

SECTION C PAGES 1 - 114

IVA Screen

Service Request 2020/ [REDACTED]	Public House 21 Western Road Hove BN3 1AE
IVA 2020 [REDACTED]	

Visit Info:	Vis Type: EH Licensing - No visit	Vis Date:	Vis Officer: [REDACTED]
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Vis Comments:

07/10/20 at 10:53 by [REDACTED]

Email chain re comp and unsatisfactory action by staff.

Action Info:	Act Type: E-mail sent	Act Date: 07.10.2020	Act Officer: [REDACTED]
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Act Notes:

From: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>

Sent: 07 October 2020 10:45

To: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>

Cc: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>

Subject: FW: Paris House & - Risk assessments

Dear All, please see below our response to [REDACTED] I'd like to thank you all for your help in dealing with this difficult case, in particular thanks to [REDACTED] for reviewing the risk assessments. Kind Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards)| Brighton & Hove City Council
2nd Floor, Barts House, Barts Square, BN1 1JP
T [REDACTED] | brighton-hove.gov.uk

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

From: [REDACTED]
Sent: 07 October 2020 10:41 AM

To: [REDACTED]
Subject: RE: Paris House & - Risk assessments

Dear [REDACTED]

Thank you for including the risk assessments for the above premises as well as the staff confirmation form. The documents have been assessed by our health and safety team who have concluded that they are comprehensive and adequate. The officer assessing the documents has offered some constructive feedback on the attached forms for your consideration. The "staff confirmation" document is an excellent summary and we have no further comments for this.

It's mentioned in both risk assessments that information will be posted for customers on your website and clearly it's important that the risk assessments are shared with staff and to let customers know you have completed the risk assessments and have safety measures are in place. Details of how to do this and a poster that can be displayed is on Page 14 of the restaurant & pubs guidance:-

[https://assets.publishing.service.gov.uk/media/\[REDACTED\]working-safely-during-covid-19-restaurants-pubs-takeaway-services-\[REDACTED\].pdf](https://assets.publishing.service.gov.uk/media/[REDACTED]working-safely-during-covid-19-restaurants-pubs-takeaway-services-[REDACTED].pdf)

Important note - the guidance document was updated on 1/10/20 and is updated frequently so they will need to check for any changes in this and the law and ensure their Risk Assessments are updated accordingly. Risk Assessments must be 'dynamic', particularly in these changeable times.

I've also attached the authorisations attached for [redacted] and [redacted] as well the complaints details/correspondence for both premises.

In light of the received risk assessments and lack of further intel or complaints we do not intend to take further action but I'm sure you will understand that if we do receive a complaint we are duty bound to investigate that complaint to determine if there has been a breach of legislation.

Regards, [redacted]

[redacted] (Licensing & Trading Standards)| Brighton & Hove City Council
2nd Floor, Barts House, Barts Square, BN1 1JP
T [redacted] | brighton-hove.gov.uk

Our customer promise to you
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From: [redacted] [mailto:[redacted]]
Sent: 05 October 2020 10:17 AM
To: [redacted]
Subject: Re: Paris House, 21 Western Road, Hove

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear [redacted]

Thank you for your 2 emails of Friday, the most recent of which contained a copy of your 'Instrument of Appointment' of 11th July 2016.

I note that you have not provided similar 'Instruments of Appointment' for [redacted] or [redacted] as requested. The facts that one of these officers is now "on long-term leave" or that the other "doesn't work Fridays" are not relevant to the issue of whether they had the lawful right to demand our Risk Assessments over the last few months.

Can you please either confirm that no such authority has been delegated to them by any 'Instrument of Appointment' by B&HCC, or, as requested, provide a copy of such authority. We have been seeking the legal basis upon which these Council officers have made repeated requests for many weeks and still no such authority has been provided.

21

10

The Paris House
Similar concerns apply to The Paris House.

(i) No Details of Nature of the Complaint

Although we have repeatedly requested details of the complaint and the complainants, very few details have been forthcoming other than vague references to a trumpet, noise levels etc.

(ii) No details of Identity of the Complainant

No details have been supplied as to the identity of the complainant (s).

Indeed, whilst [REDACTED] has told us [REDACTED] has no details at all as to whom has made the complaint, nevertheless, bizarrely, [REDACTED] is also on record as saying that [REDACTED] is able to confirm that one of the later complainants is a 'new' complainant. To state the obvious, if [REDACTED] doesn't know who is complaining then how can [REDACTED] say it is someone 'new'? Please explain.

Let's not lose sight of the fact that this could be a serial anonymous and/or vexatious complainant. What steps have B&HCC taken to investigate this possibility?

(C1)

4

3

(iii) Investigations into the accuracy of the Complaints

If you are not aware of the identity of the complainant(s) then what steps can B&HCC have possibly taken to address the accuracy of the complaint. Please explain.

As you should be aware from even a cursory reading of the background of The Paris House, there is a long history of totally false allegations being made as to sound issues from the pub, over many years. Many, many times we have been able to categorically disprove such claims. Most often these complaints have been about 'noise' even though we have been able to show that the pub had been closed many hours before the time of the alleged problem. As you should also be aware, when some of the complainants have been asked to participate in a Resolution Process to address their concerns they have simply chosen to withdraw from the complaints process rather explaining their demonstrably false allegations.

We have no idea whether the latest complaints are from the same people. Neither, according to [REDACTED] do B&HCC. We have asked what steps [REDACTED] has taken to investigate the veracity of the complaints, but [REDACTED] has not addressed these perfectly reasonable questions.

For example, there is also a complaint that Contact Details weren't being collected. This is absolutely untrue. Moreover, if the complainant didn't enter the premises then how can they make such a categorical statement? Please explain.

I note that in [REDACTED] opening email of 13th August [REDACTED] referred to the (demonstrably untrue) allegation about noise from a 'trumpet'. (No Live Music has been performed at The Paris House since before Lockdown on 20th March 2020). In that email [REDACTED] said this complaint "has been referred to the Environmental Protection Team to investigate". It is now 5th October, some 53 days later. At no stage during this period of 'investigation' by the Environment Protection Team has anyone been in contact with us to discuss this matter. 53 days of investigation and no-one from 'The Environment Protection team' has made any contact with us to discuss. Hmmm.....

Duty to Act Fairly

The Council's working assumption, supported by all of the above points, is clearly that these complaints are valid. Yet there is no evidence of any basic fact-checking to support this foundation.

This is a failure of the Council's duty to act fairly. This is a theme I am monitoring extremely carefully.

Necessity and Proportionality

All of the above points are highly relevant to issues of Necessity and Proportionality as set out in the HSE's National Local Authority Enforcement Code and, separately, B&HCC's Environmental Health Enforcement Policy.

Risk Assessments

I attach copies of the most recent Risk Assessments for [REDACTED] The Paris House, both dated 29th September 2020. They also show how these Risk Assessments were produced in advance of the Pubs' re-openings and have been updated with each change in Central Government Guidance / Law.

I also attach a cpy of the Staff Confirmation all our team have signed following the latest major changes of 24th September.

Outstanding Points

There are many points outstanding from our previous communications with your department and you personally.

Can you please now address these.

(21)

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[REDACTED]
[REDACTED]
Rowbell Group of Companies

On 2 Oct 2020, at 13:56, [REDACTED] <[REDACTED]@brighton-hove.gov.uk> wrote:

Dear [REDACTED]

My signed authorisation is attached. I trust that is sufficient in order to provide copies of the risk assessments for those premises as requested in my email below dated 23rd September. [REDACTED] is now on long term leave and [REDACTED] doesn't not work Fridays.

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards)| Brighton & Hove
City Council
2nd Floor, Barts House, Barts Square, BN1 1JP
T [REDACTED] | brighton-hove.gov.uk

Our customer promise to you
We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

From: [REDACTED]
Sent: 02 October 2020 8:00 AM
To: [REDACTED]
Subject: RE: Paris House, 21 Western Road, Hove.

Dear [REDACTED]

That's great to hear that the Covid 19 -Specific Risk Assessments have been produced for all your venues and have been updated to take into account the recent changes. A copy of which is all we're asking for.

I'll arrange for the authorisations to be forwarded to you.

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards)| Brighton & Hove
City Council
2nd Floor, Barts House, Barts Square, BN1 1JP
T [REDACTED] | brighton-hove.gov.uk

Our customer promise to you
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From: [REDACTED] [mailto:[REDACTED]]
Sent: 01 October 2020 5:43 PM
To: [REDACTED]

C2

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Subject: Re: Paris House, 21 Western Road, Hove.

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear [REDACTED]

As per my letter of 29th September, I have looked into the legal powers which, you have asserted, call for the production of our Covid-19 - Specific Risk Assessments. You and your colleagues have asserted these powers in connection, specifically, with Health & Safety concerns.

You have said you have the powers to call for this Risk Assessment under s20(k) of the Health & Safety at Work Act 1974.

Section 20 is, of course dependant upon section 19 of the same Act.

Under s19 these 'Section 20 powers' are only provided to those officers of the Local Authority who have been designated by B&HCC as 'Inspectors', (under whatever title it may from time to time determine), for these purposes.

C2

Under s19(4) of the Health & Safety at Work Act 1974, can I formally require you to please supply me with the appropriate 'Instruments of Appointment' for the following:

- o [REDACTED] (Licensing & Trading Standards)
- o [REDACTED] (Licensing & Trading Standards) Safer Communities, and
- o [REDACTED] Fair Trading Officer & [REDACTED] (Trading Standards & Licensing).

C2

As you will appreciate, the job titles of these officers do indicate their roles are more concerned with "Licensing and Trading Standards", rather than powers under Health & Safety legislation.

The range of these officers designated duties will be apparent from their appropriate 'Instruments of Appointment'.

If the 'Instruments of Appointment' (assuming they exist) do not show the dates of such appointments, then could you please provide these also.

As we have said throughout, and contrary to your colleague's earlier allegation, we are not 'refusing' to supply the Risk Assessments. We are simply seeking to ascertain the lawful authority upon which you and your two named colleagues have asserted such power to demand that we produce them.

Just to re-iterate, the Covid 19 -Specific Risk Assessments were produced for all of our venues, prior to them re-opening, and have all been updated several times to take into account the changes announced over the last few months.

Thank you in advance.

[REDACTED]
[REDACTED]
Rowbell Group of Companies

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On 29 Sep 2020, at 15:42, [REDACTED] <[REDACTED]> wrote:

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Dear [REDACTED]

Please see attached letter by way of our reply.

[REDACTED]
[REDACTED]

Rowbell Group of Companies

<TG to [REDACTED] 29 Sept 20.pdf>
<D [REDACTED] to [REDACTED] 30-7-20.pdf>

Begin forwarded message:

From: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>
Date: 23 September 2020 at 11:26:47 BST
To: [REDACTED] <[REDACTED]>
Subject: RE: Paris House, 21 Western Road, Hove.
Dear [REDACTED]

The Health and Safety at Work Act 1974
The Health Protection (Coronavirus, Restrictions)(No. 3)(England) Regulation 2020
The Health Protection (Coronavirus, Wearing of Face Coverings in a relevant Place) (England) Regulations 2020

In response to your email I have spoken to the officers that are investigating complaints made against both Paris House and [REDACTED] including loud music and a lack of social distancing. You were made aware of the details of these complaints at an early stage in August, including the dates, time and nature of the complaints. I refute your allegations about officer conduct and do not consider that there are any grounds for an official complaint. The health & safety officer that spoke to the manager of Paris House, [REDACTED] made contact to help and does not accept the words that have been attributed to [REDACTED] in your email.

(c2)

However, the priority for this authority is to ensure that premises are operating safely in accordance with the relevant legislation and guidance during this public health emergency. We have received complaints and must investigate and as part of this investigation we have asked to see your risk assessment, as we have done with many other premises who have provided these without issue. To that end we require a copy of your full Risk Assessment which takes account of Covid-19 and under S20(2)(K) of the Health and Safety at Work etc. Act 1974 have the power to make formal request for this document.

Your risk assessment will need to be reviewed and updated in light of the Government's recent announcements regarding new lockdown measures including "rule of six", contact details, mandatory wearing of masks and 10pm curfew. We are keen to work with and support businesses and have been sending out weekly updates to food businesses (latest included below).

I hope we can avoid the need to make a formal request for your risk assessment. I have also included an extract from the Government's own guidance on pubs for your information "where the enforcing authority, such as the HSE or your local authority, identifies employers who are not taking action to comply with the relevant public health legislation and guidance to control public health risks, they are empowered to take a range of actions to improve control of workplace risks. These actions include closure of venues under the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020. For example, this would cover employers not taking appropriate action to ensure social distancing, where possible. Failure to complete a risk assessment which takes account of COVID-19, or completing a risk assessment but failing to put

in place sufficient measures to manage the risk of COVID-19, could constitute a breach of health and safety law. The actions the enforcing authority can take include the provision of specific advice to employers to support them to achieve the required standard, through to issuing enforcement notices to help secure improvements. Serious breaches and failure to comply with enforcement notices can constitute a criminal offence, with serious fines and even imprisonment for up to two years. There is also a wider system of enforcement, which includes specific obligations and conditions for licensed premises. Employers are expected to respond to any advice or notices issued by enforcing authorities rapidly and are required to do so within any timescales imposed by the enforcing authorities. The vast majority of employers are responsible and will join with the UK's fight against COVID-19 by working with the Government and their sector bodies to protect their workers and the public. However, inspectors are carrying out compliance checks nationwide to ensure that employers are taking the necessary steps"

Please provide a copy of your updated risk assessment by the 2nd October. Below is the food team's latest email on new control measures.

Kind Regards, [REDACTED]

We write to clarify some points following the email sent yesterday, specifically regarding the requirements around the NHS Test and Trace app from Thursday 24 September. A further update will be sent tomorrow detailing the latest restrictions to be formally announced at the Prime Minister's public address tonight.

As of Thursday 24 September, it will be mandatory for venues in hospitality, the tourism and leisure industry, close contact services and local authority facilities to:

- o Ask at least one member of every party of customers or visitors (up to 6 people) to provide their name and contact details. If possible this should be done via the NHS QR code.
- o Display an official NHS QR code poster, so that customers and visitors can 'check in' using this option as an alternative to providing their contact details to staff.
- o Keep a record of all staff working on their premises and shift times on a given day and their contact details.
- o For those unable to use the NHS QR code, keep the records of customers, visitors and staff for 21 days and provide data to NHS Test and Trace if requested.
- o Adhere to General Data Protection Regulations, including keeping only the information required, storing it safely so no one else can see it and destroying it after 21 days.

Hospitality venues must refuse entry to those who will not participate in either the NHS or your own customer data collection method.

Government guidance:

<https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace>

If you have any further queries please contact The Food and Health & Safety Team at: ehl.food@brighton-hove.gov.uk

[REDACTED] (Licensing & Trading Standards)| Brighton & Hove City Council
2nd Floor, Barts House, Barts Square, BN1 1JP
T [REDACTED] | brighton-hove.gov.uk

Our customer promise to you
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From: [REDACTED] [mailto:[REDACTED]]

Sent: 15 September 2020 11:45 PM

To: [REDACTED]

Cc: [REDACTED] [REDACTED] [REDACTED] EHL Environmental Protection; [REDACTED]

C2

Subject: RE: Paris House, 21 Western Road, Hove.

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear [REDACTED]

Grounds for Official Complaint:

Serious Misrepresentations by B&HCC of its Legal Powers and Staggeringly Inappropriate Behaviour by your Departmental Colleague, Condoned by You

I am copying this email to everyone who has been involved in this particular matter to date (see complete email chain below) - so they are very clear what has happened. It is up to them how they choose to react, but no-one will ever be able to say they were 'unaware' of any of the following. This includes yesterday's unsavoury development (details of which are below).

I am also copying this email to [REDACTED] [REDACTED] for our Group of Companies. [REDACTED] is compiling an ever-increasing dossier of our dealings with B&HCC and will be making a formal complaint to the Local Government Ombudsman in the near future. Both this email chain and yesterday's inappropriate action will feature in our complaint.

Summary

As is set out below, you have been demanding a copy of our Covid Risk Assessment for The Paris House. For detail of the supporting exchanges between us, any reader is referred to the long (and complete) email chain below.

This is a summary; over the course of the last few weeks:

- o You asked us to supply (13 Aug 2020) a copy of our Covid Risk Assessment for The Paris House which, of course, was prepared carefully in advance of us re-opening the pub after Lockdown
- o I replied (also 13 August) that I 'gathered' we did not have to share this document with you / B&HCC
- o You chose to seriously distort my response (18 August) by saying that I had 'refused' to supply a copy of the Covid Risk Assessment. This, of course, is patently untrue - as evidenced by you backtracking on this point (your email of 3 September)
- o You went on to say aggressively (18 August) that unless we provided a copy of the Covid Risk Assessment within 7 days you were "able to serve a Notice under section 3 of the Management or f (sic) Health & safety (sic) at Workplace Regulations 1999" to demand a copy
- o We did not supply the Risk Assessment and, of course, no such Notice was issued by you - even though it is now over a month since you made the request
- o A cursory reading of this section of law (section 3) shows there is absolutely no such power contained within it to support you taking the action you had claimed / threatened you were able to take (my email of 31 August)
- o I then went on to ask you (same email of 31 August) for the legal authority upon which you had the right to demand this information
- o You were asked to 'confirm or correct' my view the section you quoted does NOT contain the power you asserted (again, mine of 31 August)
- o You were invited to set out any alternative power, in the event that you had simply made a mistake in citing the section number (same, 31 August)
- o As we have said throughout this dialogue - 'show us you have the legal power to call for this document and it will be provided'
- o You declined to address this point and instead (conveniently) chose to completely ignore it. Indeed, you remained entirely silent in your email response (yours of 3 September)
- o I am sure if the legal power existed, then you would have let me know, in no uncertain terms, that it did. I repeat - you have remained silent
- o I treat your silence on this point as a 'de facto' admission that you are fully aware that you have no such legal power to demand this document - but please feel free to correct my view
- o Bluntly put - you completely lied to me when you said you were "able to serve a Notice. under section 3 of the Management or f (sic) Health & safety (sic) at Workplace Regulations ' 1999"to demand a copy [of our Covid Risk Assessment]
- o THAT (professionally lying) is a very serious misdemeanour on your part - which will be

actively perused by our [REDACTED] via the Ombudsman and others

As if all of the above is not bad enough, then there was yesterday's development.....

Yesterday's Development

o I understand from our Designated Premises Supervisor (DPS) of The Paris House that yesterday a colleague from within your immediate (EHL) team at B&HCC (but already known to our DPS) was asked (presumably by you) to call [REDACTED] to ask for a copy of our Covid Risk Assessment.

I understand the conversation went along the following lines:

o I am calling to ask you for a "favour"
 o "A colleague would like a copy of your Covid Risk Assessment for The Paris House, but [REDACTED] won't give it to us....."
 o "We were wondering whether you could please give us a copy, instead" ADDING - incredulously:

o "There's no need to tell [REDACTED] that I've asked you for it"
 [REDACTED] - what planet are you on?

And how, exactly, do you think this completely underhand and unprofessional tactic will play out with the Ombudsman?

Intimidation of our Employee

Let me be clear - this call to our DPS, presumably advocated by you, placed our employee in an impossible and compromised position.

The provision to B&HCC (or not) of our Covid Risk Assessment is also NOT a DPS (i.e. Premises License) related matter (i.e. one that falls within the scope of any DPS's primary responsibility).

But, in provoking the action that was taken by your colleague yesterday, you decided to 'dress it up' (or conveniently blur the lines) as if it were - presumably to get the result you so desired.

Just how unprofessional is that, exactly?

It also couldn't have backfired more badly on your part. In summary:

Yesterday B&HCC approached our DPS to ask 'as a favour' if [REDACTED] would divulge information to B&HCC which, by merely having to resort to this underhand tactic, it is now 100% abundantly clear (as if it wasn't before....) that B&HCC knows it has no legal power to request.

