

Appendix AA



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.

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 its 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.

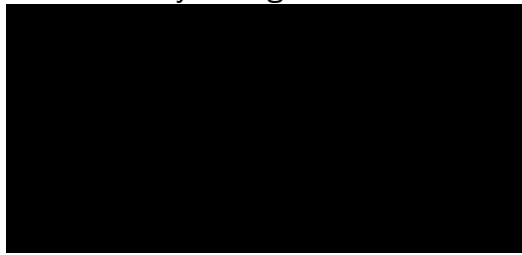
This has been submitted as evidence **SDL/19**. Stills from this video evidence are attached as evidence **SDL/20**

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