

Appendix B



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.

On Wednesday 25th May 2022 it was brought to my attention that the premises 'Ephesus' (57-59 High Street, Sevenoaks) regularly operates until 2am.

The current Premises Licence issued under the Licensing Act 2003 (number 19/01981/LAPRE) under which 'Ephesus' are authorised; allows the sale of alcohol (for consumption both on and off the premises) on Monday through to Saturday from 10am to 12 midnight, and on Sundays from 12 noon to 11.30pm. Attached as evidence **SL/01**

De-regulation changes mean that no licence is required for either live or recorded music for any performance between 8am and 11pm on any day on premises authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500, and that any condition on the Premises Licence is suspended between these hours. (To note here; the extension to the rear side of the premises is not part of the licensable area so does not benefit from this particular de-regulation for recorded music.)

I have been informed by the Sevenoaks District Council Planning Department that the planning permission for this premises states 'The hours of opening of the restaurant shall be restricted to 8.30am to 11pm from Monday to Saturday and 12 noon to 10pm on Sunday and Public Holidays'.

On Friday 27th May 2022 I arranged to undertake 'out of hours' monitoring in order to assess whether the premises is operating beyond it's authorised licensable hours and to gather any evidence of breaches.

At 23:15hrs on Friday 27th May 2022 I parked my vehicle outside the Chequers Public House in Sevenoaks High Street (shown on attached evidence **SL/02** by a red square).

I walked towards Ephesus, and on the corner at HSBC bank (shown on attached evidence **SL/02** by a black square) I noticed the door to Ephesus was open and music was clearly audible – I could hear the words ‘going crazy right now’. There were 5 people outside. The doors to the premises shut and the music was hardly audible.

I walked to the rear of the premises and took a video at 23:21 hrs which is attached as evidence **SL/03** and **SL/04**.

I then left the area to undertake monitoring checks on other premises. The other licensed premises in the High Street were very quiet with only a handful of customers in.

At 23:49 hrs I returned to the High Street and parked outside ‘Savills’ (shown on attached evidence **SL/02** by a blue square) facing towards the premises. The premises are clearly still open and allowing customers to enter and exit. At this time there are around 10 people congregated outside. At times, I can clearly hear the music with the windows of my vehicle down, but this is only when the door to the premises is open. I can hear ‘Rocket Man’. There is no background noise apart from when a vehicle drives past. I can hear the customers ‘chatting’ but there is no disorder.

At 23:55 hrs 3 customers leave, the remainder go back inside the premises. The door is opened for them by a Security Guard.

At 23:59 hrs a taxi arrives and pulls up outside the premises, waits a couple of minutes, then leaves.

I then left my vehicle and walked to ‘Ephesus’. The door was opened for me by the SIA security guard at 00:05 hrs. The premises was very busy with (I estimate around 40 people inside). At 00:07 hrs I walked to the bar and asked for a gin and tonic. I had to repeat my order to the barmaid as she couldn’t hear what I was saying above the volume of the music. I successfully purchased a gin and tonic for £6 and whilst I ordered this, two other people ordered drinks who were standing at the bar. Attached as evidence **SL/15** and **SL/16**

I walked towards the rear of the premises and noticed that on the right hand side, just beyond the bar was a DJ with a ‘set of decks’ providing the music for people to dance. The extension area of the premises (which is not covered by the Premises Licence) was shut and not being used. I sat down at one of the tables at the back of the premises and recorded two videos (attached as evidence **SL/05**, **SL/06** and **SL/07**, **SL/08**). It is obvious to me that people were there to enjoy the DJ, have a dance and drink. The atmosphere was that of a ‘party’. No food was available.

I left the premises at 00:18 hrs at which point I witnessed a further drink sale at the bar. There had been no announcement that the bar was shutting and it appeared to me that it was still very much ‘open for business’. The tills used look very sophisticated so the premises should be able to provide evidence of the

sales made and at what time. The payments I witnessed were all being made with a card payment facility.

I returned to my vehicle and continued to monitor the premises for a further hour until 01:20 hrs. During this time customers were still exiting and entering the premises with ease, and when the door opened I could hear the music being played. At 01:05 hrs I could hear the words to a song 'we had it almost every night' and again at 01.09 hrs the door opened again and I heard the words 'dancing in the moonlight' Attached video evidence **SL/09**, with confirmation of the timing of this video at **SL/10** and video **SL/11**, with confirmation of the timing of this video at **SL/12** and video **SL/13**, with confirmation of the timing of this video at **SL/14** showing the customers outside the premises and their entering and exiting the premises at the following times:

SL/09 - 00:44 hrs

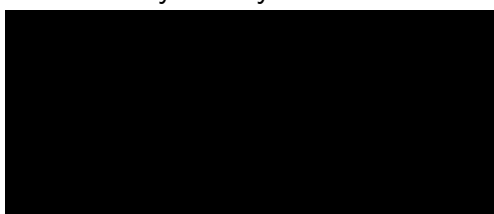
SL/11 - 01:05 hrs

SL/13 - 01:06 hrs

At 01:20 hrs there was no sign that the premises was shutting or beginning to ask people to leave so I finished my monitoring for the evening and went home.

Dated this thirtieth day of May 2022

Signed

A large black rectangular redaction box covering the signature area.

Print name SUSAN LINDSEY