

SIMON EBERS

SECOND WITNESS STATEMENT

1) I am Simon Ebers. I live at The Regency Tavern, 32-34 Russell Square, Brighton BN1 2EF. This statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything in it anything which I know to be false or do not believe to be true. The facts in this witness statement are within my own knowledge or are derived from sources which I explain.

2) The purpose of this statement is to comment on the evidence that I was served with on Thursday 29th October 2020.

3) REDACTED TEXT 1

I would comment only that professional equipment is required to get an accurate reading of ambient noise levels. The use of a mobile phone to record noise levels is unsatisfactory. I have produced a short video clip taken randomly on 24th January 2020. Although this was taken on my mobile phone, the clip does not purport to record sound levels. Rather, it shows the general business of the area and demonstrates that loud music noise emitted from Zone carries as far as our premises.

4) REDACTED TEXT 3

A photograph has been taken of what is said to be sick on the pavement. The inference is that we were in some way responsible for this. I comment only that this is a very busy street, and that many people unconnected with us pass by our premises at all times of the day and night.

5) REDACTED TEXT 4

I have already commented on this in my first witness statement.

6) REDACTED TEXT 5

We closed at 12am. We were allowed to operate until then

7) REDACTED TEXT 6

Yes, I agree that there are a handful of people on street outside our premises. This is because the garden is closed at 11.30pm. If the LSC saw fit to amend the garden condition in the way that I have explained in my first witness statement, then there would be fewer people outside the premises. I have also explained in my first statement how we are in the process of moving the front entrance to the garden, which we would use for access and egress after a certain time. This requires planning permission, which has already received a favourable response. These two measures (amended condition and repositioning of the entrance) would have a beneficial effect on the residents of Darrell Court.

I remember this evening well because the photograph shows me looking up the street towards a group of about 40 people in the next street outside The Camelford Arms making loads of noise. These people had nothing whatsoever to do with us.

8) Antisocial behaviour, fights and arguments

I would like to say Kemp Town is a very busy place with a large number of pubs and businesses open late (many later than ourselves). We have only had to call police on one occasion. Since we have been open, I have not witnessed one fight, nor have I been told of one taking place.

9) Drugs

We have a zero drugs policy. We have been visited by the police and council officers in order to take swabs. They found no evidence of any drugs. We cannot follow customers when they leave the pub. For my own part, if I saw people taking drugs in my street I would call the police.

10) Light Pollution

We have the same front lights as many other pubs in the UK.

11) Noise Pollution in the evening

We close the front doors and keep them shut as much as possible and ask customers to respect our neighbours and we have posters in our venue. The garden is closed at 11.30pm every night. (but we would like to use it for smokers)

12) Speaker in Garden

I accept that this occurred over one weekend shortly after we reopened following lockdown. I was unaware that our licence prohibited us from doing this. On being made aware that we were in breach, we immediately stopped this.

13) Intoxicated Customers

We always serve responsibly and stop serving when needed. Our Security is extremely vigilant and would ask anyone who is showing signs of intoxication to leave.

14) Noise into the Early Hours

We are always strictly compliant with our opening permitted hours. I have already indicated that there are other premises in the area close by that have later hours than us.

15) Doors and Windows open

Our doors are always closed in evening and garden door closed at 11.30pm

We cannot open any of our windows

16) Rubbish Bins emptied at night

This never happens. We always empty our bins the next day.

17) Open at 4.30am

This never happened 2.30am is our closing time. The Bull dog has a 4am license

18) Selfish owners only here for profit

Certainly, the aim of our business is to make a profit. I stress that this is not “at any cost”. We have invested in our premises and made the pub look nice. We have refurbished the garden with plants etc and looks so much better for the neighbours and our customers. We do genuinely care about the area and our neighbours. That is why we took the trouble to visit them and introduce ourselves when we first bought the pub. We gave them all our numbers. My business partner, Lee Cockshott, lives in St James’s Street so he is a resident and part of the community as well as a business operator. I live nearby. This community means a lot to us. We live, eat, and breathe these streets. This is where we have

settled with our family and friends. We understand the importance of community. We operate a safe business for the LGBTQ community.

19) Parking

The overwhelming majority of our customers walk to our pub .

20) Talking outside on highway

Yes, at 11.30pm customer do go outside on highway because the garden is closed even for smokers. I have already presented a solution to this. However, we always tell customers to respect our neighbours at all times.

21) Covid-19 precautions

These are always kept to a high standard. Customers sign in; we provide hand sanitiser; our staff wear masks; a one metre space is maintained, and customers are kept in their bubbles.

22) Video clips

- In one clip I can see and hear some girls arguing. I cannot see the location of this.

- In the second clip someone is playing a guitar in the street. This has nothing to do with the pub
- In the third clip the front door is shown as open. This is during the early evening. It is not a condition of our licence that doors should be kept shut after a certain time. If the LSC wished, they could impose a condition *“that all windows and doors should be kept shut save for access and egress after 21.00”*

23) Conclusion

These proceedings, together with the service of the noise abatement notice, have been extremely stressful for us and our families. We have turned the pub around. Before our arrival it had changed hands 3 times in 5 years. The pandemic has presented us with extreme challenges. We have tried to maintain our workforce and have only laid off two employees. I have never known a situation such as this before. I ask that the LSC adopts the course that I have outlined above and in my previous statement. There is a solution to these concerns, and it does not lie in revoking our licence or curtailing our hours.

Signed.....

Simon Ebers

Dated 3rd November 2020

