

30 August 2022 at 10.30 am

Council Chamber, Argyle Road, Sevenoaks

Published: 22.08.22



Licensing Hearing

Supplementary Agenda

	Pages	Contact
3. LICENSING ACT 2003 REVIEW APPLICATION - Ephesus, 57-59 High Street, Sevenoaks, Kent. TN13 1JF	(Pages 1 - 52)	Jessica Foley Tel: 01732227480

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Supplementary Appendix 1 Agenda Item 3



STATEMENT OF WITNESS

Statement of : Susan Lindsey

Age of witness (if over 18 enter “over 18”) : over 18

Occupation of witness: Senior Licensing Officer, Sevenoaks District Council

I have been employed as the Senior Licensing Officer with Sevenoaks District Council since 8th June 2020. Prior to this I worked with both Lewes and Eastbourne Council's undertaking duties of a similar nature since 2007. My responsibilities include the administering of applications and the issuing and enforcement of licences for all areas of alcohol and entertainment licensing under the Licensing Act 2003. I make this statement from my own knowledge.

This statement is made following my previous statement dated 30th May 2022 with regard to the Premises ‘Ephesus, 57-59 High Street, Sevenoaks’.

On Monday 15th August 2022 I received an email from Nick Chapman the Sevenoaks District Council Environmental Health Manager informing me that he was working out of hours and was called over the weekend (13th / 14th August 2022) by a nearby resident to Ephesus in respect of a noise complaint.

Details of Nick Chapman’s visit and findings are outlined in his statement attached at **SDL/01** (with his associated evidence NC1 and NC2).

The Sevenoaks CCTV team emailed Nick Chapman on the morning of Sunday 14th August to confirm that the last group of people left Ephesus at 01:24am on Sunday 14th August and included a statement in their email that at 01:10am CCTV witnessed 2 males snorting class A drugs in Rockdale Road just after leaving the premises. This email is attached as evidence **SDL/02**

I checked the records held on the Sevenoaks District Council Uniform system and noted that Mr Surucu had applied for a Temporary Event Notice covering the premises Ephesus from 00:01am on 13th August to 2am on 14th August for the sale of alcohol, but that this Temporary Event Notice did not include the provision of regulated entertainment. A copy of this Temporary Event Notice is attached **SDL/03**.

The Premises Licence issued for Ephesus does not include regulated entertainment (live and recorded music) although the premises does benefit from deregulation of these activities up to 11pm.

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I wrote to Mr Surucu on 15th August (attached as evidence **SDL/04**) to bring to his attention the offence pursuant to Section 136 of the Licensing Act 2003 and to clarify that the 3 further Temporary Event Notices submitted for future weekend dates did not, also, cover the licensable activity of regulated entertainment. This letter was emailed to him (copying in his consultant Lyondale whose email address appears on the Temporary Event Notice).

Upon receipt of this letter, Mr Surucu telephoned me to query it's content. During our conversation, Mr Surucu said he believed another local pub was watching his premises and reporting things through. He said his music was background and the sound system was his own personal equipment. I told Mr Surucu that it did not matter who owned the equipment and that I consider 'background music' to be low enough that a conversation can be held within his premises and people heard without the need to raise any voices, and that this is not what the Environmental Health Officer had witnessed over the weekend. I expressed my utter disbelief that Mr Surucu would allow such activities to take place whilst his premises is actively under 'review', and that the matters witnessed over the weekend would be reported through as a further statement to the Licensing Sub-Committee Review Hearing. Mr Surucu stated that he thought this to be a conspiracy, and that it is because he is Turkish. I assured Mr Surucu that this is not the case.

On 15th August I then received a telephone call from a local resident who had video footage of a fight which had occurred around 2am on the morning of Saturday 13th August. I asked her to release the video footage she had taken of the fight which she has done, and she has given permission for this to be released to the Licensing Sub-Committee and Mr Surucu. These pieces of video footage are attached as evidence **SDL/05** to **SDL/15**.

On Tuesday 16th August 2022 Charles [REDACTED] (Sevenoaks District Council Environmental Health Officer) sent me a copy of a letter he had sent to Mr Surucu in relation to the noise complaint received over the weekend. This letter is attached as evidence **SDL/16**, with Mr Surucu's response attached as evidence **SDL/17**.