So it's now trying to gain said information via 'the back door' instead.....

o This puts our employee into an invidious position, namely; does our DPS yield to pressure exerted on [REDACTED] by the Licensing Department of B&HCC - which, of course, has significant influence over the way in which [REDACTED] executes his duties as DPS AND does [REDACTED] also completely (but covertly) go against the express wishes of his employer?

OR

o

Does [REDACTED] refuse the 'request' from your EHL colleague at B&HCC and then worry about whether this will have a negative impact upon his relationship with the Council and EHL going forward?

The call to our DPS yesterday should never have been requested (by you), made (by your colleague) or authorised (by anyone). And you know it.

The subterfuge, intimidation and underhand way of addressing our DPS employee is appalling, outrageous and, of course, completely unlawful.

As I said above, the fact that you are now resorting to such astoundingly low-grade tactics is 100% admission that you know you have no legal powers to demand sight of our Covid Risk Assessment - even though you have previously asserted, clearly in writing on several occasions, that you do.

It also explains, as if an explanation were necessary, that when challenged 'on what grounds' - you have remained silent and completely avoided addressing the point.

Necessary & Proportionate

Finally, by way of simple overview, the email chain below began with an alleged (and verifiably untrue) noise complaint about the sound of a trumpet being played in The Paris House many weeks ago. As I have already said (my emails of 13 & 31 August) - there has been no live music performed at The Paris House since before Lockdown on 20 March 2020, almost 6 months ago. How we have now arrived at this present (and future) highly escalated situation, when there are

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so many important issues for B&HCC (and ourselves) to be addressing in the current situation, I simply cannot fathom. It certainly begs into question the necessity for B&HCC's approach and its proportionality.
 Frankly, it also begs into question the requisite 'good faith' of the Council.
 Before I escalate this further, I am giving you one last opportunity to confirm o

Visit Info:	Vis Type: EH Licensing - No visit	Vis Date: 06.10.2020	Vis Officer: [REDACTED]
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Vis Comments:
 06/10/20 at 10:08 by [REDACTED]
 06/10/20 at 10:04 by [REDACTED]
 Risk assessment plus email re comps about how investigation dealt with

Action Info:	Act Type: E-mail received	Act Date: 06.10.2020	Act Officer: [REDACTED]
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Act Notes:
 From: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>
 Sent: 05 October 2020 16:07
 To: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>
 Cc: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>
 Subject: & Paris House
 Importance: High

[REDACTED] is kindly reviewing the RAs. I'd like to draw this to a close if I can, but need to know what the status of any outstanding complaints are? Please can you help me by providing a history of the current complaints (last 3 months?) and what the status is? If you can list them out as they are requesting the details and attach any previous correspondence to show we had previously advised that would be great.

Thank you. [REDACTED]
 [REDACTED] (Licensing & Trading Standards)| Brighton & Hove City Council
 2nd Floor, Barts House, Barts Square, BN1 1JP
 T [REDACTED] | brighton-hove.gov.uk

Our customer promise to you
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From: [REDACTED] [mailto:[REDACTED]]
 Sent: 05 October 2020 10:17 AM
 To: [REDACTED]
 Subject: Re: Paris House, 21 Western Road, Hove

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear [REDACTED]
 Thank you for your 2 emails of Friday, the most recent of which contained a copy of your 'Instrument of Appointment' of 11th July 2016.

I note that you have not provided similar 'Instruments of Appointment' for [REDACTED] or [REDACTED] as requested. The facts that one of these officers is now "on long-term leave" or that the other "doesn't work Fridays" are not relevant to the issue of whether they had the lawful right to demand our Risk Assessments over the last few months.

Can you please either confirm that no such authority has been delegated to them by any 'Instrument of Appointment' by B&HCC, or, as requested, provide a copy of such authority. We have been seeking the legal basis upon which these Council officers have made repeated requests for many weeks and still no such authority has been provided.

The Paris House

Similar concerns apply to The Paris House.

(i) No Details of Nature of the Complaint

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(ii) No details of Identity of the Complainant

No details have been supplied as to the identity of the complainant (s).

Indeed, whilst [REDACTED] has told us [REDACTED] has no details at all as to whom has made the complaint, nevertheless, bizarrely, [REDACTED] is also on record as saying that [REDACTED] is able to confirm that one of the later complainants is a 'new' complainant. To state the obvious, if [REDACTED] doesn't know who is complaining then how can [REDACTED] say it is someone 'new'? Please explain.

Let's not lose sight of the fact that this could be a serial anonymous and/or vexatious complainant. What steps have B&HCC taken to investigate this possibility?

(iii) Investigations into the accuracy of the Complaints

If you are not aware of the identity of the complainant(s) then what steps can B&HCC have possibly taken to address the accuracy of the complaint. Please explain.

As you should be aware from even a cursory reading of the background of The Paris House, there is a long history of totally false allegations being made as to sound issues from the pub, over many years. Many, many times we have been able to categorically disprove such claims. Most often these complaints have been about 'noise' even though we have been able to show that the pub had been closed many hours before the time of the alleged problem. As you should also be aware, when some of the complainants have been asked to participate in a Resolution Process to address their concerns they have simply chosen to withdraw from the complaints process rather explaining their demonstrably false allegations.

We have no idea whether the latest complaints are from the same people. Neither, according to [REDACTED] do B&HCC. We have asked what steps [REDACTED] has taken to investigate the veracity of the complaints, but [REDACTED] has not addressed these perfectly reasonable questions.

For example, there is also a complaint that Contact Details weren't being collected. This is absolutely untrue. Moreover, if the complainant didn't enter the premises then how can they make such a categorical statement? Please explain.

I note that in [REDACTED] opening email of 13th August [REDACTED] referred to the (demonstrably untrue) allegation about noise from a 'trumpet'. (No Live Music has been performed at The Paris House since before Lockdown on 20th March 2020). In that email [REDACTED] said this complaint "has been referred to the Environmental Protection Team to investigate". It is now 5th October, some 53 days later. At no stage during this period of 'investigation' by the Environment Protection Team has anyone been in contact with us to discuss this matter. 53 days of investigation and no-one from 'The Environment Protection team' has made any contact with us to discuss. Hmmm.....

Duty to Act Fairly

The Council's working assumption, supported by all of the above points, is clearly that these complaints are valid. Yet there is no evidence of any basic fact-checking to support this foundation.

This is a failure of the Council's duty to act fairly. This is a theme I am monitoring extremely

carefully.

Necessity and Proportionality

All of the above points are highly relevant to issues of Necessity and Proportionality as set out in the HSE's National Local Authority Enforcement Code and, separately, B&HCC's Environmental Health Enforcement Policy.

Risk Assessments

I attach copies of the most recent Risk Assessments for The [redacted] and The Paris House, both dated 29th September 2020. They also show how these Risk Assessments were produced in advance of the Pubs' re-openings and have been updated with each change in Central Government Guidance / Law.

I also attach a copy of the Staff Confirmation all our team have signed following the latest major changes of 24th September.

Outstanding Points

There are many points outstanding from our previous communications with your department and you personally.

Can you please now address these.

[redacted]

[redacted]

Rowbell Group of Companies

On 2 Oct 2020, at 13:56, [redacted] <[redacted]@brighton-hove.gov.uk> wrote:

Dear [redacted]

My signed authorisation is attached. I trust that is sufficient in order to provide copies of the risk assessments for those premises as requested in my email below dated 23rd September. [redacted] is now on long term leave and [redacted] doesn't not work Fridays.

Regards, [redacted]

[redacted] (Licensing & Trading Standards)| Brighton & Hove City Council
2nd Floor, Barts House, Barts Square, BN1 1JP
T [redacted] | brighton-hove.gov.uk

Our customer promise to you
We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

From: [redacted]
Sent: 02 October 2020 8:00 AM
To: [redacted]
Subject: RE: Paris House, 21 Western Road, Hove.

Dear [redacted]

That's great to hear that the Covid 19 -Specific Risk Assessments have been produced for all your venues and have been updated to take into account the recent changes. A copy of which is all we're asking for.

I'll arrange for the authorisations to be forwarded to you.

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards)| Brighton & Hove
City Council
2nd Floor, Barts House, Barts Square, BN1 1JP
T [REDACTED] | brighton-hove.gov.uk

Our customer promise to you
We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

From: [REDACTED] [mailto:[REDACTED]]
Sent: 01 October 2020 5:43 PM
To: [REDACTED]
Subject: Re: Paris House, 21 Western Road, Hove.

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear [REDACTED]

As per my letter of 29th September, I have looked into the legal powers which, you have asserted, call for the production of our Covid-19 - Specific Risk Assessments. You and your colleagues have asserted these powers in connection, specifically, with Health & Safety concerns.

You have said you have the powers to call for this Risk Assessment under s20(k) of the Health & Safety at Work Act 1974.

Section 20 is, of course dependant upon section 19 of the same Act..

Under s19 these 'Section 20 powers' are only provided to those officers of the Local Authority who have been designated by B&HCC as 'Inspectors', (under whatever title it may from time to time determine), for these purposes.

Under s19(4) of the Health & Safety at Work Act 1974, can I formally require you to please supply me with the appropriate 'Instruments of Appointment' for the following:

- o [REDACTED] (Licensing & Trading Standards)
- o [REDACTED] (Licensing & Trading Standards) Safer Communities, and
- o [REDACTED] Fair Trading Officer & [REDACTED] (Trading Standards & Licensing).

As you will appreciate, the job titles of these officers do indicate their roles are more concerned with "Licensing and Trading Standards", rather than powers under Health & Safety legislation.

The range of these officers designated duties will be apparent from their appropriate 'Instruments of Appointment'.

If the 'Instruments of Appointment' (assuming they exist) do not show the dates of such appointments, then could you please provide these also.

As we have said throughout, and contrary to your colleague's earlier allegation, we are not 'refusing' to supply the Risk Assessments. We are simply seeking to ascertain the lawful authority upon which you and your two named colleagues have asserted such power to demand that we produce them.

Just to re-iterate, the Covid 19 -Specific Risk Assessments were produced for all of our venues, prior to them re-opening, and have all been updated several times to take into account the changes announced over the last few months.

Thank you in advance.

[REDACTED]
[REDACTED]
Rowbell Group of Companies

On 29 Sep 2020, at 15:42, [REDACTED] <[REDACTED]> wrote:

Dear [REDACTED]

Please see attached letter by way of our reply.

[REDACTED]
[REDACTED]
Rowbell Group of Companies

<TG to [REDACTED] 29 Sept 20.pdf>
<D [REDACTED] to [REDACTED] 30-7-20.pdf>

Begin forwarded message:

From: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>
Date: 23 September 2020 at 11:26:47 BST
To: [REDACTED] <[REDACTED]>
Subject: RE: Paris House, 21 Western Road, Hove.
Dear [REDACTED]

The Health and Safety at Work Act 1974
The Health Protection (Coronavirus, Restrictions)(No. 3)(England) Regulation 2020
The Health Protection (Coronavirus, Wearing of Face Coverings in a relevant Place) (England) Regulations 2020

In response to your email I have spoken to the officers that are investigating complaints made against both Paris House and [REDACTED] including loud music and a lack of social distancing. You were made aware of the details of these complaints at an early stage in August, including the dates, time and nature of the complaints. I refute your allegations about officer conduct and do not consider that there are any grounds for an official complaint. The health & safety officer that spoke to the manager of Paris House, [REDACTED] made contact to help and does not accept the words that have been attributed to [REDACTED] in your email.

However, the priority for this authority is to ensure that premises are operating safely in

accordance with the relevant legislation and guidance during this public health emergency. We have received complaints and must investigate and as part of this investigation we have asked to see your risk assessment, as we have done with many other premises who have provided these without issue. To that end we require a copy of your full Risk Assessment which takes account of Covid-19 and under S20(2)(K) of the Health and Safety at Work etc. Act 1974 have the power to make formal request for this document.

Your risk assessment will need to be reviewed and updated in light of the Government's recent announcements regarding new lockdown measures including "rule of six", contact details, mandatory wearing of masks and 10pm curfew. We are keen to work with and support businesses and have been sending out weekly updates to food businesses (latest included below).

I hope we can avoid the need to make a formal request for your risk assessment. I have also included an extract from the Government's own guidance on pubs for your information "where the enforcing authority, such as the HSE or your local authority, identifies employers who are not taking action to comply with the relevant public health legislation and guidance to control public health risks, they are empowered to take a range of actions to improve control of workplace risks. These actions include closure of venues under the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020. For example, this would cover employers not taking appropriate action to ensure social distancing, where possible. Failure to complete a risk assessment which takes account of COVID-19, or completing a risk assessment but failing to put in place sufficient measures to manage the risk of COVID-19, could constitute a breach of health and safety law. The actions the enforcing authority can take include the provision of specific advice to employers to support them to achieve the required standard, through to issuing enforcement notices to help secure improvements. Serious breaches and failure to comply with enforcement notices can constitute a criminal offence, with serious fines and even imprisonment for up to two years. There is also a wider system of enforcement, which includes specific obligations and conditions for licensed premises. Employers are expected to respond to any advice or notices issued by enforcing authorities rapidly and are required to do so within any timescales imposed by the enforcing authorities. The vast majority of employers are responsible and will join with the UK's fight against COVID-19 by working with the Government and their sector bodies to protect their workers and the public. However, inspectors are carrying out compliance checks nationwide to ensure that employers are taking the necessary steps"

Please provide a copy of your updated risk assessment by the 2nd October. Below is the food team's latest email on new control measures.

Kind Regards, [REDACTED]

We write to clarify some points following the email sent yesterday, specifically regarding the requirements around the NHS Test and Trace app from Thursday 24 September. A further update will be sent tomorrow detailing the latest restrictions to be formally announced at the Prime Minister's public address tonight.

As of Thursday 24 September, it will be mandatory for venues in hospitality, the tourism and leisure industry, close contact services and local authority facilities to:

- o Ask at least one member of every party of customers or visitors (up to 6 people) to provide their name and contact details. If possible this should be done via the NHS QR code.
 - o Display an official NHS QR code poster, so that customers and visitors can 'check in' using this option as an alternative to providing their contact details to staff.
 - o Keep a record of all staff working on their premises and shift times on a given day and their contact details.
 - o For those unable to use the NHS QR code, keep the records of customers, visitors and staff for 21 days and provide data to NHS Test and Trace if requested.
 - o Adhere to General Data Protection Regulations, including keeping only the information required, storing it safely so no one else can see it and destroying it after 21 days.
- Hospitality venues must refuse entry to those who will not participate in either the NHS or your

own customer data collection method.

Government guidance:

<https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace>

If you have any further queries please contact The Food and Health & Safety Team at:
ehl.food@brighton-hove.gov.uk

[REDACTED] (Licensing & Trading Standards) | Brighton & Hove
City Council
2nd Floor, Barts House, Barts Square, BN1 1JP
T [REDACTED] | brighton-hove.gov.uk

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

From: [REDACTED] [mailto:[REDACTED]]

Sent: 15 September 2020 11:45 PM

To: [REDACTED]

Cc: [REDACTED] EHL Environmental Protection; [REDACTED]

Subject: RE: Paris House, 21 Western Road, Hove.

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear [REDACTED]

Grounds for Official Complaint:

Serious Misrepresentations by B&HCC of its Legal Powers and Staggeringly Inappropriate Behaviour by your Departmental Colleague, Condoned by You

I am copying this email to everyone who has been involved in this particular matter to date (see complete email chain below) - so they are very clear what has happened. It is up to them how they choose to react, but no-one will ever be able to say they were 'unaware' of any of the following. This includes yesterday's unsavoury development (details of which are below).

I am also copying this email to [REDACTED] for our Group of Companies. [REDACTED] is compiling an ever-increasing dossier of our dealings with B&HCC and will be making a formal complaint to the Local Government Ombudsman in the near future. Both this email chain and yesterday's inappropriate action will feature in our complaint.

Summary

As is set out below, you have been demanding a copy of our Covid Risk Assessment for The Paris House. For detail of the supporting exchanges between us, any reader is referred to the long (and complete) email chain below.

This is a summary; over the course of the last few weeks:

- o You asked us to supply (13 Aug 2020) a copy of our Covid Risk Assessment for The Paris House which, of course, was prepared carefully in advance of us re-opening the pub after Lockdown
- o I replied (also 13 August) that I 'gathered' we did not have to share this document with you / B&HCC
- o You chose to seriously distort my response (18 August) by saying that I had 'refused' to supply a copy of the Covid Risk Assessment. This, of course, is patently untrue - as evidenced by you backtracking on this point (your email of 3 September)
- o You went on to say aggressively (18 August) that unless we provided a copy of the Covid Risk Assessment within 7 days you were "able to serve a Notice under section 3 of the Management of f (sic) Health & safety (sic) at Workplace Regulations 1999" to demand a copy
- o We did not supply the Risk Assessment and, of course, no such Notice was issued by you - even though it is now over a month since you made the request

- o A cursory reading of this section of law (section 3) shows there is absolutely no such power contained within it to support you taking the action you had claimed / threatened you were able to take (my email of 31 August)
- o I then went on to ask you (same email of 31 August) for the legal authority upon which you had the right to demand this information
- o You were asked to 'confirm or correct' my view the section you quoted does NOT contain the power you asserted (again, mine of 31 August)
- o You were invited to set out any alternative power, in the event that you had simply made a mistake in citing the section number (same, 31 August)
- o As we have said throughout this dialogue - 'show us you have the legal power to call for this document and it will be provided'
- o You declined to address this point and instead (conveniently) chose to completely ignore it. Indeed, you remained entirely silent in your email response (yours of 3 September)
- o I am sure if the legal power existed, then you would have let me know, in no uncertain terms, that it did. I repeat - you have remained silent
- o I treat your silence on this point as a 'de facto' admission that you are fully aware that you have no such legal power to demand this document - but please feel free to correct my view
- o Bluntly put - you completely lied to me when you said you were "able to serve a Notice under section 3 of the Management of f (sic) Health & safety (sic) at Workplace Regulations 1999" to demand a copy [of our Covid Risk Assessment]
- o THAT (professionally lying) is a very serious misdemeanour on your part - which will be actively perused by our [REDACTED] via the Ombudsman and others

As if all of the above is not bad enough, then there was yesterday's development.....

Yesterday's Development

o I understand from our Designated Premises Supervisor (DPS) of The Paris House that yesterday a colleague from within your immediate (EHL) team at B&HCC (but already known to our DPS) was asked (presumably by you) to call [REDACTED] to ask for a copy of our Covid Risk Assessment.

I understand the conversation went along the following lines:

- o I am calling to ask you for a "favour"
- o "A colleague would like a copy of your Covid Risk Assessment for The Paris House, but [REDACTED] won't give it to us....."
- o "We were wondering whether you could please give us a copy, instead" ADDING - incredulously:
- o "There's no need to tell [REDACTED] that I've asked you for it"
- o [REDACTED] - what planet are you on?

And how, exactly, do you think this completely underhand and unprofessional tactic will play out with the Ombudsman?

Intimidation of our Employee

Let me be clear - this call to our DPS, presumably advocated by you, placed our employee in an impossible and compromised position.

The provision to B&HCC (or not) of our Covid Risk Assessment is also NOT a DPS (i.e. Premises License) related matter (i.e. one that falls within the scope of any DPS's primary responsibility). But, in provoking the action that was taken by your colleague yesterday, you decided to 'dress it up' (or conveniently blur the lines) as if it were - presumably to get the result you so desired. Just how unprofessional is that, exactly?

It also couldn't have backfired more badly on your part. In summary:

Yesterday B&HCC approached our DPS to ask 'as a favour' if [REDACTED] would divulge information to B&HCC which, by merely having to resort to this underhand tactic, it is now 100% abundantly clear (as if it wasn't before....) that B&HCC knows it has no legal power to request.

So it's now trying to gain said information via 'the back door' instead.....

