Saturday from 20:00 until 03:00 hours.
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 20:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	

Section H	To allow anything of a similar description to that falling within (e), (f) or (g) indoors on Wednesday from 20:00 until 00:00 hours, on Friday from 20:00 until 02:00 hours and on Saturday from 20:00 until 03:00 hours.
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 20:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	
Section I	To allow the provision of facilities for making music indoors on Wednesday from 20:00 until 00:00 hours, on Friday from 20:00 until 02:00 hours and on Saturday from 20:00 until 03:00 hours.
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 20:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	
Section J	To allow the provision of facilities for dancing indoors on Wednesday from 20:00 until 00:00 hours, on Friday from 20:00 until 02:00 hours and on Saturday from 20:00 until 03:00 hours.
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 20:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	
Section K	To allow provision of facilities for entertainment of a similar description to that falling within I or J indoors on Wednesday from 20:00 until 00:00 hours, on Friday from 20:00 until 02:00 hours and on Saturday from 20:00 until 03:00 hours.
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 20:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	
Section L	To allow late night refreshment indoors on Wednesday from 23:00 until 00:00 hours, on Friday from 23:00 until 02:00 hours and on Saturday from 23:00 until 03:00 hours.
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 23:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	
Section O	Hours premises are open to the public in the Summer on Sunday, Monday, Tuesday and Thursday from 10:00 until 22:00 hours, in the Winter on Sunday, Monday, Tuesday and Thursday from 10:00 until 19:00 hours. All year round on Wednesday from 10:00 until 00:00 hours, on Friday from 10:00 until 02:00 hours and on Saturday from 10:00 until 03:00 hours.
On Christmas Eve, New Year's Eve, Halloween and Valentines Day from 10:00 until 03:00 hours the following day or until 04:00 hours if it falls on a Saturday.	

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

**General**

Members only club (over 21), CCTV in operation

**The Prevention of Crime and Disorder**

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

**Public Safety**

Marked fire exits, CCTV, Fire extinguishers

**The Prevention of Public Nuisance**

All music inside, Nearest residential property approximately 1km away

**The Protection of Children from Harm**

No children allowed (over 21)

**Representations received from statutory consultees:**

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

**Representations received from interested parties:**

4 x local residents and 1 x Parish Council

## Conclusions

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

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

### *Door supervision*

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

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

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

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

**KRISTEN PATERSON  
DEPUTY CHIEF EXECUTIVE & COMMUNITY AND PLANNING  
SERVICES DIRECTOR**

## RISK ASSESSMENT STATEMENT

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

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