An email was received from Lyondale Planning Ltd (Mr Surucu's consultant) on 16th August 2022 withdrawing the 3 future weekend Temporary Event Notices (attached as evidence **SDL/18**).

Later, on 16th August 2022, a LATE temporary event notice was submitted to the Authority for 26th August from 11.01am to 28th August at 2am. This temporary event notice included activities : the sale of alcohol, regulated entertainment, and late night refreshment. Both Kent Police and Environmental Health objected to this notice, and as a result of these objections, the 'event' cannot go ahead. As this notice is submitted as a 'late' application, no Hearing is necessary to determine it. A counter-notice to this 'event' was issued and sent to the applicant on 19th August by Sharon Bamborough, Head of Licensing Partnership.

Sevenoaks CCTV control room have provided me with a video disc covering 13th August 2022 2am until 2.30am showing the outside area in front of Ephesus.

This has been submitted as evidence **SDL/19**. Stills from this video evidence are attached as evidence **SDL/20**

This video footage clearly shows the individuals involved in the fight (attached as evidence SDL/05 to SDL/15) were customers from Ephesus. SIA security staff from Ephesus were involved in trying to control this, but were unable to do so and it appears staff were re-called back to the premises at 0221hrs, and the premises shut at 0222hrs, before the fight ended.

I have asked Kent Police if Ephesus telephoned through to report this incident on the night, and was informed that it was a local resident who telephoned it through, not anyone from Ephesus.

Dated this nineteenth day of August 2022

Signed

Print name SUSAN LINDSEY

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Supplementary Appendix 1A - SAI 01 Item 3

On Saturday 13 August 2022, I was working as the duty out of hour's officer for Environmental Health.

At 23:34 I was telephoned by Yvonne [REDACTED] (CCTV Operator) who advised that a complaint has been received about amplified music and noise at Ephesus from a nearby resident. I immediately contacted this resident to discuss the complaint. I agreed to visit the complainants property to assess the intrusiveness of the noise.

At around 00:05 on 14th August 2022 I arrived in Sevenoaks and parked along Sevenoaks High Street in front of Savills within a designated parking bay. From my car I could see approximately 15 persons stood and seated in front of Ephesus. Noise of these 'customers' was audible from where I was parked.

I then visited the complainant. Within the complainants bedroom, bass and 'customer noise' was readily audible. The complainant had their bedroom window open but I considered this typical given the warm weather on the evening of the visit. I witnessed the level of the music periodically rising and falling, such that nature of the music and not just the bass was audible. I assume these incidents were caused by, the front door to Ephesus being opened and closed to allow access and egress of customers.

Within the complainant's bedroom, the bass and noise from customers was sufficiently intrusive so as to prevent or disturb sleep. The complainant stated that noise had been of a similar level on the preceding evening and I was shown some videos which I was advised had been taken at around 02:00 on 13 August 2022 which appeared to show a number of individuals fighting on Sevenoaks High Street in front of Waitrose. The complainant advised that they had contacted the police about this.

At 00:18 I left the complainants property and observed the activities at Ephesus from across the road (in front of Waitrose). At 00:19 I took a photograph of Ephesus which shows the crowd of people stood at the front of the premises (NC1). From this location noise of customers was clearly audible. I noted that when the front door to Ephesus was opened music could be heard from my monitoring location.

At 00:21 I took a short video to demonstrate the activity ongoing at Ephesus (NC2).

I then walked to the rear of Ephesus via Rockdale Road and through the carpark. I was able to confirm that Ephesus was the source of the amplified music. From the side alleyway along the side of the premises I was able to see into the conservatory area and the room beyond. From this location I was able to hear amplified music and see purple lighting within the rear room. I could hear Shenia Twain 'That don't impress me much' and again confirm that the amplified music was being generated from within Ephesus.

At approximately 00:30, I witnessed a group of four men attempt to enter Ephesus. They were advised by the doorman that the premises was full and shortly after they left.