- o This puts our employee into an invidious position, namely; does our DPS yield to pressure exerted on [REDACTED] by the Licensing Department of B&HCC - which, of course, has significant influence over the way in which [REDACTED] executes his duties as DPS AND does [REDACTED] also completely (but covertly) go against the express wishes of his employer?

OR

o

Does [redacted] refuse the 'request' from your EHL colleague at B&HCC and then worry about whether this will have a negative impact upon his relationship with the Council and EHL going forward? The call to our DPS yesterday should never have been requested (by you), made (by your colleague) or authorised (by anyone). And you know it.

The subterfuge, intimidation and underhand way of addressing our DPS employee is appalling, outrageous and, of course, completely unlawful.

As I said above, the fact that you are now resorting to such astoundingly low-grade tactics is 100% admission that you know you have no legal powers to demand sight of our Covid Risk Assessment - even though you have previously asserted, clearly in writing on several occasions, that you do.

It also explains, as if an explanation were necessary, that when challenged 'on what grounds' - you have remained silent and completely avoided addressing the point.

Necessary & Proportionate

Finally, by way of simple overview, the email chain below began with an alleged (and verifiably untrue) noise complaint about the sound of a trumpet being played in The Paris House many weeks ago. As I have already said (my emails of 13 & 31 August) - there has been no live music performed at The Paris House since before Lockdown on 20 March 2020, almost 6 months ago. How we have now arrived at this present (and future) highly escalated situation, when there are so many important issues for B&HCC (and ourselves) to be addressing in the current situation, I simply cannot fathom. It certainly begs into question the necessity for B&HCC's approach and its proportionality.

Frankly, it also begs into question the requisite 'good faith' of the Council.

Before I escalate this further, I am giving you one last opportunity to confirm or correct whether B&HCC does have the legal power, under the specific legislation you have cited, or otherwise, to demand we produce our Covid Risk Assessment.

Please reply to this point within a week.

If you are finally admitting that your assertion of having such legal powers is completely inaccurate and indeed that you lied to me, then please provide details as to the process for making an official complaint to B&HCC and externally to the Ombudsman.

I am also struggling very hard to see how such a blatant misrepresentation of your (alleged) powers that do not exist (and specifically your off the scale appalling behaviour of yesterday) reconciles with the statement at the end of all emails from you of: "Our customer promise to you - We will be clear and treat you with respect".

THAT is a joke.

I stress that we are, of course, responsible multiple-operators and have always taken our responsibilities seriously. I also stress that we are fully aware of our responsibilities regarding the Covid epidemic - as updated (in law) on Monday.

I look forward to your prompt response.

Regards

[redacted]

From: [redacted] [mailto:[redacted]@brighton-hove.gov.uk]

Sent: 3 September, 2020 2:13 PM

To: [redacted]

Cc: [redacted]

Subject: RE: Paris House, 21 Western Road, Hove.

Dear [REDACTED]

I am sorry that you feel the use of the term refused is factually incorrect, completely not helpful and a distortion of the truth. It appeared from your email that you were reluctant to provide the information and maybe I should have said that instead.

Having received a complaint directly to us and been notified of 3 complaints made to the Police we are just trying to establish what measures have been adopted at the premises. The owner of a business has the responsibility to their customers and staff to ensure they have adopted all practical measures and we have the duty under H&S and Covid regulations to make sure that everyone is doing what they can. Where we are getting complaints it is more than reasonable that we work with the businesses for the safety of customers and staff.

Where businesses don't have

Visit Info:	Vis Type: EH Licensing - No visit	Vis Date: 06.10.2020	Vis Officer: [REDACTED]
Vis Comments: 06/10/20 at 10:15 by [REDACTED]			
Details of complaints email to [REDACTED]			
Action Info:	Act Type: E-mail sent	Act Date: 06.10.2020	Act Officer: [REDACTED]
Act Notes:			
From: [REDACTED]			
Sent: 06 October 2020 08:30			
To: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>			
Subject: Paris House complaint details			
Hi [REDACTED]			
Complaint 1			
Email Sent: 13 August 2020 10:38			
To: [REDACTED]			
Subject: Paris House, 21 Western Road, Hove.			
The complainant alleges that:- The Paris House has been open for the last three weeks and Saturdays have been very noisy .			
Complaints 2, 3 and 4			
Email From: [REDACTED]			
Sent: 26 August 2020 10:44			
To: [REDACTED]			
Report via Police Licensing Unit the Police have confirmed that they are from 3 separate individuals. The details of the complaints are :-			
1. 23/08/2020 01:43 - The pub was not adhering to social distancing measures, there were no tables and the pub was packed with people vertical drinking and dancing so much so that it was spilling out onto the street. This is the second weekend in a row that this has occurred			
2. 24/08/20 15:33 - Went out in a group on Saturday to A/L to see no COVID rules being applied. We stood O/S for 1 drink and left. They had a live DJ playing 80's music really loud, the dance floor/pub was packed, dancing standing around the bar no masks at all had to squeeze past to get to the loo absolutely no one was bothered & doorman did nothing.			

C4

3. 24/08/20 18:52 - Report that inft observed a group of 30-40 people O/S the A/L and many more inside. There was a DJ playing and people were dancing in the bar and in the road outside. There were no social distancing measures in place at all. It was a packed pub both inside and outside. I was very surprised as I have seen other pubs in the area doing very well to maintain social distancing.

C4

C4

I have not had any further complaints or contact from any of the complainants and will close the case for the moment. [REDACTED] was dealing with a noise complaint but not sure if he's closed it.

[REDACTED]

[REDACTED] [REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED] brighton-hove.gov.uk

Please note my working days are Monday to Thursday mornings.

415

Please be advised there will be no one in the office to open post so anything that can be sent electronically please do so to EHL.Safety@brighton-hove.gov.uk or via GOV.UK. We are asking customers to only submit essential applications or paperwork. Please submit application form online where possible

Your application should be signed. Any necessary documentation should accompany the application. If you do not have scanned/electronic copies of documents you can provide photographs. Images of documents must be clear and legible.

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

CORONAVIRUS - WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS

Use soap and water or a hand sanitiser when you:

- o Get home or into work
- o Blow your nose, sneeze or cough
- o Eat or handle food

Protect yourself & others

For more information go to nhs.uk/coronavirus

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect | Our organisation complies with the GDPR. To learn more about how we comply and care for the security and privacy of your personal data, visit this page.

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Visit Info:	Vis Type: EH Licensing - No visit	Vis Date: 23.09.2020	Vis Officer: [REDACTED]
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Vis Comments:

23/09/20 at 11:42 by [REDACTED]

Response to [REDACTED] re his grounds of comp email rec'd after a number of requests to see RA.

Sent by [REDACTED]

Action Info:	Act Type: E-mail sent	Act Date: 23.09.2020	Act Officer: [REDACTED]
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Act Notes:

From: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>

Sent: 23 September 2020 11:28

To: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>

Subject: FW: Paris House, 21 Western Road, Hove.

fyi

[REDACTED] (Licensing & Trading Standards)| Brighton & Hove
 City Council
 2nd Floor, Barts House, Barts Square, BN1 1JP
 T [REDACTED] | brighton-hove.gov.uk

Our customer promise to you
 We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

From: [REDACTED]
 Sent: 23 September 2020 11:27 AM
 To: [REDACTED]
 Subject: RE: Paris House, 21 Western Road, Hove.

Dear [REDACTED]

The Health and Safety at Work Act 1974
 The Health Protection (Coronavirus, Restrictions)(No. 3)(England) Regulation 2020
 The Health Protection (Coronavirus, Wearing of Face Coverings in a relevant Place) (England) Regulations 2020

In response to your email I have spoken to the officers that are investigating complaints made against both Paris House and [REDACTED] including loud music and a lack of social distancing. You were made aware of the details of these complaints at an early stage in August, including the dates, time and nature of the complaints. I refute your allegations about officer conduct and do not consider that there are any grounds for an official complaint. The health & safety officer that spoke to the manager of Paris House, [REDACTED] made contact to help and does not accept the words that have been attributed to [REDACTED] in your email.

However, the priority for this authority is to ensure that premises are operating safely in accordance with the relevant legislation and guidance during this public health emergency. We have received complaints and must investigate and as part of this investigation we have asked to see your risk assessment, as we have done with many other premises who have provided these without issue. To that end we require a copy of your full Risk Assessment which takes account of Covid-19 and under S20(2)(K) of the Health and Safety at Work etc. Act 1974 have the power to make formal request for this document.

Your risk assessment will need to be reviewed and updated in light of the Government's recent announcements regarding new lockdown measures including "rule of six", contact details, mandatory wearing of masks and 10pm curfew. We are keen to work with and support businesses and have been sending out weekly updates to food businesses (latest included below).

I hope we can avoid the need to make a formal request for your risk assessment. I have also included an extract from the Government's own guidance on pubs for your information "where the enforcing authority, such as the HSE or your local authority, identifies employers who are not taking action to comply with the relevant public health legislation and guidance to control public health risks, they are empowered to take a range of actions to improve control of workplace risks. These actions include closure of venues under the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020. For example, this would cover employers not taking appropriate action to ensure social distancing, where possible. Failure to complete a risk assessment which takes account of COVID-19, or completing a risk assessment but failing to put in place sufficient measures to manage the risk of COVID-19, could constitute a breach of health and safety law. The actions the enforcing authority can take include the provision of specific advice to employers to support them to achieve the required standard, through to issuing enforcement notices to help secure improvements. Serious breaches and failure to comply with enforcement notices can constitute a criminal offence, with serious fines and even imprisonment for up to two years. There is also a wider system of enforcement, which includes specific obligations and conditions for licensed premises. Employers are expected to respond to any advice or notices issued by enforcing authorities rapidly and are required to do so within any timescales imposed by the enforcing authorities. The vast majority of employers are responsible and will join with the UK's fight against COVID-19 by working with the Government and their sector bodies to protect their workers and the public. However, inspectors are carrying out compliance checks nationwide to ensure that employers are taking the necessary steps"

Please provide a copy of your updated risk assessment by the 2nd October. Below is the food team's latest email on new control measures.

Kind Regards, [REDACTED]

We write to clarify some points following the email sent yesterday, specifically regarding the requirements around the NHS Test and Trace app from Thursday 24 September. A further update will be sent tomorrow detailing the latest restrictions to be formally announced at the Prime Minister's public address tonight.

As of Thursday 24 September, it will be mandatory for venues in hospitality, the tourism and leisure industry, close contact services and local authority facilities to:

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- o Display an official NHS QR code poster, so that customers and visitors can 'check in' using this option as an alternative to providing their contact details to staff.
- o Keep a record of all staff working on their premises and shift times on a given day and their contact details.
- o For those unable to use the NHS QR code, keep the records of customers, visitors and staff for 21 days and provide data to NHS Test and Trace if requested.

o Adhere to General Data Protection Regulations, including keeping only the information required, storing it safely so no one else can see it and destroying it after 21 days.

Hospitality venues must refuse entry to those who will not participate in either the NHS or your own customer data collection method.

Government guidance:

<https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace>

If you have any further queries please contact The Food and Health & Safety Team at: ehl.food@brighton-hove.gov.uk

██████████ (Licensing & Trading Standards)| Brighton & Hove
 City Council
 2nd Floor, Barts House, Barts Square, BN1 1JP
 T ██████████ | brighton-hove.gov.uk

Our customer promise to you
 We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

From: ██████████ [mailto:██████████]
 Sent: 15 September 2020 11:45 PM
 To: ██████████
 Cc: ██████████ ██████████ ██████████ EHL Environmental Protection; ██████████
 Subject: RE: Paris House, 21 Western Road, Hove.

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear ██████████

Grounds for Official Complaint:

Serious Misrepresentations by B&HCC of its Legal Powers and Staggeringly Inappropriate Behaviour by your Departmental Colleague, Condoned by You

I am copying this email to everyone who has been involved in this particular matter to date (see complete email chain below) - so they are very clear what has happened. It is up to them how they choose to react, but no-one will ever be able to say they were 'unaware' of any of the following. This includes yesterday's unsavoury development (details of which are below).

I am also copying this email to ██████████ ██████████ for our Group of Companies. ██████████ is compiling an ever-increasing dossier of our dealings with B&HCC and will be making a formal complaint to the Local Government Ombudsman in the near future. Both this email chain and yesterday's inappropriate action will feature in our complaint.

Summary

As is set out below, you have been demanding a copy of our Covid Risk Assessment for The Paris House. For detail of the supporting exchanges between us, any reader is referred to the long (and complete) email chain below.

This is a summary; over the course of the last few weeks:

- o You asked us to supply (13 Aug 2020) a copy of our Covid Risk Assessment for The Paris House which, of course, was prepared carefully in advance of us re-opening the pub after Lockdown
- o I replied (also 13 August) that I 'gathered' we did not have to share this document with you / B&HCC
- o You chose to seriously distort my response (18 August) by saying that I had 'refused' to supply a copy of the Covid Risk Assessment. This, of course, is patently untrue - as evidenced by you backtracking on this point (your email of 3 September)
- o You went on to say aggressively (18 August) that unless we provided a copy of the Covid Risk Assessment within 7 days you were "able to serve a Notice under section 3 of the Management of f (sic) Health & safety (sic) at Workplace Regulations 1999" to demand a copy
- o We did not supply the Risk Assessment and, of course, no such Notice was issued by you - even though it is now over a month since you made the request
- o A cursory reading of this section of law (section 3) shows there is absolutely no such power contained within it to support you taking the action you had claimed / threatened you were able to take (my email of 31 August)
- o I then went on to ask you (same email of 31 August) for the legal authority upon which you had the right to demand this information
- o You were asked to 'confirm or correct' my view the section you quoted does NOT contain

- the power you asserted (again, mine of 31 August)
- o You were invited to set out any alternative power, in the event that you had simply made a mistake in citing the section number (same, 31 August)
 - o As we have said throughout this dialogue - 'show us you have the legal power to call for this document and it will be provided'
 - o You declined to address this point and instead (conveniently) chose to completely ignore it. Indeed, you remained entirely silent in your email response (yours of 3 September)
 - o I am sure if the legal power existed, then you would have let me know, in no uncertain terms, that it did. I repeat - you have remained silent
 - o I treat your silence on this point as a 'de facto' admission that you are fully aware that you have no such legal power to demand this document - but please feel free to correct my view
 - o Bluntly put - you completely lied to me when you said you were "able to serve a Notice under section 3 of the Management of f (sic) Health & safety (sic) at Workplace Regulations 1999" to demand a copy [of our Covid Risk Assessment]
 - o THAT (professionally lying) is a very serious misdemeanour on your part - which will be actively perused by our [REDACTED] via the Ombudsman and others

As if all of the above is not bad enough, then there was yesterday's development.....

Yesterday's Development

o I understand from our Designated Premises Supervisor (DPS) of The Paris House that yesterday a colleague from within your immediate (EHL) team at B&HCC (but already known to our DPS) was asked (presumably by you) to call [REDACTED] to ask for a copy of our Covid Risk Assessment.

I understand the conversation went along the following lines:

- o I am calling to ask you for a "favour"
- o "A colleague would like a copy of your Covid Risk Assessment for The Paris House, but [REDACTED] won't give it to us....."
- o "We were wondering whether you could please give us a copy, instead" ADDING - incredulously:
- o "There's no need to tell [REDACTED] that I've asked you for it"
- [REDACTED] - what planet are you on?

And how, exactly, do you think this completely underhand and unprofessional tactic will play out with the Ombudsman?

Intimidation of our Employee

Let me be clear - this call to our DPS, presumably advocated by you, placed our employee in an impossible and compromised position.

The provision to B&HCC (or not) of our Covid Risk Assessment is also NOT a DPS (i.e. Premises License) related matter (i.e. one that falls within the scope of any DPS's primary responsibility). But, in provoking the action that was taken by your colleague yesterday, you decided to 'dress it up' (or conveniently blur the lines) as if it were - presumably to get the result you so desired.

Just how unprofessional is that, exactly?

It also couldn't have backfired more badly on your part. In summary:

Yesterday B&HCC approached our DPS to ask 'as a favour' if [REDACTED] would divulge information to B&HCC which, by merely having to resort to this underhand tactic, it is now 100% abundantly clear (as if it wasn't before....) that B&HCC knows it has no legal power to request.

So it's now trying to gain said information via 'the back door' instead.....

- o This puts our employee into an invidious position, namely; does our DPS yield to pressure exerted on [REDACTED] by the Licensing Department of B&HCC - which, of course, has significant influence over the way in which [REDACTED] executes his duties as DPS AND does [REDACTED] also completely (but covertly) go against the express wishes of his employer?

OR

- o Does [REDACTED] refuse the 'request' from your EHL colleague at B&HCC and then worry about whether this will have a negative impact upon his relationship with the Council and EHL going forward? The call to our DPS yesterday should never have been requested (by you), made (by your

colleague) or authorised (by anyone). And you know it.

The subterfuge, intimidation and underhand way of addressing our DPS employee is appalling, outrageous and, of course, completely unlawful.

As I said above, the fact that you are now resorting to such astoundingly low-grade tactics is 100% admission that you know you have no legal powers to demand sight of our Covid Risk Assessment - even though you have previously asserted, clearly in writing on several occasions, that you do.

It also explains, as if an explanation were necessary, that when challenged 'on what grounds' - you have remained silent and completely avoided addressing the point.

Necessary & Proportionate

Finally, by way of simple overview, the email chain below began with an alleged (and verifiably untrue) noise complaint about the sound of a trumpet being played in The Paris House many weeks ago. As I have already said (my emails of 13 & 31 August) - there has been no live music performed at The Paris House since before Lockdown on 20 March 2020, almost 6 months ago. How we have now arrived at this present (and future) highly escalated situation, when there are so many important issues for B&HCC (and ourselves) to be addressing in the current situation, I simply cannot fathom. It certainly begs into question the necessity for B&HCC's approach and its proportionality.

Frankly, it also begs into question the requisite 'good faith' of the Council.

Before I escalate this further, I am giving you one last opportunity to confirm or correct whether B&HCC does have the legal power, under the specific legislation you have cited, or otherwise, to demand we produce our Covid Risk Assessment.

Please reply to this point within a week.

If you are finally admitting that your assertion of having such legal powers is completely inaccurate and indeed that you lied to me, then please provide details as to the process for making an official complaint to B&HCC and externally to the Ombudsman.

I am also struggling very hard to see how such a blatant misrepresentation of your (alleged) powers that do not exist (and specifically your off the scale appalling behaviour of yesterday) reconciles with the statement at the end of all emails from you of: "Our customer promise to you - We will be clear and treat you with respect".

THAT is a joke.

I stress that we are, of course, responsible multiple-operators and have always taken our responsibilities seriously. I also stress that we are fully aware of our responsibilities regarding the Covid epidemic - as updated (in law) on Monday.

I look forward to your prompt response.

Regards

██████████

From: ██████████ [mailto:██████████@brighton-hove.gov.uk]

Sent: 3 September, 2020 2:13 PM

To: ██████████

Cc: ██████████ ██████████ ██████████

Subject: RE: Paris House, 21 Western Road, Hove.

Dear ██████████

I am sorry that you feel the use of the term refused is factually incorrect, completely not helpful and a distortion of the truth. It appeared from your email that you were reluctant to provide the

information and maybe I should have said that instead.

Having received a complaint directly to us and been notified of 3 complaints made to the Police we are just trying to establish what measures have been adopted at the premises. The owner of a business has the responsibility to their customers and staff to ensure they have adopted all practical measures and we have the duty under H&S and Covid regulations to make sure that everyone is doing what they can. Where we are getting complaints it is more than reasonable that we work with the businesses for the safety of customers and staff.

Where businesses don't have adequate measures in place we have the power to take legal action. Without knowing what measures have been taken we might well be wasting time pursuing unwarranted legal action. I do not feel it is unreasonable to request a copy of the risk assessment and would not be an onerous task to provide this.

Please could you provide the information that I have requested so that I am able to respond to the complainant to answer their concerns. If you are not able to supply the risk assessment as requested this matter will be referred to the Health and Safety Team to pursue.