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At approximately 00:35, I telephoned CCTV and advised that I would shortly be leaving the area. I asked that they monitor the premises and confirm what time it closed.

On Sunday 14 August 2022 at 08:18, I received an email from Yvonne ██████████ (CCTV operator) to advised that the premises closed at 01:24.

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Supplementary Appendix 1D

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SDL/02

From: Yvonne [REDACTED]
Sent: Sunday, August 14, 2022 8:18 am
To: Nick [REDACTED] Sharon [REDACTED]
[REDACTED]; Nick Hubbard PC 46013074
[REDACTED]; [dennis](#) [REDACTED]
<[dennis](#).[REDACTED]>
Cc: CCTV [REDACTED]
Subject: Ephesus, High Street, Sevenoaks

Morning Nick,

I monitored the above premises for you after your visit last night.
I can confirm that the last group of people left the premises at 01.24 this morning, whilst monitoring, there were a lot of people outside on the street so presume it was noisy. Also at 01.10, CCTV spotted 2 males snorting class A drugs in Rockdale Road just after leaving the above premises. Police were advised but no patrols available to attend.
Let me know if you require the CCTV footage.

Best regards

Yvonne

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Temporary Event Notice

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	Customer Name
Mr	Cihangir, Surucu
DOB	NINO
TEL	
Email	
Customer Address	
Date Form Started	29/07/2022 15:22:56
Date of E-signing	
Date Submitted	
Data Validation Ref	
Occupancy type	
Advisor Name (who started form)	
Advisor Department	

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Licensing Authority: *The Licensing Partnership*

Licensing Partnership
P.O. Box 182
Sevenoaks
Kent TN13 1GP

Temporary Event Notice

Please Note: You will need to make a payment of £21.00 before the form submission can be accepted. You will be directed to pay when you submit the form.

Information on the Licensing Act 2003 is available at www.sevenoaks.gov.uk/licensing

Before completing this form **please read the guidance notes at the end of the form.**
 You may wish to keep a copy of the completed form for your records.

I, the proposed premises user, hereby give notice under section 100 of the Licencing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

Please select the Council where the premises is situated:

Sevenoaks District Council

1. Personal Details of Premises User (Please read note 1)		
1. Your name		
Title	Forenames	Surname
Mr	Cihangir	Surucu
2. Previous names (if relevant)		
3. Your date of birth		
4. Your place of birth		
5. National Insurance Number		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)		
7. Other contact details		
Telephone numbers		
Daytime		
Evening (optional)		
Mobile (optional)		
Fax number (optional)		
Email address		

Licensing Authority: *The Licensing Partnership***8. Alternative address for correspondence (Address for correspondence associated with this application, if different to the previous address)****9. Alternative contact details (if applicable)****Telephone numbers**

Daytime		
Evening (optional)		
Mobile (optional)		
Fax number (optional)		
E-Mail address (optional)		

2. The Premises

Please select the address of the premises where you intend to carry out the licensable activities. If there is no address please select the street record in the address lookup and supply further details of the location (including ordnance Survey references) (Please read note 2).

57 - 59 High Street
Sevenoaks
Kent
TN13 1JF

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	05/01086/PRETTRA	
Additional address information		

Do you intend to use the whole of the premises at this address (Please read note 3)
(If no, please give a description and details below)

Yes No

Please describe the nature of the premises below. (Please read note 4)

Restaurant

Please describe the nature of the event below. (Please read note 5)

Restaurant Event

Agenda Item 3**Licensing Authority:** *The Licensing Partnership***Ref:****3. The Licensable Activities**

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on - either double click with the mouse, or press the space bar in the relevant field). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	
The provision of regulated entertainment (Please read note 7)	
The provision of late night refreshment	
Are you giving a late temporary event notice? (Please read note 8)	

Please state the date and times on which you intend to use these premises for licensable activities. (Please read note 9) Please give times in 24 hour clock. eg. 19:00. (Please read note 10)

Start Date	13/08/2022	Time	00:01	End Date	14/08/2022	Time	02:00
------------	------------	------	-------	----------	------------	------	-------