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T: [REDACTED] | [REDACTED]@brighton-hove.gov.uk

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Protect yourself & others

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things done | We will be clear and treat you with respect | Our organisation complies with the GDPR. To learn more about how we comply and care for the security and privacy of your personal data, visit this page.

From: [REDACTED] <[REDACTED]>
 Sent: 31 August 2020 12:40
 To: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>
 Cc: EHL Environmental Protection <EHL.EnvironmentalProtection@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>
 Subject: RE: Paris House, 21 Western Road, Hove.

(c5)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear [REDACTED]

Thank you for your email below of 18th August (and also yours of Wednesday 26 August - that you copied to all of the above).

Can you please explain how you can interpret from my exact words below that 'I have refused to supply a Covid risk assessment' to you for The Paris House?

This statement by you is factually incorrect, completely NOT helpful and is a distortion of the truth. Why have you chosen to do this?

Here is (exactly) what I said, as quoted from below:

"We also have, as you would expect, undertaken a Covid Risk Assessment of The Paris House (prior to re-opening), as we have for all of our other venues..... and which, I gather, we don't have to share with anyone - including yourself.

Finally, whilst there is an onus on ourselves regarding "Public Safety" (and our public ARE safe) - public health is NOT a Licensing Objective (and cannot ever be so)".

There is no way anyone can interpret from what I have said (and I quote directly from YOUR response below), that:

".....to my request, and your subsequent refusal, to see a copy of the risk assessment".

I haven't refused - I merely said "....and which, I gather, we don't have to share with anyone - including yourself".

For the record - this is definitely not a refusal to supply a Covid risk assessment - it is just a statement of my understanding of the situation (i.e. that I don't HAVE TO supply it to you) - which, of course, you are at perfectly at liberty to correct, if my understanding is wrong.

You then go on to say below, in your continued response:

"Please provide a copy of your risk assessment within 7 days. If I do not receive a copy of the risk assessment in this time I am able to serve a Notice under section 3 of the Management of Health & Safety at Workplace Regulations 1999 requesting this information."

Here is a link to what I believe is the section (section 3) of the legislation you quote, and that you

are claiming gives you the powers to request the information (our Covid risk assessment) to be provided to you:

<https://www.legislation.gov.uk/uksi/1999/3242/regulation/3/made>

Whilst this section covers matters concerned with preparing risk assessments, as you will see, there is absolutely NO reference whatsoever made in this section to support your claims of having the powers under it that require us to provide you with our Covid risk assessment.

Did you get the section / legislation wrong? In which case, maybe you can please provide the correct information.

Or please correct my interpretation of the section you have quoted - in that you do have the legitimate powers you say you do, to demand that we supply our Covid risk assessment - and emphasised in your email of 26 August (and I quote):

"If we do not receive a copy of the risk assessment by 31 August then further enforcement action will be taken."

Asking "what is your legal authority?" in no way equates to "I am refusing to supply it". Does it?

Noise

For the benefit of your colleagues (to whom you have copied your last email of Wednesday 26 August) - let us not forget this exchange began with a noise complaint, mentioning specifically a trumpet being played at The Paris House, to which I responded (quoted directly from my email of 13 August below):

"I can assure you there has been absolutely no live music (including from "a trumpet" that you mention below) at The Paris House - since before lockdown. And no live music is being contemplated for the foreseeable future - so, like many previous claims concerning The Paris House - this is yet another verifiable complete fiction.....".

I go on (also quoted from below):

"I have also been present at The Paris House for two of the last three Saturdays that we have been open. I have personally undertaken 'walk around' noise monitoring trips around the area (including up Cambridge Gardens / Brunswick Street East and the like) - which did not show up any problems.

I have also witnessed other (employees and management) doing exactly the same thing. So I am very confident we are on top of the whole situation - and that all is well as far as not being a (noise) nuisance is concerned.

I suspect that, after such a long period of complete silence (i.e. a 100% shut pub) - for the whole of lockdown, that neighbours are now finding the contrast between that silence and a re-opened unit, shall we say, stark? This of course doesn't mean there is a noise problem, however."

As you all will know, over many years there has been a long history of noise complaints being made against The Paris House which have been proven to be completely untrue e.g. on New Year's Eve complaints about noise at 6am specifically coming from our venue, even though it had closed many hours before. This is just one example of many false complaints. We have also had a complainant (a neighbour in Brunswick Street East) who, when challenged, withdrew from the noise complaint process.

I am also struggling to understand any link whatsoever between a noise complaint about a

(c5)

verifiably fictitious trumpet and Covid and Health and Safety legislation designed to protect staff and customers.

As a responsible and professional operator of multiple venues, I reiterate our awareness and compliance with the Licensing Objectives.

Regards

[Redacted]

From: [Redacted] [mailto:[Redacted]@brighton-hove.gov.uk]
Sent: 18 August, 2020 7:25 AM
To: [Redacted]
Subject: RE: Paris House, 21 Western Road, Hove.

Dear [Redacted]

The Health and Safety at Work Act 1974
The Health Protection (Coronavirus, Restrictions) (No.2 (England) Regulation 2020

I refer to your email below sent in response to a complaint regarding noise from The Paris House, Western Road, Hove and in particular to my request, and your subsequent refusal, to see a copy of the risk assessment you were required to carry out under the Covid-19 legislation in order to re-open the premises.

It is a legal requirement for all organisations to carry out a risk assessment. The risk assessment will need to be Covid 19 secure detailing the control measures in place to minimise the transmission of the virus.

Refusal to provide a copy of your risk assessment on request of an officer could amount to obstruction of an officer attempting to carry out their duties and does not show a responsible attitude to promoting health and safety of customers and staff, the licensing objective of public safety or the additional Covid-19 legislation and guidance. Please provide a copy of your risk assessment within 7 days. If I do not receive a copy of the risk assessment in this time I am able to serve a Notice under section 3 of the Management of Health & safety at Workplace Regulations 1999 requesting this information.

You, as the licence holder and business owner, are responsible for taking all reasonable steps to ensure that everyone, including staff, customers and delivery personnel entering your premises are not exposed to Covid-19 and that measures are in place to control the spread of the virus

Please do not hesitate to contact me if you would like to discuss this matter

Regards, [Redacted]

[Redacted] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [Redacted] | [Redacted]@brighton-hove.gov.uk

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CS

customers to only submit essential applications or paperwork. Please submit application form online where possible

Your application should be signed. Any necessary documentation should accompany the application. If you do not have scanned/electronic copies of documents you can provide photographs. Images of documents must be clear and legible.

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From: [REDACTED] <[REDACTED]>
 Sent: 13 August 2020 16:51
 To: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>
 Subject: RE: Paris House, 21 Western Road, Hove.

Hi [REDACTED]

I can assure you there has been absolutely no live music (including from "a trumpet" that you mention below) at The Paris House - since before lockdown. And no live music is being contemplated for the foreseeable future - so, like many previous claims concerning The Paris House - this is yet another verifiable complete fiction.....

The Roadmap you cite below for brining entertainment back into premises is therefore irrelevant wrt The Paris House - as there isn't (and hasn't been) any since March 2020.

Both we at the centre of the organisation and The Paris House staff and local management team are completely aware of the Government "Guidance" (not law - and I'm glad you've drawn that distinction) wrt to Covid.

We and they are also completely aware of the Licensing Objectives - as you already know, from previous exchanges and meetings.

I have also been present at The Paris House for two of the last three Saturdays that we have been open. I have personally undertaken 'walk around' noise monitoring trips around the area (including up Cambridge Gardens / Brunswick Street East and the like) - which did not show up any problems.

I have also witnessed other (employees and management) doing exactly the same thing. So I am

very confident we are on top of the whole situation - and that all is well as far as not being a (noise) nuisance is concerned.

I suspect that, after such a long period of complete silence (i.e. a 100% shut pub) - for the whole of lockdown, that neighbours are now finding the contrast between that silence and a

Visit Info:	Vis Type: EH Licensing - No visit	Vis Date: 09.09.2020	Vis Officer: [REDACTED]
Vis Comments:			
09/09/20 at 09:16 by [REDACTED]			
[REDACTED] went past. Email from [REDACTED]			
Action Info:	Act Type: E-mail received	Act Date: 09.09.2020	Act Officer: [REDACTED]
Act Notes:			
From: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>			
Sent: 08 September 2020 14:16			
To: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>			
Subject: RE: Paris House, Western Road			
Hi [REDACTED]			
<p>I went past yesterday morning, the pub wasn't open but I could see a lady cleaning inside. They have got hand sanitiser on a table by the door but I couldn't see any notices up above Covid controls or the HSE poster saying they have carried out a Risk Assessment. They still have a board up outside listing music events pretty much every night, but it only says 'jazz' for example, it doesn't specify live/recorded/amplified/virtual/whatever, and they were advertising that DJ on their Facebook page.</p> <p>Let me know if you don't receive a copy of the RA and I'm happy to then either contact the Manager or visit to see what's going on there. If there's anything else I can do to help, let me know.</p> <p>Kind regards,</p> <p>[REDACTED]</p> <p>Food Safety Team, Environmental Health & Licensing Public Health, Brighton & Hove City Council Bartholomew House, Bartholomew Square Brighton, BN1 1JP Tel: [REDACTED] www.brighton-hove.gov.uk/foodsafety</p> <p>My working days are Monday to Thursday</p> <p>CORONAVIRUS Keep your business safe by following social distancing guidelines:- https://www.hse.gov.uk/coronavirus/social-distancing/index.htm</p> <p>WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS Use soap and water or a hand sanitiser when you:</p> <ul style="list-style-type: none"> o Get home or into work o Blow your nose, sneeze or cough o Eat or handle food <p>Protect yourself & others</p>			

For more information go to nhs.uk/coronavirus

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Brighton and Hove City Council may disclose the contents of this email if requested by a third party, under the provisions of the Freedom of Information Act 2000. For further advice please contact [redacted] or search our website on www.brighton-hove.gov.uk/foi

From: [redacted] <[redacted]@brighton-hove.gov.uk>

Sent: 08 September 2020 10:29

To: [redacted] <[redacted]@brighton-hove.gov.uk>

Cc: [redacted] <[redacted]@brighton-hove.gov.uk>; [redacted] <[redacted]@brighton-hove.gov.uk>

Subject: Paris House, Western Road

Dear [redacted]

I refer to previous correspondence regarding a complaint received by this department and 3 complaints referred to us by the Police. I am now writing to advise you that the Police have referred another complaint to us. As before we do not have the complainants details from the Police but they have confirmed that this is a new complainant. The details of the complaint are

06/09/2020 10:22

A/L are getting away with playing loud music with a DJ indoors all night, people standing/dancing/singing, no track and trace in place and no social distancing in place.

I have copied this email to the Environmental Protection Team.

Following the previous complaints I requested a copy of the risk assessment which to date you have not supplied. Please can you supply as copy as requested. Please note that if I do not receive a copy of the risk assessment by 10 September 2020 I will refer this matter to our Health and Safety Team as I previously advised you in my email of 3rd September 2020.

Regards, [redacted]

[redacted] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [redacted] | [redacted]@brighton-hove.gov.uk

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Visit Info:	Vis Type: EH Licensing - No visit	Vis Date: 08.09.2020	Vis Officer: [REDACTED]
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Vis Comments:
 08/09/20 at 10:46 by [REDACTED]

A 4th comp recd via Police. (5 comps in total. 3 via police one to us)
 Email to [REDACTED] advisng of above and requesting RA again. Referred to [REDACTED] and to be referred to JBC Food (H&S) on 10/09/20 if no RA recd.

Action Info:	Act Type: E-mail sent	Act Date: 08.09.2020	Act Officer: [REDACTED]
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Act Notes:
 From: [REDACTED]
 Sent: 08 September 2020 10:29
 To: [REDACTED] <[REDACTED]>
 Cc: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>
 Subject: Paris House, Western Road

Dear [REDACTED]

I refer to previous correspondence regarding a complaint received by this department and 3 complaints referred to us by the Police. I am now writing to advise you that the Police have referred another complaint to us. As before we do not have the complainants details from the Police but they have confirmed that this is a new complainant. The details of the complaint are

06/09/2020 10:22
 A/L are getting away with playing loud music with a DJ indoors all night, people standing/dancing/singing, no track and trace in place and no social distancing in place.

I have copied this email to the Environmental Protection Team.

(C6)

Following the previous complaints I requested a copy of the risk assessment which to date you have not supplied. Please can you supply as copy as requested. Please note that if I do not receive a copy of the risk assessment by 10 September 2020 I will refer this matter to our Health and Safety Team as I previously advised you in my email of 3rd September 2020.

C6

Regards, [redacted]

[redacted] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [redacted] | [redacted]@brighton-hove.gov.uk

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We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

CORONAVIRUS - WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS

Use soap and water or a hand sanitiser when you:

- o Get home or into work
- o Blow your nose, sneeze or cough
- o Eat or handle food

Protect yourself & others
For more information go to nhs.uk/coronavirus

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Visit Info:	Vis Type: EH Licensing - No visit	Vis Date: 26.08.2020	Vis Officer: [redacted]
Vis Comments: 03/09/20 at 14:42 by [redacted]			

26/08/20 at 10:45 by [REDACTED]

13/08/20 Email to [REDACTED] RA requested by 31.08.20

13/08/20 Response from [REDACTED]

18.08.20 Email to [REDACTED]

31.08.20 Response from [REDACTED]

03.09.20 To [REDACTED]

If no RA recd. To be referred to H&S

Action Info:	Act Type: E-mail sent	Act Date: 03.09.2020	Act Officer: [REDACTED]
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Act Notes:

From: [REDACTED]

Sent: 03 September 2020 14:13

To: [REDACTED] <[REDACTED]>

Cc: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED]

<[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>

Subject: RE: Paris House, 21 Western Road, Hove.

Dear [REDACTED]

I am sorry that you feel the use of the term refused is factually incorrect, completely not helpful and a distortion of the truth. It appeared from your email that you were reluctant to provide the information and maybe I should have said that instead.

Having received a complaint directly to us and been notified of 3 complaints made to the Police we are just trying to establish what measures have been adopted at the premises. The owner of a business has the responsibility to their customers and staff to ensure they have adopted all practical measures and we have the duty under H&S and Covid regulations to make sure that everyone is doing what they can. Where we are getting complaints it is more than reasonable that we work with the businesses for the safety of customers and staff.

Where businesses don't have adequate measures in place we have the power to take legal action. Without knowing what measures have been taken we might well be wasting time pursuing unwarranted legal action. I do not feel it is unreasonable to request a copy of the risk assessment and would not be an onerous task to provide this.

Please could you provide the information that I have requested so that I am able to respond to the complainant to answer their concerns. If you are not able to supply the risk assessment as requested this matter will be referred to the Health and Safety Team to pursue.

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED]@brighton-hove.gov.uk

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From: [REDACTED] <[REDACTED]>
Sent: 31 August 2020 12:40
To: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>
Cc: EHL Environmental Protection <EHL.EnvironmentalProtection@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>
Subject: RE: Paris House, 21 Western Road, Hove.

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear [REDACTED]

Thank you for your email below of 18th August (and also yours of Wednesday 26 August - that you copied to all of the above).

Can you please explain how you can interpret from my exact words below that 'I have refused to supply a Covid risk assessment' to you for The Paris House?

This statement by you is factually incorrect, completely NOT helpful and is a distortion of the truth. Why have you chosen to do this?

Here is (exactly) what I said, as quoted from below:

"We also have, as you would expect, undertaken a Covid Risk Assessment of The Paris House (prior to re-opening), as we have for all of our other venues..... and which, I gather, we don't have to share with anyone - including yourself.

Finally, whilst there is an onus on ourselves regarding "Public Safety" (and our public ARE safe) - public health is NOT a Licensing Objective (and cannot ever be so)".

There is no way anyone can interpret from what I have said (and I quote directly from YOUR response below), that:

".....to my request, and your subsequent refusal, to see a copy of the risk assessment".

I haven't refused - I merely said "....and which, I gather, we don't have to share with anyone - including yourself".

For the record - this is definitely not a refusal to supply a Covid risk assessment - it is just a statement of my understanding of the situation (i.e. that I don't HAVE TO supply it to you) - which, of course, you are at perfectly at liberty to correct, if my understanding is wrong.

You then go on to say below, in your continued response:

"Please provide a copy of your risk assessment within 7 days. If I do not receive a copy of the risk assessment in this time I am able to serve a Notice under section 3 of the Management of Health & Safety at Workplace Regulations 1999 requesting this information."

Here is a link to what I believe is the section (section 3) of the legislation you quote, and that you are claiming gives you the powers to request the information (our Covid risk assessment) to be provided to you:

<https://www.legislation.gov.uk/ukSI/1999/3242/regulation/3/made>

Whilst this section covers matters concerned with preparing risk assessments, as you will see, there is absolutely NO reference whatsoever made in this section to support your claims of having the powers under it that require us to provide you with our Covid risk assessment.

Did you get the section / legislation wrong? In which case, maybe you can please provide the correct information.

Or please correct my interpretation of the section you have quoted - in that you do have the legitimate powers you say you do, to demand that we supply our Covid risk assessment - and emphasised in your email of 26 August (and I quote):

"If we do not receive a copy of the risk assessment by 31 August then further enforcement action will be taken."

Asking "what is your legal authority?" in no way equates to "I am refusing to supply it". Does it?

Noise

For the benefit of your colleagues (to whom you have copied your last email of Wednesday 26 August) - let us not forget this exchange began with a noise complaint, mentioning specifically a trumpet being played at The Paris House, to which I responded (quoted directly from my email of 13 August below):

"I can assure you there has been absolutely no live music (including from "a trumpet" that you mention below) at The Paris House - since before lockdown. And no live music is being

contemplated for the foreseeable future - so, like many previous claims concerning The Paris House - this is yet another verifiable complete fiction.....".

I go on (also quoted from below):

"I have also been present at The Paris House for two of the last three Saturdays that we have been open. I have personally undertaken 'walk around' noise monitoring trips around the area (including up Cambridge Gardens / Brunswick Street East and the like) - which did not show up any problems.

I have also witnessed other (employees and management) doing exactly the same thing. So I am very confident we are on top of the whole situation - and that all is well as far as not being a (noise) nuisance is concerned.

I suspect that, after such a long period of complete silence (i.e. a 100% shut pub) - for the whole of lockdown, that neighbours are now finding the contrast between that silence and a re-opened unit, shall we say, stark? This of course doesn't mean there is a noise problem, however."

As you all will know, over many years there has been a long history of noise complaints being made against The Paris House which have been proven to be completely untrue e.g. on New Year's Eve complaints about noise at 6am specifically coming from our venue, even though it had closed many hours before. This is just one example of many false complaints. We have also had a complainant (a neighbour in Brunswick Street East) who, when challenged, withdrew from the noise complaint process.

I am also struggling to understand any link whatsoever between a noise complaint about a verifiably fictitious trumpet and Covid and Health and Safety legislation designed to protect staff and customers.

As a responsible and professional operator of multiple venues, I reiterate our awareness and compliance with the Licensing Objectives.

Regards

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@brighton-hove.gov.uk]
 Sent: 18 August, 2020 7:25 AM
 To: [REDACTED]
 Subject: RE: Paris House, 21 Western Road, Hove.

Dear [REDACTED]

The Health and Safety at Work Act 1974
 The Health Protection (Coronavirus, Restrictions) (No.2 (England) Regulation 2020

I refer to your email below sent in response to a complaint regarding noise from The Paris House, Western Road, Hove and in particular to my request, and your subsequent refusal, to see a copy of the risk assessment you were required to carry out under the Covid-19 legislation in order to re-open the premises.

It is a legal requirement for all organisations to carry out a risk assessment. The risk assessment will need to be Covid 19 secure detailing the control measures in place to minimise the transmission of the virus.

Refusal to provide a copy of your risk assessment on request of an officer could amount to

obstruction of an officer attempting to carry out their duties and does not show a responsible attitude to promoting health and safety of customers and staff, the licensing objective of public safety or the additional Covid-19 legislation and guidance. Please provide a copy of your risk assessment within 7 days. If I do not receive a copy of the risk assessment in this time I am able to serve a Notice under section 3 of the Management of Health & Safety at Workplace Regulations 1999 requesting this information.

You, as the licence holder and business owner, are responsible for taking all reasonable steps to ensure that everyone, including staff, customers and delivery personnel entering your premises are not exposed to Covid-19 and that measures are in place to control the spread of the virus

Please do not hesitate to contact me if you would like to discuss this matter

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED]@brighton-hove.gov.uk

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From: [REDACTED] <[REDACTED]>
Sent: 13 August 2020 16:51

To: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>
Subject: RE: Paris House, 21 Western Road, Hove.

Hi [REDACTED]

I can assure you there has been absolutely no live music (including from "a trumpet" that you mention below) at The Paris House - since before lockdown. And no live music is being contemplated for the foreseeable future - so, like many previous claims concerning The Paris House - this is yet another verifiable complete fiction.....

The Roadmap you cite below for brining entertainment back into premises is therefore irrelevant wrt The Paris House - as there isn't (and hasn't been) any since March 2020.

Both we at the centre of the organisation and The Paris House staff and local management team are completely aware of the Government "Guidance" (not law - and I'm glad you've drawn that distinction) wrt to Covid.

We and they are also completely aware of the Licensing Objectives - as you already know, from previous exchanges and meetings.

I have also been present at The Paris House for two of the last three Saturdays that we have been open. I have personally undertaken 'walk around' noise monitoring trips around the area (including up Cambridge Gardens / Brunswick Street East and the like) - which did not show up any problems.

I have also witnessed other (employees and management) doing exactly the same thing. So I am very confident we are on top of the whole situation - and that all is well as far as not being a (noise) nuisance is concerned.

I suspect that, after such a long period of complete silence (i.e. a 100% shut pub) - for the whole of lockdown, that neighbours are now finding the contrast between that silence and a re-opened unit, shall we say, stark? This of course doesn't mean there is a noise problem, however.

We also have, as you would expect, undertaken a Covid Risk Assessment of The Paris House (prior to re-opening), as we have for all of our other venues..... and which, I gather, we don't have to share with anyone - including yourself.

Finally, whilst there is an onus on ourselves regarding "Public Safety" (and our public ARE safe) - public health is NOT a Licensing Objective (and cannot ever be so).

We therefore cannot be held responsible for it (public health) or indeed Covid itself. 'Safety' is also quite distinct from 'health' (otherwise we wouldn't have the terminology 'health and safety' - we would simply have either 'health' or 'safety' so they must be quite distinct concepts, only one of which we have some responsibility for).

Please do come back to me if there are other matters you'd like to raise.

All the best

Yours

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@brighton-hove.gov.uk]
Sent: 13 August, 2020 10:38 AM
To: [REDACTED]

Subject: Paris House, 21 Western Road, Hove.

Dear [REDACTED]

I am writing to advise you that we have received a complaint about noise from Paris House, 21 Western Road, Hove. The complainant alleges that:-

The Paris House has been open for the last three weeks and Saturdays have been very noisy .

The complaint refers to noise from music and also mentions a trumpet and has been referred to the Environmental Protection Team to investigate.

The government has produced Coronavirus Guidance for licensed premises

The Guidance states:

o All venues should ensure that steps are taken to avoid people needing to unduly raise their voices to each other. This includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult. This is because of the potential for increased risk of transmission, particularly from aerosol transmission.

o Preventing entertainment, such as broadcasts, that is likely to encourage audience behaviours increasing transmission risks. For example, loud background music, communal dancing, group singing or chanting.

While this is guidance and not legislation, premises should adhere to it and there is other legislation that can be used if we feel public safety is being jeopardised such as H&S Law, Covid-19 Regulations and the Licensing Act 2003. You must continue to promote the Licensing Objectives of

- The prevention of crime and disorder
- The prevention of public nuisance
- Public Safety
- The Protection of Children from Harm

The latest Guidance includes a five-stage roadmap to bringing indoor entertainment back into premises. These five stages of the phased return to indoor entertainment are as follows:

- o Stage One - Rehearsal and training (no audiences)
- o Stage Two - Performances for broadcast and recording purposes
- o Stage Three - Performances outdoors with an audience and pilots for indoor performances with a limited socially-distanced audience
- o Stage Four - Performances allowed indoors and outdoors (but with a limited socially-distanced audience indoors)
- o Stage Five - Performances allowed indoors / outdoors (with a fuller audience indoors)

We're currently at Stage 4. Please consider this guidance when playing music.

Prior to opening you must carry out a risk assessment. Please could you email me a copy of your risk assessment

Please do not hesitate to contact me if you would like to discuss this email

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton &

Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [redacted] | [redacted]@brighton-hove.gov.uk

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 If the reader of this message is not the intended recipient, please note that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify the sender immediately.

Thank you in anticipation of your co-operation.
 You can visit our website at <http://www.brighton-hove.gov.uk>
 Please consider the environment, only print out this email if absolutely necessary.
 Please Note: Both incoming and outgoing Emails may be monitored and/or recorded in line with current legislation

Action Info:	Act Type: E-mail sent	Act Date: 26.08.2020	Act Officer: [redacted]
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Act Notes:

From: [redacted]
 Sent: 26 August 2020 10:44
 To: [redacted]

44

Cc: EHL Environmental Protection <EHL.EnvironmentalProtection@brighton-hove.gov.uk>; [REDACTED]
 [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED]
 <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>;
 [REDACTED] <[REDACTED]@brighton-hove.gov.uk>
 Subject: Paris House, 21 Western Road, Hove

Dear [REDACTED]

I am writing to you again as we have received the following information from the Police Licensing Unit regarding Paris House, 21 Western Road, Hove. While we do not have the complainants details the Police have confirmed that they are from 3 separate individuals. The details of the complaints are :-

1. 23/08/2020 01:43 - The pub was not adhering to social distancing measures, there were no tables and the pub was packed with people vertical drinking and dancing so much so that it was spilling out onto the street. This is the second weekend in a row that this has occurred
2. 24/08/20 15:33 - Went out in a group on Saturday to A/L to see no COVID rules being applied. We stood O/S for 1 drink and left. They had a live DJ playing 80's music really loud, the dance floor/pub was packed, dancing standing around the bar no masks at all had to squeeze past to get to the loo absolutely no one was bothered & doorman did nothing.
3. 24/08/20 18:52 - Report that inft observed a group of 30-40 people O/S the A/L and many more inside. There was a DJ playing and people were dancing in the bar and in the road outside. There were no social distancing measures in place at all. It was a packed pub both inside and outside. I was very surprised as I have seen other pubs in the area doing very well to maintain social distancing.

You have already been advised of your responsibilities under the Covid-19 regulations and guidance and have been asked to provide a copy of the risk assessment relating to this premises within 7 days from the date of my email which was 18 August 2020. This 7 day period has now expired. Please could you email me a copy of the risk assessment for Paris House by Monday 31 August 2020. If we do not receive a copy of the risk assessment by 31 August then further enforcement action will be taken.

The Environmental Protection Team are currently investigating the noise complaint and I have copied them into this email.

As a responsible licence holder and business owner it is important that you comply with the Covid-19 regulations and guidance to ensure the safety of your customers and staff. You must also comply with the Licensing Objectives of the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm.

[REDACTED]

Case notes:

Details Notepad:

IVA Notepad:

46

46

Service Request 2020/ [REDACTED] IVA 2020/ [REDACTED]	Public House 21 Western Road Hove BN3 1AE
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Visit Info:	Vis Type:	Vis Date:	Vis Officer:
Vis Comments: 08/09/20 at 10:54 by [REDACTED]			
See 2020/ [REDACTED] LICCOV/EH			
Action Info:	Act Type:	Act Date:	Act Officer:
Act Notes: None			

Visit Info:	Vis Type: EH No visit	Vis Date: 25.08.2020	Vis Officer: [REDACTED]
Vis Comments: 26/08/20 at 10:46 by [REDACTED] 26/08/20 at 10:34 by [REDACTED] 25.08.20 - 2020/ [REDACTED] 3 x New complaint recd via the Police. Email to [REDACTED] RA requested by 31.08.20			
Action Info:	Act Type: E-mail sent	Act Date: 26.08.2020	Act Officer: [REDACTED]
Act Notes: From: [REDACTED] Sent: 26 August 2020 10:44 To: [REDACTED] Cc: EHL Environmental Protection <EHL.EnvironmentalProtection@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk> Subject: Paris House, 21 Western Road, Hove Dear [REDACTED] I am writing to you again as we have received the following information from the Police Licensing Unit regarding Paris House, 21 Western Road, Hove. While we do not have the complainants details the Police have confirmed that they are from 3 separate individuals. The details of the complaints are :- 1. 23/08/2020 01:43 - The pub was not adhering to social distancing measures, there were no tables and the pub was packed with people vertical drinking and dancing so much so that it was spilling out onto the street. This is the second weekend in a row that this has occurred 2. 24/08/20 15:33 - Went out in a group on Saturday to A/L to see no COVID rules being applied. We stood O/S for 1 drink and left. They had a live DJ playing 80's music really loud, the dance floor/pub was packed, dancing standing around the bar no masks at all had to squeeze past to get to the loo absolutely no one was bothered & doorman did nothing. 3. 24/08/20 18:52 - Report that infit observed a group of 30-40 people O/S the A/L and many more inside. There was a DJ playing and people were dancing in the bar and in the road outside.			

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██████████

Visit Info:	Vis Type: EH Licensing - No visit	Vis Date: 18.08.2020	Vis Officer: ██████████
Vis Comments:			
18/08/20 at 08:31 by ██████████			
Response to email 13.08.20 re comp recd from ██████████ ██████████ 13.08.20.			
Response to ██████████ re refusal to provide RA 18.08.20 requesting RA in 7 days			
Action Info:	Act Type: E-mail sent	Act Date: 18.08.2020	Act Officer: ██████████
Act Notes:			
From: ██████████			
Sent: 18 August 2020 07:25			
To: ██████████			
Subject: RE: Paris House, 21 Western Road, Hove.			
Dear ██████████			
The Health and Safety at Work Act 1974			
The Health Protection (Coronavirus, Restrictions) (No.2 (England) Regulation 2020			
I refer to your email below sent in response to a complaint regarding noise from The Paris House, Western Road, Hove and in particular to my request, and your subsequent refusal, to see a copy of the risk assessment you were required to carry out under the Covid-19 legislation in order to re-open the premises.			
It is a legal requirement for all organisations to carry out a risk assessment. The risk assessment will need to be Covid 19 secure detailing the control measures in place to minimise the transmission of the virus.			
Refusal to provide a copy of your risk assessment on request of an officer could amount to obstruction of an officer attempting to carry out their duties and does not show a responsible attitude to promoting health and safety of customers and staff, the licensing objective of public safety or the additional Covid-19 legislation and guidance. Please provide a copy of your risk assessment within 7 days. If I do not receive a copy of the risk assessment in this time I am able			

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Please do not hesitate to contact me if you would like to discuss this matter

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED] brighton-hove.gov.uk

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From: [REDACTED] <[REDACTED]>

Sent: 13 August 2020 16:51

To: [redacted] <[redacted]@brighton-hove.gov.uk>

Subject: RE: Paris House, 21 Western Road, Hove.

Hi [redacted]

I can assure you there has been absolutely no live music (including from "a trumpet" that you mention below) at The Paris House - since before lockdown. And no live music is being contemplated for the foreseeable future - so, like many previous claims concerning The Paris House - this is yet another verifiable complete fiction.....

The Roadmap you cite below for brining entertainment back into premises is therefore irrelevant wrt The Paris House - as there isn't (and hasn't been) any since March 2020.

Both we at the centre of the organisation and The Paris House staff and local management team are completely aware of the Government "Guidance" (not law - and I'm glad you've drawn that distinction) wrt to Covid.

We and they are also completely aware of the Licensing Objectives - as you already know, from previous exchanges and meetings.

I have also been present at The Paris House for two of the last three Saturdays that we have been open. I have personally undertaken 'walk around' noise monitoring trips around the area (including up Cambridge Gardens / Brunswick Street East and the like) - which did not show up any problems.

I have also witnessed other (employees and management) doing exactly the same thing. So I am very confident we are on top of the whole situation - and that all is well as far as not being a (noise) nuisance is concerned.

I suspect that, after such a long period of complete silence (i.e. a 100% shut pub) - for the whole of lockdown, that neighbours are now finding the contrast between that silence and a re-opened unit, shall we say, stark? This of course doesn't mean there is a noise problem, however.

We also have, as you would expect, undertaken a Covid Risk Assessment of The Paris House (prior to re-opening), as we have for all of our other venues..... and which, I gather, we don't have to share with anyone - including yourself.

Finally, whilst there is an onus on ourselves regarding "Public Safety" (and our public ARE safe) - public health is NOT a Licensing Objective (and cannot ever be so).

We therefore cannot be held responsible for it (public health) or indeed Covid itself. 'Safety' is also quite distinct from 'health' (otherwise we wouldn't have the terminology 'health and safety' - we would simply have either 'health' or 'safety' so they must be quite distinct concepts, only one of which we have some responsibility for).

Please do come back to me if there are other matters you'd like to raise.

All the best

Yours

[redacted]

From: [redacted] [mailto:[redacted]@brighton-hove.gov.uk]

Sent: 13 August, 2020 10:38 AM

To: [REDACTED]
 Subject: Paris House, 21 Western Road, Hove.

Dear [REDACTED]

I am writing to advise you that we have received a complaint about noise from Paris House, 21 Western Road, Hove. The complainant alleges that:-

The Paris House has been open for the last three weeks and Saturdays have been very noisy .

The complaint refers to noise from music and also mentions a trumpet and has been referred to the Environmental Protection Team to investigate.

The government has produced Coronavirus Guidance for licensed premises

The Guidance states:

o All venues should ensure that steps are taken to avoid people needing to unduly raise their voices to each other. This includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult. This is because of the potential for increased risk of transmission, particularly from aerosol transmission.

o Preventing entertainment, such as broadcasts, that is likely to encourage audience behaviours increasing transmission risks. For example, loud background music, communal dancing, group singing or chanting.

While this is guidance and not legislation, premises should adhere to it and there is other legislation that can be used if we feel public safety is being jeopardised such as H&S Law, Covid-19 Regulations and the Licensing Act 2003. You must continue to promote the Licensing Objectives of

- The prevention of crime and disorder
- The prevention of public nuisance
- Public Safety
- The Protection of Children from Harm

The latest Guidance includes a five-stage roadmap to bringing indoor entertainment back into premises. These five stages of the phased return to indoor entertainment are as follows:

- o Stage One - Rehearsal and training (no audiences)
- o Stage Two - Performances for broadcast and recording purposes
- o Stage Three - Performances outdoors with an audience and pilots for indoor performances with a limited socially-distanced audience
- o Stage Four - Performances allowed indoors and outdoors (but with a limited socially-distanced audience indoors)
- o Stage Five - Performances allowed indoors / outdoors (with a fuller audience indoors)

We're currently at Stage 4. Please consider this guidance when playing music.

Prior to opening you must carry out a risk assessment. Please could you email me a copy of your risk assessment

Please do not hesitate to contact me if you would like to discuss this email

Regards, [REDACTED]

[REDACTED] [REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED]@brighton-hove.gov.uk

Please note my working days are Monday to Thursday mornings.

Please be advised there will be no one in the office to open post so anything that can be sent electronically please do so to EHL.Safety@brighton-hove.gov.uk or via GOV.UK. We are asking customers to only submit essential applications or paperwork. Please submit application form online where possible

Your application should be signed. Any necessary documentation should accompany the application. If you do not have scanned/electronic copies of documents you can provide photographs. Images of documents must be clear and legible.

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

CORONAVIRUS - WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS

Use soap and water or a hand sanitiser when you:

- o Get home or into work
- o Blow your nose, sneeze or cough
- o Eat or handle food

Protect yourself & others

For more information go to nhs.uk/coronavirus

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Thank you in anticipation of your co-operation.
 You can visit our website at <http://www.brighton-hove.gov.uk>
 Please consider the environment, only print out this email if absolutely necessary.
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Visit Info:	Vis Type: EH Licensing - No visit	Vis Date: 13.08.2020	Vis Officer: [REDACTED]
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Vis Comments:
 13/08/20 at 11:07 by [REDACTED]

Emails to Cllr and Premises

Action Info:	Act Type: E-mail sent	Act Date: 13.08.2020	Act Officer: [REDACTED]
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Act Notes:

From: [REDACTED]
 Sent: 13 August 2020 10:38
 To: [REDACTED]
 Subject: Paris House, 21 Western Road, Hove.

Dear [REDACTED]

I am writing to advise you that we have received a complaint about noise from Paris House, 21 Western Road, Hove. The complainant alleges that:-

The Paris House has been open for the last three weeks and Saturdays have been very noisy .
 The complaint refers to noise from music and also mentions a trumpet and has been referred to the Environmental Protection Team to investigate.

The government has produced Coronavirus Guidance for licensed premises

- The Guidance states:
- o All venues should ensure that steps are taken to avoid people needing to unduly raise their voices to each other. This includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult. This is because of the potential for increased risk of transmission, particularly from aerosol transmission.
 - o Preventing entertainment, such as broadcasts, that is likely to encourage audience behaviours increasing transmission risks. For example, loud background music, communal dancing, group singing or chanting.

While this is guidance and not legislation, premises should adhere to it and there is other legislation that can be used if we feel public safety is being jeopardised such as H&S Law, Covid-19 Regulations and the Licensing Act 2003. You must continue to promote the Licensing Objectives of

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(e9)

- o Stage One - Rehearsal and training (no audiences)
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- o Stage Four - Performances allowed indoors and outdoors (but with a limited socially-distanced audience indoors)
- o Stage Five - Performances allowed indoors / outdoors (with a fuller audience indoors)

We're currently at Stage 3. Please consider this guidance when playing music.

Prior to opening you must carry out a risk assessment. Please could you email me a copy of your risk assessment

Please do not hesitate to contact me if you would like to discuss this email

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED]@brighton-hove.gov.uk

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- o Eat or handle food

Protect yourself & others

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Action Info:	Act Type: E-mail sent	Act Date: 13.08.2020	Act Officer: [REDACTED]
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Act Notes:

From: [REDACTED]
 Sent: 13 August 2020 09:32
 To: Phelim MacCafferty <Phelim.MacCafferty@brighton-hove.gov.uk>
 Subject: Paris House, 21 Western Road, Hove

Dear Cllr MacCafferty

I refer to your email below following a complaint from [REDACTED] regarding Paris House, 21 Western Road, Hove. I will contact Paris House and advise them that we have received this complaint and remind them of the Government Coronavirus Guidance with regards to Social Distancing and track and trace data collection. Prior to re-opening each premises is required to carry out a risk assessment having regard to the Government Guidance including social distancing and public safety.

The Guidance states:

- o All venues should ensure that steps are taken to avoid people needing to unduly raise their voices to each other. This includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult. This is because of the potential for increased risk of transmission, particularly from aerosol transmission.
- o Preventing entertainment, such as broadcasts, that is likely to encourage audience behaviours increasing transmission risks. For example, loud background music, communal dancing, group singing or chanting.

This is Guidance and not law, however premises should adhere to it and there is other legislation that can be used if we feel public safety is being jeopardised (H&S Law, Covid Regulations or the Licensing Act 2003 if we feel you are not promoting the licensing objectives

In regard to [REDACTED] concerns about data collection, this is also Government guidance. Although I cannot legally insist that Paris House implement a data collecting system, I will contact them to find out what control measures they have introduced since reopening and will give advice on the guidance to them.

My colleague in Environmental Protection [REDACTED] will be investigating the noise and [REDACTED] will contact you and [REDACTED] directly. [REDACTED] can be contacted at [REDACTED]@brighton-hove.gov.uk.