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

120

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 12)	<input type="checkbox"/> On the premises only	<input checked="" type="checkbox"/> Off the premises only	<input type="checkbox"/> Both
--	---	---	-------------------------------

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 13)

4. Personal Licence Holders (Please read note 14)

		Yes	No
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)		<input checked="" type="checkbox"/>	

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	Lewisham	
Licence number	LEW 5098	
Date of issue	2018	
Date of expiry		
Any further relevant details		

5. Previous Temporary Event Notices you have given (Please read note 15)

		Yes	No
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)		<input checked="" type="checkbox"/>	

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	1
---	---

		Yes	No
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)		<input checked="" type="checkbox"/>	

Licensing Authority: *The Licensing Partnership***6. Associates and business colleagues** (*Please read note 16*)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No

7. Condition (*Please read note 17*)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Declaration**8. Declarations (Please read note 18)**

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) months, or to both.

Please tick the box if you agree with the declarations above.



Date	29/07/2022
Name of Person signing	Mr Cihangir Surucu

For completion by the Licensing Authority**9. Acknowledgement (Please read note 19)**

I acknowledge receipt of this temporary event notice.

SIGNATURE		DATE	
On behalf of the Licensing Authority			
Name of Officer Signing			

For Official UseRef 1 *Cihangir, Surucu*

Ref 2

Ref 3

Licensing Partnership



Mr Cihangir Surucu

[REDACTED]

Email: licensing@sevenoaks.gov.uk
Ask for: Licensing Partnership
My ref: 22/02810/LATEN
Direct Dial: 01732 227491

Date: 15th August 2022

Dear Mr Surucu

Licensing Act 2003

Temporary Event Notification : 13th - 14th August 2022
Ephesus, 57-59 High Street, Sevenoaks

It has been brought to my attention that on Sunday 14th August an authorised Officer of Sevenoaks District Council witnessed the playing of recorded music in the form of a DJ at your premises 'Ephesus, 57-59 High Street, Sevenoaks, until 00:15hrs.

The Temporary Event Notice applied for to cover 00:01hrs on Saturday 13th August to 02:00hrs on Sunday 14th August was for the sale of alcohol only (for consumption on the premises). The application did not request 'regulated entertainment' (which includes the provision of live and recorded music).

You do not have live or recorded music authorised on your Premises Licence (19/01981/LAPRE) issued under the Licensing Act 2003: but you do benefit from de-regulatory legislation which does allow for recorded music and live music to be played between the hours of 8am and 11pm if certain conditions are met.

Pursuant to section 136 of the Licensing Act 2003 it is an offence to carry on or attempt to carry on a licensable activity on or from any premises other than under and in accordance with an authorisation. A person guilty of this offence is liable to be imprisoned for up to 6 months and/or an unlimited fine

I will be requesting that information in relation to this past weekend's activities be disclosed to the Licensing Sub-Committee at the review hearing for Ephesus.

I note that you have submitted a further 3 Temporary Event Notices for the following dates:

- 20th August - 21st August 2022
- 27th August - 28th August 2022
- 3rd September - 4th September 2022

None of the above Temporary Event Notices include the provision of regulated entertainment, so in the interests of clarity, I am informing you now that any live or recorded music provided under any de-regulatory benefits must cease at 11pm.

Licensing Partnership



If you wish to discuss any of the matters contained in this letter, or any other matters further, please do not hesitate to contact me on the number shown at the top of this letter.

Yours sincerely

Susan Lindsey (MIOL)
Senior Licensing Officer
Sevenoaks District Council

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Mr C. Surucu
Ephesus
57 - 59 High Street
Sevenoaks
Kent
TN13 1JF

Ask for: Charles [REDACTED]
Direct Line: 01732 227174
Email: [REDACTED]
DX: DX 30006 Sevenoaks
Your ref: 22/02810/LATEN
Our ref: 22/03140/CONLIC/S
Date: 16th August 2022

Dear Mr Surucu,

Environmental Protection Act 1990, Section 80

Licensing Act 2003

Complaint of noise nuisance from amplified music and customer noise at:
Ephesus, 57 - 59 High Street, Sevenoaks

As you may already be aware, the Environmental Health Team received details of a further noise complaint on Saturday 13th August at 23:34 hours.