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

(C7)

T [redacted] | [redacted]@brighton-hove.gov.uk

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From: Phelim MacCafferty <Phelim.MacCafferty@brighton-hove.gov.uk>

Sent: 09 August 2020 12:35

To: [redacted] <[redacted]@brighton-hove.gov.uk>

Cc: [redacted] <[redacted]@brighton-hove.gov.uk>; [redacted] <[redacted]@brighton-hove.gov.uk>; Hannah Clare <Hannah.Clare@brighton-hove.gov.uk>

Subject: FW: Paris House

Dear [redacted]

You may recall that pre-lockdown the pub was up to all sorts. It looks like it's back. Local residents have been suffering from this noise for far too long.

Yours sincerely
Phélim

Councillor Phélim Mac Cafferty
Leader of the Council
Green Party Councillor for Brunswick and Adelaide, Brighton and Hove City Council

Chair, Policy and Resources Committee and Covid-19 Recovery Sub-Committee

(C7)

Member of the Tourism, Equalities, Communities and Culture Committee
Member of the Greater Brighton Economic Board; Strategic Delivery Board; Board of Trustees
Brighton Dome & Festival Limited and Royal Pavilion and Museums Foundation; Representative
to the Local Government Association

phelim.maccafferty@brighton-hove.gov.uk
Hove Town Hall, Norton Road, Hove BN3 3BQ
@phelimmac
<http://www.brighton-hove.gov.uk>

Ward surgeries at 7.15pm on last Weds of every month at the Cornerstone Community Centre,
Palmeira Square (except August and December)

From: [REDACTED] <[REDACTED]>
Sent: 09 August 2020 01:07
To: Phelim MacCafferty <Phelim.MacCafferty@brighton-hove.gov.uk>
Subject: Paris House

Download Attachment
Available until 8 Sep 2020

Morning Phelim

The Paris House has been open for the last three weeks and Saturdays have been very noisy .
I attach a piece of video film I took about an hour ago . They are still at it and no doubt operating
with the doors wide open . It has been the noise of people outside which has been the problem
previously but tonight the music has been very loud . Having gone to bed at about 1130 I have
been unable to sleep and having listened to the words of a Debbie Harry song from inside my
house - about 40-50 metres away- and then a trumpet playing I have got up because there is no
way I can sleep .

[REDACTED]
In addition recent evidence shows a distinct lack of social distancing and I wonder to what extent
they are complying with the track and trace requirements re the pandemic.
Can you please do something about this for us ?

Regards,

[REDACTED]
Click to Download
IMG_2970.MOV
0 bytes

[REDACTED]

CS

Case notes:

Details Notepad:

IVA Notepad:

70

Service Request 2020/ [REDACTED] [REDACTED]	Public House 21 Western Road Hove BN3 1AE
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Visit Info:	Vis Type: EH Licensing - No visit	Vis Date: 11.09.2020	Vis Officer: [REDACTED]
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Vis Comments:
 16/12/20 at 08:00 by [REDACTED]
 16/12/20 at 08:00 by [REDACTED]
 emails sent see final email 07 10

Action Info:	Act Type: E-mail sent	Act Date: 07.10.2020	Act Officer: [REDACTED]
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Act Notes:
 Dear [REDACTED]

Thank you for including the risk assessments for the above premises as well as the staff confirmation form. The documents have been assessed by our health and safety team who have concluded that they are comprehensive and adequate. The officer assessing the documents has offered some constructive feedback on the attached forms for your consideration. The "staff confirmation" document is an excellent summary and we have no further comments for this.

It's mentioned in both risk assessments that information will be posted for customers on your website and clearly it's important that the risk assessments are shared with staff and to let customers know you have completed the risk assessments and have safety measures are in place. Details of how to do this and a poster that can be displayed is on Page 14 of the restaurant & pubs guidance:-
[https://assets.publishing.service.gov.uk/media/\[REDACTED\]/working-safely-during-covid-19-restaurants-pubs-takeaway-services-\[REDACTED\].pdf](https://assets.publishing.service.gov.uk/media/[REDACTED]/working-safely-during-covid-19-restaurants-pubs-takeaway-services-[REDACTED].pdf)

Important note - the guidance document was updated on 1/10/20 and is updated frequently so they will need to check for any changes in this and the law and ensure their Risk Assessments are updated accordingly. Risk Assessments must be 'dynamic', particularly in these changeable times.

I've also attached the authorisations attached for [REDACTED] and [REDACTED] as well the complaints details/correspondence for both premises.

In light of the received risk assessments and lack of further intel or complaints we do not intend to take further action but I'm sure you will understand that if we do receive a complaint we are duty bound to investigate that complaint to determine if there has been a breach of legislation.

Regards, [REDACTED]

C10

Case notes:

Details Notepad:

IVA Notepad:

013

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Paris House, 21 Western Road, Hove.
Date: 03 September 2020 14:12:00
Attachments: image001.jpg

Dear [REDACTED]

I am sorry that you feel the use of the term refused is factually incorrect, completely not helpful and a distortion of the truth. It appeared from your email that you were reluctant to provide the information and maybe I should have said that instead.

Having received a complaint directly to us and been notified of 3 complaints made to the Police we are just trying to establish what measures have been adopted at the premises. The owner of a business has the responsibility to their customers and staff to ensure they have adopted all practical measures and we have the duty under H&S and Covid regulations to make sure that everyone is doing what they can. Where we are getting complaints it is more than reasonable that we work with the businesses for the safety of customers and staff.

Where businesses don't have adequate measures in place we have the power to take legal action. Without knowing what measures have been taken we might well be wasting time pursuing unwarranted legal action. I do not feel it is unreasonable to request a copy of the risk assessment and would not be an onerous task to provide this.

Please could you provide the information that I have requested so that I am able to respond to the complainant to answer their concerns. If you are not able to supply the risk assessment as requested this matter will be referred to the Health and Safety Team to pursue.

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED] brighton-hove.gov.uk

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Your application should be signed. Any necessary documentation should accompany the application. If you do not have scanned/electronic copies of documents you can provide photographs. Images of documents must be clear and legible.

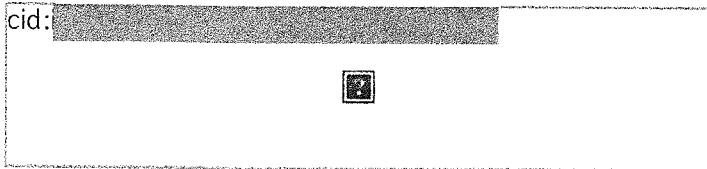
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For more information go to [nhs.uk/coronavirus](https://www.nhs.uk/coronavirus)

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From: [redacted] <[redacted]>
Sent: 31 August 2020 12:40
To: [redacted] <[redacted]@brighton-hove.gov.uk>
Cc: EHL Environmental Protection <EHL.EnvironmentalProtection@brighton-hove.gov.uk>; [redacted] <[redacted]@brighton-hove.gov.uk>; [redacted] <[redacted]@brighton-hove.gov.uk>; [redacted] <[redacted]@brighton-hove.gov.uk>; [redacted] <[redacted]@brighton-hove.gov.uk>
Subject: RE: Paris House, 21 Western Road, Hove.

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear [redacted]

Thank you for your email below of 18th August (and also yours of Wednesday 26 August – that you copied to all of the above).

Can you please explain how you can interpret from my exact words below that 'I have **refused** to supply a Covid risk assessment' to you for The Paris House?

This statement by you is **factually incorrect**, completely **NOT helpful** and is a

distortion of the truth. Why have you chosen to do this?

Here is (exactly) what I said, as quoted from below:

"We also have, as you would expect, undertaken a Covid Risk Assessment of The Paris House (prior to re-opening), as we have for all of our other venues.....and which, I gather, we don't have to share with anyone – including yourself.

Finally, whilst there is an onus on ourselves regarding "Public Safety" (and our public ARE safe) – public health is NOT a Licensing Objective (and cannot ever be so)".

There is no way anyone can interpret from what I have said (and I quote directly from YOUR response below), that:

".....to my request, and your subsequent refusal, to see a copy of the risk assessment".

I haven't refused – I merely said "...and which, I gather, we don't have to share with anyone – including yourself".

For the record – this is definitely not a refusal to supply a Covid risk assessment – it is just a statement of my understanding of the situation (i.e. that I don't **HAVE TO** supply it to you) – which, of course, you are at perfectly at liberty to correct, if my understanding is wrong.

You then go on to say below, in your continued response:

"Please provide a copy of your risk assessment within 7 days. If I do not receive a copy of the risk assessment in this time I am able to serve a Notice under section 3 of the Management of Health & Safety at Workplace Regulations 1999 requesting this information."

Here is a link to what I believe is the section (section 3) of the legislation you quote, and that you are claiming gives you the powers to request the information (our Covid risk assessment) to be provided to you:

<https://www.legislation.gov.uk/uk/si/1999/3242/regulation/3/made>

Whilst this section covers matters concerned with preparing risk assessments, as you will see, there is absolutely NO reference whatsoever made in this section to support your claims of having the powers under it that require us to provide you with our Covid risk assessment.

Did you get the section / legislation wrong? In which case, maybe you can please provide the correct information.

Or please correct my interpretation of the section you have quoted – in that you do have the legitimate powers you say you do, to demand that we supply our Covid risk assessment – and emphasised in your email of 26 August (and I quote):

"If we do not receive a copy of the risk assessment by 31 August then further enforcement action will be taken."

Asking "what is your legal authority?" in no way equates to "I am refusing to supply it". Does it?

Noise

For the benefit of your colleagues (to whom you have copied your last email of Wednesday 26 August) – let us not forget **this exchange began with a noise complaint**, mentioning specifically a trumpet being played at The Paris House, to which I responded (quoted directly from my email of 13 August below):

“I can assure you there has been absolutely no live music (including from “a trumpet” that you mention below) at The Paris House – since before lockdown. And no live music is being contemplated for the foreseeable future – so, like many previous claims concerning The Paris House – this is yet another verifiable complete fiction.....”.

I go on (also quoted from below):

“I have also been present at The Paris House for two of the last three Saturdays that we have been open. I have personally undertaken ‘walk around’ noise monitoring trips around the area (including up Cambridge Gardens / Brunswick Street East and the like) – which did not show up any problems.

I have also witnessed other (employees and management) doing exactly the same thing. So I am very confident we are on top of the whole situation – and that all is well as far as not being a (noise) nuisance is concerned.

I suspect that, after such a long period of complete silence (i.e. a 100% shut pub) – for the whole of lockdown, that neighbours are now finding the contrast between that silence and a re-opened unit, shall we say, stark? This of course doesn’t mean there is a noise problem, however.”

As you all will know, over many years there has been a long history of noise complaints being made against The Paris House which have been proven to be completely untrue e.g. on New Year’s Eve complaints about noise at 6am specifically coming from our venue, even though it had closed many hours before. This is just one example of many false complaints. We have also had a complainant (a neighbour in Brunswick Street East) who, when challenged, withdrew from the noise complaint process.

I am also struggling to understand any link whatsoever between a noise complaint about a verifiably fictitious trumpet and Covid and Health and Safety legislation designed to protect staff and customers.

As a responsible and professional operator of multiple venues, I reiterate our awareness and compliance with the Licensing Objectives.

Regards

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@brighton-hove.gov.uk]
Sent: 18 August, 2020 7:25 AM
To: [REDACTED]
Subject: RE: Paris House, 21 Western Road, Hove.

Dear [REDACTED]

The Health and Safety at Work Act 1974

The Health Protection (Coronavirus, Restrictions) (No.2 (England) Regulation 2020

I refer to your email below sent in response to a complaint regarding noise from The Paris House, Western Road, Hove and in particular to my request, and your subsequent refusal, to see a copy of the risk assessment you were required to carry out under the Covid-19 legislation in order to re-open the premises.

It is a legal requirement for all organisations to carry out a risk assessment. The risk assessment will need to be Covid 19 secure detailing the control measures in place to minimise the transmission of the virus.

Refusal to provide a copy of your risk assessment on request of an officer could amount to obstruction of an officer attempting to carry out their duties and does not show a responsible attitude to promoting health and safety of customers and staff, the licensing objective of public safety or the additional Covid-19 legislation and guidance. Please provide a copy of your risk assessment within 7 days. If I do not receive a copy of the risk assessment in this time I am able to serve a Notice under section 3 of the Management of Health & safety at Workplace Regulations 1999 requesting this information.

You, as the licence holder and business owner, are responsible for taking all reasonable steps to ensure that everyone, including staff, customers and delivery personnel entering your premises are not exposed to Covid-19 and that measures are in place to control the spread of the virus

Please do not hesitate to contact me if you would like to discuss this matter

Regards, [REDACTED]

[REDACTED] [REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED] brighton-hove.gov.uk

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From: [redacted] <[redacted]>

Sent: 13 August 2020 16:51

To: [redacted] <[redacted]@brighton-hove.gov.uk>

Subject: RE: Paris House, 21 Western Road, Hove.

Hi [redacted]

I can assure you there has been absolutely no live music (including from “a trumpet” that you mention below) at The Paris House – since before lockdown. And no live music is being contemplated for the foreseeable future – so, like many previous claims concerning The Paris House – this is yet another verifiable complete fiction.....

The Roadmap you cite below for brining entertainment back into premises is therefore irrelevant wrt The Paris House – as there isn’t (and hasn’t been) any since March 2020.

Both we at the centre of the organisation and The Paris House staff and local management team are completely aware of the Government “Guidance” (not law – and I’m glad you’ve drawn that distinction) wrt to Covid.

We and they are also completely aware of the Licensing Objectives – as you already know, from previous exchanges and meetings.

I have also been present at The Paris House for two of the last three Saturdays that we have been open. I have personally undertaken ‘walk around’ noise monitoring trips around the area (including up Cambridge Gardens / Brunswick Street East and the like) – which did not show up any problems.

I have also witnessed other (employees and management) doing exactly the same thing. So I am very confident we are on top of the whole situation – and that all is well as far as not being a (noise) nuisance is concerned.

I suspect that, after such a long period of complete silence (i.e. a 100% shut pub) – for the whole of lockdown, that neighbours are now finding the contrast between that silence and a re-opened unit, shall we say, stark? This of course doesn't mean there is a noise problem, however.

We also have, as you would expect, undertaken a Covid Risk Assessment of The Paris House (prior to re-opening), as we have for all of our other venues.....and which, I gather, we don't have to share with anyone – including yourself.

Finally, whilst there is an onus on ourselves regarding "Public Safety" (and our public ARE safe) – public health is NOT a Licensing Objective (and cannot ever be so).

We therefore cannot be held responsible for it (public health) or indeed Covid itself. 'Safety' is also quite distinct from 'health' (otherwise we wouldn't have the terminology 'health and safety' - we would simply have either 'health' or 'safety' so they must be quite distinct concepts, only one of which we have some responsibility for).

Please do come back to me if there are other matters you'd like to raise.

All the best

Yours

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@brighton-hove.gov.uk]
Sent: 13 August, 2020 10:38 AM
To: [REDACTED]
Subject: Paris House, 21 Western Road, Hove.

Dear [REDACTED]

I am writing to advise you that we have received a complaint about noise from Paris House, 21 Western Road, Hove. The complainant alleges that:-

The Paris House has been open for the last three weeks and Saturdays have been very noisy .

The complaint refers to noise from music and also mentions a trumpet and has been referred to the Environmental Protection Team to investigate.

The government has produced Coronavirus Guidance for licensed premises

The Guidance states:

- All venues should ensure that steps are taken to avoid people needing to unduly raise their voices to each other. This includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult. This is because of the potential for increased risk of transmission, particularly from aerosol transmission.

- Preventing entertainment, such as broadcasts, that is likely to encourage audience behaviours increasing transmission risks. For example, loud background music, communal

dancing, group singing or chanting.

While this is guidance and not legislation, premises should adhere to it and there is other legislation that can be used if we feel public safety is being jeopardised such as H&S Law, Covid-19 Regulations and the Licensing Act 2003. You must continue to promote the Licensing Objectives of

- The prevention of crime and disorder
- The prevention of public nuisance
- Public Safety
- The Protection of Children from Harm

The latest Guidance includes a five-stage roadmap to bringing indoor entertainment back into premises. These five stages of the phased return to indoor entertainment are as follows:

- o Stage One - Rehearsal and training (no audiences)
- o Stage Two - Performances for broadcast and recording purposes
- o Stage Three - Performances outdoors with an audience and pilots for indoor performances with a limited socially-distanced audience
- o Stage Four - Performances allowed indoors and outdoors (but with a limited socially-distanced audience indoors)
- o Stage Five - Performances allowed indoors / outdoors (with a fuller audience indoors)

We're currently at Stage 4. Please consider this guidance when playing music.

Prior to opening you must carry out a risk assessment. Please could you email me a copy of your risk assessment

Please do not hesitate to contact me if you would like to discuss this email

Regards, [REDACTED]

[REDACTED] [REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED] brighton-hove.gov.uk

Please note my working days are Monday to Thursday mornings.

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- Blow your nose, sneeze or cough
- Eat or handle food



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Thank you in anticipation of your co-operation.

You can visit our website at <http://www.brighton-hove.gov.uk>

Please consider the environment, only print out this email if absolutely necessary.

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From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Paris House
Date: 05 February 2020 17:11:47

Hi [REDACTED]

Thank you for your email below – which is: a) appreciated and b) 'noted'.

[REDACTED] (copied) and I enjoyed meeting you and [REDACTED] the other week (20 Jan) – and we thought it was both positive and constructive. Positive in that you and [REDACTED] concluded towards the end that you couldn't think of anything we should actively be doing differently from the way in which [REDACTED] and I described in detail our current daily operational procedures and monitoring.

You'll recall I asked the question ("what should we do differently or change") - which gave rise to your response.

Regardless – we obviously MUST always adhere to all License Conditions, as you rightly say below. [REDACTED] has therefore taken your email as a very useful prompt to remind all of our staff that our Conditions are not up for negotiation!

All the best and kind regards

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@brighton-hove.gov.uk]
Sent: 3 February, 2020 10:10 AM
To: [REDACTED]
Subject: Paris House

Dear [REDACTED]

I am writing to advise you that we have received an allegation that on 1st February there was a woman speaking in a loud voice seated in one of the outside table areas outside the Paris House at 2320 hours and the security guard started to clear the chairs away from that area at just after 2325 hours.

I am concerned that following our recent meeting that this allegation has been made. Please remind your staff of the importance of complying with all the conditions on the licence and in particular ensuring that the outside area is closed and cleared by 23.00 hours.

As you are aware any person or business can request a review of the licence if they have concerns about any of the licensing objectives:-

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety and
- The Protection of Children from Harm

We will continue to monitor the premises. Please remember that a breach of conditions is a criminal offence on conviction, and it is your responsibility to comply with all the conditions

Regards, [REDACTED]

[REDACTED] [REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP
T [REDACTED] | [REDACTED]@brighton-hove.gov.uk

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From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Paris House, Western Road
Date: 08 September 2020 10:28:00

Dear [REDACTED]

I refer to previous correspondence regarding a complaint received by this department and 3 complaints referred to us by the Police. I am now writing to advise you that the Police have referred another complaint to us. As before we do not have the complainants details from the Police but they have confirmed that this is a new complainant. The details of the complaint are

06/09/2020 10:22

A/L are getting away with playing loud music with a DJ indoors all night, people standing/dancing/singing, no track and trace in place and no social distancing in place.

I have copied this email to the Environmental Protection Team.

Following the previous complaints I requested a copy of the risk assessment which to date you have not supplied. Please can you supply as copy as requested. Please note that if I do not receive a copy of the risk assessment by 10 September 2020 I will refer this matter to our Health and Safety Team as I previously advised you in my email of 3rd September 2020.

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED] brighton-hove.gov.uk

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From: [REDACTED]
To: [REDACTED]
Subject: RE: Licensing Inspection Report. Paris House. Protect
Date: 12 March 2018 10:59:01

Hi [REDACTED] – thanks for that and the conversation.