An officer visited the complainant shortly after midnight and observed excess noise emanating your restaurant during an assessment made from the complainant's property. The bass from amplified music was considered to be intrusive, increasing in level when the front entrance door was opened. Noise from a large group of customers waiting outside the restaurant was also considered to be excessive. My colleague was advised that noise on the preceding evening had been of a similar level.

Prior to leaving, my colleague walked around the restaurant and confirmed that the noise was from your restaurant.

You have already been informed that this information will likely be disclosed to the Licensing Sub-Committee at the review hearing for Ephesus. Please also be aware that Environmental Health Team have now objected to the following TEN applications you have made: 22/02951/LATENL (20th - 21st August), 22/02952/LATEN (27th - 28th August, and 22/02973/LATEN (3rd - 4th September) 2022.

During our meeting on 3rd August 2022 you informed me that all music played at Ephesus is controlled by your Formula Sound noise limiter. This does suggest to me that the level has been set too high and will need to be adjusted downwards.

Going forwards, and subject to the outcome of the review hearing, the Environmental Health Team will have regard to this incident and will be considering what other enforcement action may be necessary to control noise from your premises to acceptable levels.

Chief Executive: Dr. Pav Ramewal

Council offices
Argyle Road
Sevenoaks
Kent TN13 1HG

t 01732 227000
e information@sevenoaks.gov.uk
DX30006 Sevenoaks
www.sevenoaks.gov.uk



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If you wish to discuss this matter further, please do not hesitate to contact me.

Yours sincerely,



Charles [REDACTED]
Environmental Health Officer
Environmental Protection Team

c.c Licensing Team
Planning Enforcement Team
Police Licencing Team

Supplementary Appendix 1S

Agenda Item 3

SDL/17

From: CIHANGIR SURUCU [REDACTED]

Sent: 16 August 2022 14:52

To: Charles [REDACTED]

Cc: DMS Insert <dmsinsert@sevenoaks.gov.uk>; Licensing Officers <LicensingOfficers@sevenoaks.gov.uk>; Planning Enforcement <planning.enforcement@sevenoaks.gov.uk>; Phillip Comben PC 46012876

Subject: Re: Our ref. 22/03140/CONLIC/S Complaint of noise from Ephesus, 57 - 59 High Street, Sevenoaks on 13 - 14th August 2022

EXTERNAL EMAIL: Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

When the environment officer attended our Restaurant , he had checked the sound noise limiter and said he was happy with the outcome, but in your email your saying the opposite.

When the officer left my premises he went the oak tree pub which I strongly believe their one of the people complaining about my premises. To my understanding is there some sort of work taking place with the Oak tree pub and council against my place.

I believe there is some sort of racism going on and the council is doing there best along with some of the high road pubs and restaurants to make my business seem bad to the public and make me lose.

The pressure is starting affect my whole life as I've put everything into my business doing my best to serve people.

If this is going to continue this way I'm going to have to take some action myself with my solicitors.

I would like PC Phil to look into the that night and take cctv footage from the oak tree pub and the environment officer will be seen sitting with pub owner.

Kind regards
Cihangir Surucu

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Agenda Item 3
Supplementary Appendix 1T

SDL/18

From: enquiries [REDACTED]
Sent: 16 August 2022 09:39
To: Licensing <licensing@sevenoaks.gov.uk>
Cc: 'Alex Martin' [REDACTED]
Subject: RE: Temporary Event Notice - 22/02951/LATENL & 22/02952/LATEN - Ephesus - 20/08/2022 & 27/08/2022

EXTERNAL EMAIL: Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Licencing,

We would like to [withdraw these licences](#) (22/02951/LATENL & 22/02952/LATEN - Ephesus - 20/08/2022 & 27/08/2022) with immediate effect and will reapply for the amended versions.

Kind regards,

Jenny Munn

Hours: Monday – Friday 09.00 – 17:30

Lyondale Planning Ltd | Crown House Home Gardens Dartford Kent DA1 1DZ
[REDACTED]

Lyondale Planning: Expert Planning Consultants & Architectural Designers

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