Just so as you know, as well as being BCRP members our MSU radio 'back up' that's provided by Concierge is 24/7 (and not just on Fri and Sat nights, per your updated letter).

However, we have (one) Concierge door person working only every Fri and Sat night – so I think that's where the confusion has arisen.

All the best – and once I've gone through everything with [REDACTED] (Manager and DPS) – he'll be back in touch with you to make a time for you to meet up and re-inspect.

Yours

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@brighton-hove.gcsx.gov.uk]
Sent: 12 March, 2018 10:47 AM
To: [REDACTED]
Subject: FW: Licensing Inspection Report. Paris House. Protect

Hello [REDACTED]

Following our conversation today I have added some comments to the letter I sent after the inspection. I will arrange to re-visit some time soon.

Regards, [REDACTED]

[REDACTED]

Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP
Tel [REDACTED]

Please note my working hours are 9:30am to 2:30pm Monday to Wednesday.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

From: [REDACTED]
Sent: 13 August 2020 10:38
To: [REDACTED]
Subject: Paris House, 21 Western Road, Hove.

Follow Up Flag: Follow up
Flag Status: Completed

Dear [REDACTED]

I am writing to advise you that we have received a complaint about noise from Paris House, 21 Western Road, Hove. The complainant alleges that:-

The Paris House has been open for the last three weeks and Saturdays have been very noisy .

The complaint refers to noise from music and also mentions a trumpet and has been referred to the Environmental Protection Team to investigate.

The government has produced Coronavirus Guidance for licensed premises

The Guidance states:

- All venues should ensure that steps are taken to avoid people needing to unduly raise their voices to each other. This includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult. This is because of the potential for increased risk of transmission, particularly from aerosol transmission.
- Preventing entertainment, such as broadcasts, that is likely to encourage audience behaviours increasing transmission risks. For example, loud background music, communal dancing, group singing or chanting.

While this is guidance and not legislation, premises should adhere to it and there is other legislation that can be used if we feel public safety is being jeopardised such as H&S Law, Covid-19 Regulations and the Licensing Act 2003. You must continue to promote the Licensing Objectives of

- The prevention of crime and disorder
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- The Protection of Children from Harm

The latest Guidance includes a five-stage roadmap to bringing indoor entertainment back into premises. These five stages of the phased return to indoor entertainment are as follows:

- o Stage One - Rehearsal and training (no audiences)
- o Stage Two - Performances for broadcast and recording purposes
- o **Stage Three - Performances outdoors with an audience and pilots for indoor performances with a limited socially-distanced audience**
- o Stage Four - Performances allowed indoors and outdoors (but with a limited socially-distanced audience indoors)
- o Stage Five - Performances allowed indoors / outdoors (with a fuller audience indoors)

We're currently at Stage 3. Please consider this guidance when playing music.

Prior to opening you must carry out a risk assessment. Please could you email me a copy of your risk assessment

Please do not hesitate to contact me if you would like to discuss this email

Regards, [REDACTED]

[REDACTED] [REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council,
2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED] [brighton-hove.gov.uk](mailto:[REDACTED]@brighton-hove.gov.uk)

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From: [REDACTED]
To: [REDACTED]
Subject: Paris House, Western Road, Brighton
Date: 14 January 2020 13:35:41

Dear [REDACTED]

We are continuing to receive complaints about breaches of the Licence conditions at Paris House, Western Road, Brighton. I would appreciate it if you could attend a meeting with me and [REDACTED]
[REDACTED]
Could you confirm whether you are available at 2:00pm Tuesday 21 January 2020. We will meet you at The Paris House.

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP
T [REDACTED] | [REDACTED] brighton-hove.gov.uk

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From: [REDACTED]
Sent: 16 October 2019 12:07
To: [REDACTED]
Cc: [REDACTED]
Subject: Paris House
Attachments: Paris House noise comp October 2019.doc

Follow Up Flag: Follow up
Flag Status: Completed

[REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council,
2nd Floor, Barts House, Barts Square, BN1 1JP
T [REDACTED] | [REDACTED] brighton-hove.gov.uk

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From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Paris House, Western Road, Brighton
Date: 17 January 2020 15:36:33

Hi [REDACTED] – I received the below yesterday (about meeting on Monday at 1.30pm – if [REDACTED] is also free) – and then I see it was ‘recalled’ by you immediately afterwards, then I received the same thing again.....so I’m a little confused.....

Is the possibility of a meeting on Monday at 1.30pm at The Paris House still on the cards (subject to [REDACTED] availability) – to be confirmed on Monday morning....?

Best

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@brighton-hove.gov.uk]
Sent: 16 January, 2020 11:10 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Paris House, Western Road, Brighton

Hello

My Manager, [REDACTED] is on leave until Monday but I will provisionally book 1:30pm on Monday instead in [REDACTED] diary and will contact you Monday morning if [REDACTED] is not able to make that. Is that OK?

Thanks [REDACTED]

[REDACTED] [REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP
T [REDACTED] | [REDACTED]@brighton-hove.gov.uk

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From: [REDACTED] <[REDACTED]>
Sent: 15 January 2020 17:45

To: [redacted] <[redacted]@brighton-hove.gov.uk>

Subject: RE: Paris House, Western Road, Brighton

Dear [redacted]

Sorry, I can't make a meeting on Tuesday 21, I'm afraid.

I don't know if you're aware – but I'm based in London (and therefore tend to be available in Brighton on Fridays and Mondays). However I see from below you only work Mon to Weds – so may I suggest we meet on a Monday...?

Regards

[redacted]

From: [redacted] [mailto:[redacted]@brighton-hove.gov.uk]

Sent: 14 January, 2020 1:36 PM

To: [redacted]

Subject: Paris House, Western Road, Brighton

Dear [redacted]

We are continuing to receive complaints about breaches of the Licence conditions at Paris House, Western Road, Brighton. I would appreciate it if you could attend a meeting with me and [redacted]

Could you confirm whether you are available at 2:00pm Tuesday 21 January 2020. We will meet you at The Paris House.

Regards, [redacted]

[redacted] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [redacted] | [redacted]@brighton-hove.gov.uk

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From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Paris House, Western Road
Date: 08 September 2020 10:28:00
Attachments: image001.jpg

Dear [REDACTED]

I refer to previous correspondence regarding a complaint received by this department and 3 complaints referred to us by the Police. I am now writing to advise you that the Police have referred another complaint to us. As before we do not have the complainants details from the Police but they have confirmed that this is a new complainant. The details of the complaint are

06/09/2020 10:22

A/L are getting away with playing loud music with a DJ indoors all night, people standing/dancing/singing, no track and trace in place and no social distancing in place.

I have copied this email to the Environmental Protection Team.

Following the previous complaints I requested a copy of the risk assessment which to date you have not supplied. Please can you supply as copy as requested. Please note that if I do not receive a copy of the risk assessment by 10 September 2020 I will refer this matter to our Health and Safety Team as I previously advised you in my email of 3rd September 2020.

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED] brighton-hove.gov.uk

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cid:image002.



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From: [REDACTED]
To: [REDACTED]
Subject: RE: Paris House, 21 Western Road, Hove.
Date: 18 August 2020 07:24:00
Attachments: [image001.jpg](#)

Dear [REDACTED]

The Health and Safety at Work Act 1974
The Health Protection (Coronavirus, Restrictions) (No.2 (England) Regulation 2020

I refer to your email below sent in response to a complaint regarding noise from The Paris House, Western Road, Hove and in particular to my request, and your subsequent refusal, to see a copy of the risk assessment you were required to carry out under the Covid-19 legislation in order to re-open the premises.

It is a legal requirement for all organisations to carry out a risk assessment. The risk assessment will need to be Covid 19 secure detailing the control measures in place to minimise the transmission of the virus.

Refusal to provide a copy of your risk assessment on request of an officer could amount to obstruction of an officer attempting to carry out their duties and does not show a responsible attitude to promoting health and safety of customers and staff, the licensing objective of public safety or the additional Covid-19 legislation and guidance. Please provide a copy of your risk assessment within 7 days. If I do not receive a copy of the risk assessment in this time I am able to serve a Notice under section 3 of the Management of Health & Safety at Workplace Regulations 1999 requesting this information.

You, as the licence holder and business owner, are responsible for taking all reasonable steps to ensure that everyone, including staff, customers and delivery personnel entering your premises are not exposed to Covid-19 and that measures are in place to control the spread of the virus

Please do not hesitate to contact me if you would like to discuss this matter

Regards, [REDACTED]

[REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

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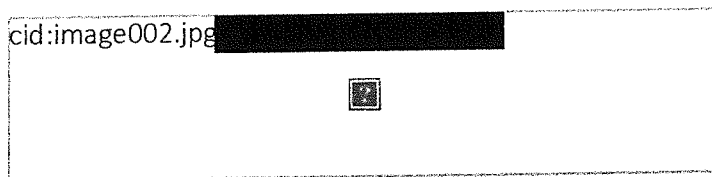
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From: [redacted] <[redacted]>
Sent: 13 August 2020 16:51
To: [redacted] <[redacted]@brighton-hove.gov.uk>
Subject: RE: Paris House, 21 Western Road, Hove.

Hi [redacted]

I can assure you there has been absolutely no live music (including from "a trumpet" that you mention below) at The Paris House – since before lockdown. And no live music is being contemplated for the foreseeable future – so, like many previous claims concerning The Paris House – this is yet another verifiable complete fiction.....

The Roadmap you cite below for brining entertainment back into premises is therefore irrelevant wrt The Paris House – as there isn't (and hasn't been) any since March 2020.

Both we at the centre of the organisation and The Paris House staff and local management team are completely aware of the Government "Guidance" (not law – and

I'm glad you've drawn that distinction) wrt to Covid.

We and they are also completely aware of the Licensing Objectives – as you already know, from previous exchanges and meetings.

I have also been present at The Paris House for two of the last three Saturdays that we have been open. I have personally undertaken 'walk around' noise monitoring trips around the area (including up Cambridge Gardens / Brunswick Street East and the like) – which did not show up any problems.

I have also witnessed other (employees and management) doing exactly the same thing. So I am very confident we are on top of the whole situation – and that all is well as far as not being a (noise) nuisance is concerned.

I suspect that, after such a long period of complete silence (i.e. a 100% shut pub) – for the whole of lockdown, that neighbours are now finding the contrast between that silence and a re-opened unit, shall we say, stark? This of course doesn't mean there is a noise problem, however.

We also have, as you would expect, undertaken a Covid Risk Assessment of The Paris House (prior to re-opening), as we have for all of our other venues.....and which, I gather, we don't have to share with anyone – including yourself.

Finally, whilst there is an onus on ourselves regarding "Public Safety" (and our public ARE safe) – public health is NOT a Licensing Objective (and cannot ever be so).

We therefore cannot be held responsible for it (public health) or indeed Covid itself. 'Safety' is also quite distinct from 'health' (otherwise we wouldn't have the terminology 'health and safety' - we would simply have either 'health' or 'safety' so they must be quite distinct concepts, only one of which we have some responsibility for).

Please do come back to me if there are other matters you'd like to raise.

All the best

Yours

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@brighton-hove.gov.uk]
Sent: 13 August, 2020 10:38 AM
To: [REDACTED]
Subject: Paris House, 21 Western Road, Hove.

Dear [REDACTED]

I am writing to advise you that we have received a complaint about noise from Paris House, 21 Western Road, Hove. The complainant alleges that:-

The Paris House has been open for the last three weeks and Saturdays have been very noisy .

The complaint refers to noise from music and also mentions a trumpet and has been referred to the Environmental Protection Team to investigate.

The government has produced Coronavirus Guidance for licensed premises

The Guidance states:

- All venues should ensure that steps are taken to avoid people needing to unduly raise their voices to each other. This includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult. This is because of the potential for increased risk of transmission, particularly from aerosol transmission.
- Preventing entertainment, such as broadcasts, that is likely to encourage audience behaviours increasing transmission risks. For example, loud background music, communal dancing, group singing or chanting.

While this is guidance and not legislation, premises should adhere to it and there is other legislation that can be used if we feel public safety is being jeopardised such as H&S Law, Covid-19 Regulations and the Licensing Act 2003. You must continue to promote the Licensing Objectives of

- The prevention of crime and disorder
- The prevention of public nuisance
- Public Safety
- The Protection of Children from Harm


The latest Guidance includes a five-stage roadmap to bringing indoor entertainment back into premises. These five stages of the phased return to indoor entertainment are as follows:

- o Stage One - Rehearsal and training (no audiences)
- o Stage Two - Performances for broadcast and recording purposes
- o Stage Three - Performances outdoors with an audience and pilots for indoor performances with a limited socially-distanced audience
- o Stage Four - Performances allowed indoors and outdoors (but with a limited socially-distanced audience indoors)
- o Stage Five - Performances allowed indoors / outdoors (with a fuller audience indoors)

We're currently at Stage 4. Please consider this guidance when playing music.

Prior to opening you must carry out a risk assessment. Please could you email me a copy of your risk assessment

Please do not hesitate to contact me if you would like to discuss this email

Regards, 

[REDACTED] [REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED] brighton-hove.gov.uk

Please note my working days are Monday to Thursday mornings.

Please be advised there will be no one in the office to open post so anything that can be sent electronically please do so to EHL.Safety@brighton-hove.gov.uk or via GOV.UK. We are asking customers to only submit essential applications or paperwork. Please submit application form online where possible

Your application should be signed. Any necessary documentation should accompany the application. If you do not have scanned/electronic copies of documents you can provide photographs. Images of documents must be clear and legible.

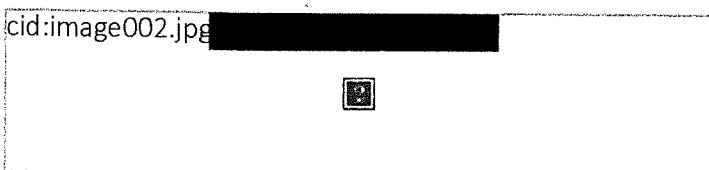
Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

CORONAVIRUS - WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS

Use soap and water or a hand sanitiser when you:

- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food



Protect yourself & others

For more information go to [nhs.uk/coronavirus](https://www.nhs.uk/coronavirus)

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You can visit our website at <http://www.brighton-hove.gov.uk>

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[REDACTED]

From: [REDACTED]
Sent: 19 June 2018 13:45
To: [REDACTED]
Subject: RE: Licensing Inspection Report. Paris House. Protect

Hello

Yes I visited again on 4 June. My only advice was to move the signage into a more prominent position. All the details required were on one sign which was placed on a wall facing the bar next to a unit where the cutlery was kept.

Thanks [REDACTED]

From: [REDACTED] [mailto:[REDACTED]]
Sent: 19 June 2018 13:29
To: [REDACTED]
Subject: RE: Licensing Inspection Report. Paris House. Protect

Hi [REDACTED]

I gather you re-visited The Paris House recently and met our Assistant Manager [REDACTED]

The feedback I received from [REDACTED] (our Manager) via [REDACTED] – was that you were satisfied that everything was in order and OK.

I just wanted to check with you directly, this was the case.....??

If not – can you please let me know and I'll get it sorted.

I don't think you've met [REDACTED] yet (as [REDACTED] hasn't been on shift during your two visits) – is that something you'd like me to set up.....? Again – let me know.

All the best

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@brighton-hove.gcsx.gov.uk]
Sent: 12 March, 2018 10:47 AM
To: [REDACTED]
Subject: FW: Licensing Inspection Report. Paris House. Protect

Hello [REDACTED]

Following our conversation today I have added some comments to the letter I sent after the inspection. I will arrange to re-visit some time soon.

Regards, [REDACTED]

[REDACTED]
Brighton & Hove City Council

Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Tel [REDACTED]

Please note my working hours are 9:30am to 2:30pm Monday to Wednesday.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: Re: Paris House, 21 Western Road
Date: 27 April 2022 12:56:26

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Hi [redacted] - thanks for that clarification, really helpful.

Best

[redacted]

On 27 Apr 2022, at 12:35, [redacted] <[redacted]@brighton-hove.gov.uk> wrote:

There are currently no open noise complaints. I cannot 100% confirm that the complainant has contacted Mediation Services however it would appear so if they have contacted you.

[redacted] Safer Communities | Brighton & Hove City Council,
2nd Floor, Barts House, Barts Square, BN1 1JP
[redacted] / [redacted]@brighton-hove.gov.uk
My working hours are Monday to Thursday mornings

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From: [redacted] <[redacted]@brighton-hove.gov.uk>
Sent: 27 April 2022 08:22
To: [redacted] <[redacted]@brighton-hove.gov.uk>
Cc: [redacted] <[redacted]@brighton-hove.gov.uk>; [redacted]
Subject: Re: Paris House, 21 Western Road

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Hi [redacted] / All

Thanks for that.

Just so as I can be 100% on this, do I interpret the situation as there currently being no 'open' enquiries (either Licensing or Environmental) re The Paris House, but that the complaint has approached the Mediation Team, directly.....?

I just want to be completely sure - before we consider what to do next.....

As I said on the phone, [REDACTED] we successfully engaged with the [REDACTED] Team some years back - it was a very positive experience, so we're certainly not adverse to that process, if necessary.

Best

[REDACTED]
On 27 Apr 2022, at 08:09, [REDACTED] <[REDACTED]@brighton-hove.gov.uk> wrote:

Hi

Re our phone call yesterday

The last complaint we received was in April 2022 and was dealt with by [REDACTED] Field Officer and closed as no noise diary was returned. There were also complaints in March and January dealt with by Field Officers (all copied in above) [REDACTED]

Regards, [REDACTED]

[REDACTED] Safer Communities | Brighton & Hove City Council,
2nd Floor, Barts House, Barts Square, BN1 1JP

[REDACTED] / [REDACTED]@brighton-hove.gov.uk

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From: [REDACTED] <[REDACTED]>

Sent: 21 April 2022 12:28

To: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>

Cc: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>

Subject: RE: Paris House, 21 Western Road

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Hi [REDACTED] - would you mind giving me a quick buzz to discuss, please, when you're able? Mobile is best: [REDACTED]

Cheers. [REDACTED]

From: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>

Sent: 7 April, 2022 12:41 PM

To: [REDACTED] <[REDACTED]>

Cc: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>; [REDACTED] <[REDACTED]@brighton-hove.gov.uk>

Subject: Paris House, 21 Western Road

Dear [REDACTED]

I have been advised by the Environmental Protection Team that they have received complaints about noise from DJ's and live music which is disturbing them until as late as 02:00. While we have not substantiated these complaints at the moment, the Environmental Protection (EP) Team is investigating. Your premises licence allows for the following however as you know you must promote all the licensing objectives including the prevention of public nuisance and should not be causing a noise disturbance to neighbours. We will be working with EP and ask that you ensure that there is no live music after 23:00 and noise from any events does not impact on neighbours and that you comply with all conditions of your licence including those detailed below.

Times the licence authorises the carrying out of licensable activities:-

Performance of Live Music - Indoors

Sunday – Thursday: 10.00 – 23.00

Friday – Saturday: 10.00 – 23.00

Live (acoustic/amplified) music and amplified voice, to finish one hour before the cessation of alcohol service. The use of live music is limited to short sessions at various times on different days throughout the week. The number of musicians may exceed two, subject to risk assessment.

Performance of live music to be permitted from the start time on New Year's Eve until the finish time on the morning following New Year's Day. The sound attenuator shall be set at a level approved by the Licensing Authority.

Performance of Recorded Music - Indoors

Sunday – Wednesday: 10.00 - 01.30

Thursday – Saturday: 10.00 - 02.30

Background music or DJ operated music, amplified and distributed through small speakers throughout the licensed area, volume controlled by the licensee. DJ operated music will cease an hour before closing when recorded music will switch to background level.

The playing of recorded music to be permitted from the start time on New Year's Eve until the finish time on the morning following New Year's Day. The sound attenuator shall be set at a level approved by the Licensing Authority.

Performance of Dance - Indoors

Sunday – Thursday: 10.00 – 00.00

Friday – Saturday: 10.00 – 01.00

During performances of live music or entertainment of a similar description, performers to be permitted to enhance their act through demonstration or natural movement accompanying their music or act. Performance of dance to be permitted from the start time on New Year's Eve until the finish time on the morning following New Year's Day.

Anything of a similar description to live music, recorded music and performance of dance - Indoors

Sunday – Thursday: 10.00 – 00.00

Friday – Saturday: 10.00 – 01.00

Cabaret, comedians, spoken word and similar acts, acoustic or amplified voice. Performances of a similar description to be permitted from the start time on New Year's Eve until the finish time on the morning following New Year's Day.

Entertainment of a similar description to making music and dancing - Indoors

Sunday – Thursday: 10.00 – 00.00

Friday – Saturday: 10.00 – 01.00

Entertainment facilities to be provided from the start time on New Year's Eve until the finish time on the morning following New Year's Day. Microphone and jack input to sound system. All other equipment to be provided by the performers(s) subject to risk assessment. There will be no permanent, specified stage area for the performers(s).

Sale by Retail of Alcohol

Sunday – Thursday: 10.00 – 01.00

Friday – Saturday: 10.00 – 02.00

Sale of alcohol for consumption on the external seating will cease at 23.00.

Sale of alcohol to be permitted from the start time on New Year's Eve until the finish time on the morning following New Year's Day.

On the occasion of a televised major live sporting event falling outside the hours granted to the premises licence, to have the option to open for the sale of alcohol one hour prior to the start of the event and to close one hour after the event finishes.

The following conditions relating to the **Prevention of Public Nuisance** must be complied with.

1. The Licence holder and staff must undertake regular inspections inside and outside the premises in order to monitor noise levels and ensure that both ambient sound and sound generated by recorded or live entertainment is at a level that does not constitute a nuisance.

2. The licence holder shall ensure that prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly. This will also be communicated verbally.

3. All reasonable steps will be taken to ensure that the accumulation of the public awaiting entry to the premises will occur for the minimum time possible with the minimum amount of noise.

4. An additional method of ventilation will be installed to allow for the doors and windows of the pub to remain shut during live music and DJ operated music

Regards, [REDACTED]

[REDACTED] Safer Communities | Brighton & Hove City Council,

2nd Floor, Barts House, Barts Square, BN1 1JP

/ [brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

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Licensing Act 2003”.

We were able to verifiably demonstrate to [REDACTED] in January (by reference to CCTV, etc) The Paris House was actually **closed** at the time we were being accused of causing a noise nuisance.

It was clear from our Mediation Meeting this complaint was raised by [REDACTED] (although we didn't know that at the time).

They went on and on about the noise from The Paris House on NYE at the Mediation Meeting, even saying they had independent witnesses against us (turned out to be [REDACTED])

They wouldn't or didn't want to accept the noise was NOT coming from The Paris House – because we were verifiably closed at the time.....

[REDACTED] concluded our email exchange about this subject (on 31 January 2019) and seems to have accepted our version of events (i.e. being closed at the time – so any noise was not ours) thus:

“Dear [REDACTED]

Thank you for your email, the contents of which have been noted and placed on file. The Licensing Team do not intend to take any further action with regard to this matter. I note that you have copied in [REDACTED] from the Environmental Protection Team.”

I am therefore a little surprised this correspondence is referred to again in the most recent letter of 16 October from [REDACTED]

The [REDACTED] also wasted precious public (and private) time and expense on this completely fictitious exercise – we were closed so the noise was not ours!!

Complaint and [REDACTED] Letter of 16 October

Turning to the substance of the complaint and points referred to or raised in your letter ([REDACTED] of 16 October.

Clearly as a professional multi-site operator in Brighton – we are fully aware of the Licensing Objectives and the specific Conditions on our License, including closure of the outside area. As far as I am aware that area IS (and always has been) closed in accordance with our License.

On a separate point, I note that [REDACTED] specifically acknowledges we are indeed undertaking the necessary “regular inspections inside and outside the premises in order to monitor noise levels....” in accordance with our License requirement: “The complainant says [REDACTED] has seen the Designated Premises Supervisor carrying out inspections outside the premises....”.

As far as “...noise from people outside the premises....” – how can anyone be so categorical this noise was coming from our customers (a point I raised with [REDACTED] on the 'phone – and which [REDACTED] appeared to accept)?

It is most likely this noise is coming from general 'passers-by' crossing the side road junction of Brunswick Street East ([REDACTED]) and Western Road (which, in itself, is highly trafficked by pedestrians and is notoriously not quiet at any time of the day or night). There are also lots of homeless people in that area 24/7 – see below.

This (people) noise has nothing to do with The Paris House or its customers. Given the particular demographic of Paris House clientele – I would also be astounded if they were shouting in the street, late at night or indeed at anytime.....whether or not Security was on duty.

Signage requirements: We do have the required signage in place requesting customers to respect neighbours (a point we made at the Mediation Meeting). This signage has also been inspected on previous routine Licensing checks – and found to be satisfactory. FYI - there are prominent stainless steel signs (x2) attached to both inside leafs of the (only) doors to the premises – so are seen by everyone who is leaving.

Glass bottles: A point was raised in the Mediation Meeting about the noise of glass

11

being emptied into the outside bins late at night. We have no issue with this activity being delayed until morning – and this undertaking forms part of what was agreed (and 'signed off') by [redacted] [redacted] [redacted] and myself (the [redacted] having left by then). This was also the first time a glass complaint had ever been raised with us and we have taken steps immediately, to remedy.

In summary, I don't believe there is ANY non-compliance with the Licensing Objectives occurring at The Paris House (or at any of our other venues) or that any unauthorised Licensable Activities are occurring. I do not believe we are breaching any requirements or Conditions.

Short Video

Please watch this short video of The Paris House, made independently by students earlier this year as part of their degree course submission. It gives an insight into The Paris House and its workings and was not commissioned by us – nor did we have any editorial involvement. Nevertheless, we feel it captures The Paris House culture and atmosphere so very well. See: <https://www.youtube.com/watch?v=0pqEZugsdE0>
The Paris House has a particularly strong diversity in ages, attracting an older crowd rarely serviced by other commercial operators – as evidenced by this short film.

In Conclusion

I am sure you will understand my need to record all of the above points to you both, in writing.

In short – [redacted]

[redacted] We believe they are now at the stage where they are lashing out and blaming The Paris House for all the problems and ills that exist in the vicinity of their home (although they have nothing to do with our venue nearby)..... Indeed, they raised some of these 'extraneous' matters with us at the Mediation Meeting before they left it – namely 'general street drug dealing in the Western Road area' (and nothing to do with The PH, as it turned out – see below).

As this drug dealing allegation ("outside The Paris House...") was such a very serious accusation made by [redacted] - and said by them with a definite inference The Paris House was somehow involved in it (or that it involved our customers) – we demanded they explain themselves, immediately.

They then backed down rapidly on this point (as they couldn't substantiate it) – admitting the street drug dealing hadn't in fact anything to do with us.....but that it was a 'general problem of the area'. As is the "noise.....". So yet another **false claim**.

We were surprised that [redacted] would even make such a wild (and potentially) defamatory claim about us – that had no founding as far as our premises were concerned. [redacted] raised it only to smear us – and quickly retracted the allegation when directly challenged, as [redacted] realised the serious legal implications of what [redacted] had just said (as being untrue).

Let us remind ourselves that until recently there was a homeless hostel, specialising in substance abuse at the bottom of Cambridge Road, right opposite the Brunswick Street East junction.

There are also lots of homeless people who still congregate in the area generally, many of whom sleep in shop and other doorways. Many 'shout out' day and night – and are clearly substance abusers..... None have anything to do with The Paris House, however.

[redacted]

As you would expect, we are fully aware of and do take our Licensing Responsibilities

(C11)

very seriously - and we have a long track-record, across all of our venues, of ensuring these are well managed.

Our venues also have a first-class reputation for being trouble-free environments which make a strong, positive contribution to the City's culture.

If the noise levels really were at those complained about by [REDACTED] - then would so many people 'of an (old) age' be saying such complimentary things about us in the video? Customers of that age profile simply do not like (or attend) noisy establishments.

(C11)

With Kind Regards

From: [REDACTED] [mailto:[REDACTED]@brighton-hove.gov.uk]

Sent: 16 October, 2019 12:07 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: Paris House

[REDACTED] [REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED]@brighton-hove.gov.uk

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From: [REDACTED]
To: [REDACTED]
Cc: EHL Environmental Protection; [REDACTED]
Subject: RE: Paris House, 21 Western Road, Hove.
Date: 31 August 2020 12:39:59

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear [REDACTED]

Thank you for your email below of 18th August (and also yours of Wednesday 26 August – that you copied to all of the above).

Can you please explain how you can interpret from my exact words below that ‘I have **refused** to supply a Covid risk assessment’ to you for The Paris House?

This statement by you is **factually incorrect**, completely **NOT helpful** and is a **distortion of the truth**. Why have you chosen to do this?

Here is (exactly) what I said, as quoted from below:

“We also have, as you would expect, undertaken a Covid Risk Assessment of The Paris House (prior to re-opening), as we have for all of our other venues.....and which, I gather, we don’t have to share with anyone – including yourself.

Finally, whilst there is an onus on ourselves regarding “Public Safety” (and our public ARE safe) – public health is NOT a Licensing Objective (and cannot ever be so”).

There is no way anyone can interpret from what I have said (and I quote directly from YOUR response below), that:

“.....to my request, and your **subsequent refusal**, to see a copy of the risk assessment”.

I haven’t refused – I merely said “....and which, I gather, we don’t have to share with anyone – including yourself”.

For the record – this is definitely not a refusal to supply a Covid risk assessment – it is just a statement of my understanding of the situation (i.e. that I don’t **HAVE TO** supply it to you) – which, of course, you are at perfectly at liberty to correct, if my understanding is wrong.

You then go on to say below, in your continued response:

“Please provide a copy of your risk assessment within 7 days. If I do not receive a copy of the risk assessment in this time I am able to serve a Notice under section 3 of the Management of Health & Safety at Workplace Regulations 1999 requesting this information.”

Here is a link to what I believe is the section (section 3) of the legislation you quote, and that you are claiming gives you the powers to request the information (our Covid risk assessment) to be provided to you:

<https://www.legislation.gov.uk/ukxi/1999/3242/regulation/3/made>

Whilst this section covers matters concerned with preparing risk assessments, as you will see, there is absolutely NO reference whatsoever made in this section to support your claims of having the powers under it that require us to provide you with our Covid risk assessment.

Did you get the section / legislation wrong? In which case, maybe you can please provide the correct information.

Or please correct my interpretation of the section you have quoted – in that you do have the legitimate powers you say you do, to demand that we supply our Covid risk assessment – and emphasised in your email of 26 August (and I quote):

“If we do not receive a copy of the risk assessment by 31 August then further enforcement action will be taken.”

Asking “what is your legal authority?” in no way equates to “I am refusing to supply it”. Does it?

Noise

For the benefit of your colleagues (to whom you have copied your last email of Wednesday 26 August) – let us not forget **this exchange began with a noise complaint**, mentioning specifically a trumpet being played at The Paris House, to which I responded (quoted directly from my email of 13 August below):

“I can assure you there has been absolutely no live music (including from “a trumpet” that you mention below) at The Paris House – since before lockdown. And no live music is being contemplated for the foreseeable future – so, like many previous claims concerning The Paris House – this is yet another verifiable complete fiction.....”

I go on (also quoted from below):

“I have also been present at The Paris House for two of the last three Saturdays that we have been open. I have personally undertaken ‘walk around’ noise monitoring trips around the area (including up Cambridge Gardens / Brunswick Street East and the like) – which did not show up any problems.

I have also witnessed other (employees and management) doing exactly the same thing. So I am very confident we are on top of the whole situation – and that all is well as far as not being a (noise) nuisance is concerned.

I suspect that, after such a long period of complete silence (i.e. a 100% shut pub) – for the whole of lockdown, that neighbours are now finding the contrast between that silence and a re-opened unit, shall we say, stark? This of course doesn’t mean there is a noise problem, however.”

As you all will know, over many years there has been a long history of noise complaints being made against The Paris House which have been proven to be completely untrue e.g. on New Year’s Eve complaints about noise at 6am specifically coming from our venue, even though it had closed many hours before. This is just one example of many false complaints. We have also had a complainant (a neighbour in Brunswick Street East) who, when challenged, withdrew from the noise complaint process.

I am also struggling to understand any link whatsoever between a noise complaint about a verifiably fictitious trumpet and Covid and Health and Safety legislation designed to protect staff and customers.

As a responsible and professional operator of multiple venues, I reiterate our awareness and compliance with the Licensing Objectives.

Regards

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@brighton-hove.gov.uk]
Sent: 18 August, 2020 7:25 AM
To: [REDACTED]
Subject: RE: Paris House, 21 Western Road, Hove.

Dear [REDACTED]

The Health and Safety at Work Act 1974

The Health Protection (Coronavirus, Restrictions) (No.2 (England) Regulation 2020

I refer to your email below sent in response to a complaint regarding noise from The Paris House, Western Road, Hove and in particular to my request, and your subsequent refusal, to see a copy of the risk assessment you were required to carry out under the Covid-19 legislation in order to re-open the premises.

It is a legal requirement for all organisations to carry out a risk assessment. The risk assessment will need to be Covid 19 secure detailing the control measures in place to minimise the transmission of the virus.

Refusal to provide a copy of your risk assessment on request of an officer could amount to obstruction of an officer attempting to carry out their duties and does not show a responsible attitude to promoting health and safety of customers and staff, the licensing objective of public safety or the additional Covid-19 legislation and guidance. Please provide a copy of your risk assessment within 7 days. If I do not receive a copy of the risk assessment in this time I am able to serve a Notice under section 3 of the Management of Health & Safety at Workplace Regulations 1999 requesting this information.

You, as the licence holder and business owner, are responsible for taking all reasonable steps to ensure that everyone, including staff, customers and delivery personnel entering your premises are not exposed to Covid-19 and that measures are in place to control the spread of the virus

Please do not hesitate to contact me if you would like to discuss this matter

Regards, [REDACTED]

[REDACTED]

(Licensing & Trading Standards) Safer Communities, Brighton &

Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED] [brighton-hove.gov.uk](mailto:[REDACTED]@brighton-hove.gov.uk)

Please note my working days are Monday to Thursday mornings.

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Your application should be signed. Any necessary documentation should accompany the application. If you do not have scanned/electronic copies of documents you can provide photographs. Images of documents must be clear and legible.

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We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

CORONAVIRUS - WASH YOUR HANDS MORE OFTEN FOR 20 SECONDS

Use soap and water or a hand sanitiser when you:

- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food

cid:image002.jpg@01D5F2EA.EAB09DD0



Protect yourself & others

For more information go to [nhs.uk/coronavirus](https://www.nhs.uk/coronavirus)

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From: [REDACTED] <[REDACTED]>

Sent: 13 August 2020 16:51

To: [REDACTED] <[REDACTED]@brighton-hove.gov.uk>

Subject: RE: Paris House, 21 Western Road, Hove.

Hi [REDACTED]

I can assure you there has been absolutely no live music (including from "a trumpet" that you mention below) at The Paris House – since before lockdown. And no live music is being contemplated for the foreseeable future – so, like many previous claims concerning The Paris House – this is yet another verifiable complete fiction.....

The Roadmap you cite below for bringing entertainment back into premises is therefore irrelevant wrt The Paris House – as there isn't (and hasn't been) any since March 2020.

Both we at the centre of the organisation and The Paris House staff and local management team are completely aware of the Government "Guidance" (not law – and I'm glad you've drawn that distinction) wrt to Covid.

We and they are also completely aware of the Licensing Objectives – as you already know, from previous exchanges and meetings.

I have also been present at The Paris House for two of the last three Saturdays that we have been open. I have personally undertaken 'walk around' noise monitoring trips around the area (including up Cambridge Gardens / Brunswick Street East and the like) – which did not show up any problems.

I have also witnessed other (employees and management) doing exactly the same thing. So I am very confident we are on top of the whole situation – and that all is well as far as not being a (noise) nuisance is concerned.

I suspect that, after such a long period of complete silence (i.e. a 100% shut pub) – for the whole of lockdown, that neighbours are now finding the contrast between that silence and a re-opened unit, shall we say, stark? This of course doesn't mean there is a noise problem, however.

We also have, as you would expect, undertaken a Covid Risk Assessment of The Paris House (prior to re-opening), as we have for all of our other venues.....and which, I gather, we don't have to share with anyone – including yourself.

Finally, whilst there is an onus on ourselves regarding "Public Safety" (and our public ARE safe) – public health is NOT a Licensing Objective (and cannot ever be so).

We therefore cannot be held responsible for it (public health) or indeed Covid itself. 'Safety' is also quite distinct from 'health' (otherwise we wouldn't have the terminology 'health and safety' - we would simply have either 'health' or 'safety' so they must be quite distinct concepts, only one of which we have some responsibility for).

Please do come back to me if there are other matters you'd like to raise.

All the best

Yours

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@brighton-hove.gov.uk]
Sent: 13 August, 2020 10:38 AM
To: [REDACTED]
Subject: Paris House, 21 Western Road, Hove.

Dear [REDACTED]

I am writing to advise you that we have received a complaint about noise from Paris House, 21 Western Road, Hove. The complainant alleges that:-

The Paris House has been open for the last three weeks and Saturdays have been very noisy .

The complaint refers to noise from music and also mentions a trumpet and has been referred to the Environmental Protection Team to investigate.

The government has produced Coronavirus Guidance for licensed premises

The Guidance states:

- All venues should ensure that steps are taken to avoid people needing to unduly raise their voices to each other. This includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult. This is because of the potential for increased risk of transmission, particularly from aerosol transmission.

- Preventing entertainment, such as broadcasts, that is likely to encourage audience behaviours increasing transmission risks. For example, loud background music, communal dancing, group singing or chanting.

While this is guidance and not legislation, premises should adhere to it and there is other legislation that can be used if we feel public safety is being jeopardised such as H&S Law, Covid-19 Regulations and the Licensing Act 2003. You must continue to promote the Licensing Objectives of

- The prevention of crime and disorder
- The prevention of public nuisance
- Public Safety
- The Protection of Children from Harm


The latest Guidance includes a five-stage roadmap to bringing indoor entertainment back into premises. These five stages of the phased return to indoor entertainment are as follows:

- o Stage One - Rehearsal and training (no audiences)
- o Stage Two - Performances for broadcast and recording purposes
- o Stage Three - Performances outdoors with an audience and pilots for indoor performances with a limited socially-distanced audience
- o Stage Four - Performances allowed indoors and outdoors (but with a limited socially-distanced audience indoors)
- o Stage Five - Performances allowed indoors / outdoors (with a fuller audience indoors)

We're currently at Stage 4. Please consider this guidance when playing music.

Prior to opening you must carry out a risk assessment. Please could you email me a copy of your risk assessment

Please do not hesitate to contact me if you would like to discuss this email

Regards, 

[REDACTED] [REDACTED] (Licensing & Trading Standards) Safer Communities, Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED] | [REDACTED] brighton-hove.gov.uk

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If the reader of this message is not the intended recipient, please note that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify the sender immediately.

Thank you in anticipation of your co-operation.

You can visit our website at <http://www.brighton-hove.gov.uk>

Please consider the environment, only print out this email if absolutely necessary.

Please Note: Both incoming and outgoing Emails may be monitored and/or recorded in line with current legislation

From: [REDACTED]
To: [REDACTED]
Subject: RE: Paris House, 21 Western Road, Hove.
Date: 13 August 2020 16:51:07

Hi [REDACTED]

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All the best

Yours

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Regards, [REDACTED]

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cid:image002.jpg@01D5F2EA.EAB09DD0



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