

APPENDIX B5 A3

PARIS HOUSE - PLH and STAFFS' APPROACH TO COMPLAINTS

This document is solely concerned with evidence relating to this review.

The following evidence was considered during its compilation :-

FOIA ANALYSIS and FOIA information contained in APP4;

WITNESS STATEMENT OF CH/VH;
APP2 Sched.1 Part A

APPS included with Applicants' submissions

AND

REPRESENTATIONS RECEIVED REGARDING THIS REVIEW

FOIA ANALYSIS

Date.	Description.	Analysis Reference No.	Page Nos in. FOIA
20/7/17.	Complaint received by BHCC at 02.06am re Paris House. "Loud music. Happening all the time."	A1.	A p.1
2017.	Resident visited PH several times to complain about the noise . Representer B6 Additional letter of 26/04/24		
Aug.2017.	Same resident (B6) emailed PLH and he offered to investigate the noise problem .No response . Representer B6 letter of 26/04/24.		
10/7/18.	Reference to "unbelievably loud noise "today". " I spoke to the pub and asked them to shut the door Around 730. They agreed which is a big change to the usual response – that they have a licence " – word redacted - the Paris House just gets louder."	A4.	A p 9-10
2018.	Resident (B6) and wife made several noise complaints to Council and completed a noise diary. Representer B6 26/04/24 letter		
Late 2018.	CH's brief discussion with PH staff member "I think you will find we can play music as loud as we like until 2am." CH's Statement paras 2.5 - 2.9.APP2 Sched. 1. Part A		
Jan 2019.	Re CH/VH's complaint re 01/01/19 .PLH says pub closed just after 4.15am."Certainly not open as late as 6 am." "Pub completely closed, empty and silent from that time onwards and CCTV will confirm it."	B7.	B p15-28
	Cf with video clips at 05.50 and 05.54 for 1.1.19 APP2, Schedule 1 Part C of Submissions paras 2.10 -2.15 CH's statement		

and statement of George Hallsworth.

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PH said they wished to “correct the verifiable and factual. **B10.** B p15 -18 inaccuracies’ in the claims made by the complaints received.” (B p16). Other comments critical of residents at pps 16 -18.

Both entries relate to the same issue.

31/07/19. Residents’ meeting at St. Anns Wells Gardens re noise problem from PH and attitude when people complained . **CH’s statement paras 2.19 - 2.23 APP2 Sched.1 Part A**

Representer **B6** also present.” A number of residents attended and expressed concerns about disturbance caused by the noise of music and crowd noise from its customers and the poor attitude of the Paris House staff whenever they complained.” **Representer B6 26/04/24 letter**

27/08/19 No attempt to close door during evenings. **B17.** B p207

09/09/19. “The evidence suggests unless we badger them - and I’ve. **B21.** B p196-197 run out of energy for that - they just don’t care.” Further reference to very little effort to close doors. **Resident 1** who attended mediation on 14/10/19.

14/10/19. Mediation **APP2 Sched.1 Part C paras 2.29 - 2.51 CH’s statement APPS16-20**

29/10/19. PH - “We believe they are now at the stage where they are **B33.** B p157 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).”

Commented on in **B33 analysis at page 15 3rd para.**

Also referred to in C11 FOIA analysis at page 43. Factual errors in PLH’s claims

23 & 24/08/20. Complaints via Police Licensing Unit of problems re **C4.** C p21-22 social distancing and Covid rules not being applied

08/09/20. BHCC notify PLH of complaint made via Police re **C6.** C p35-36 06/09/20 “no track and trace in place and no social distancing”

01/10/20. PLH attributing words to a BHCC Health & Safety Officer. **C2.** C p7 which BHCC say the officer does not accept.BHCC does not accept allegations made about officer’s conduct.

- 05/10/20.** PLH complains of “a long history of totally false allegations. **C1.** C p4
being made as to sound issues from the Pub over many
years.”
“Many, many times we have been able to categorically
disprove such claims.”
- Only evidence of one possible occasion (re January 2019)
when BHCC took no further action but without apparently
looking at PHL’s CCTV footage and not considering CH’s
videoclips at all.PHL only party to use the word “disproved.”**
- In same email PLH also assumes that a complaint about
noise from a trumpet must mean only live music and denies
responsibility, saying no live music was being played then.
PLH only party to use words “live music.”**
- C8 09/08/20 FOIA analysis p42 also refers to”trumpet” C8. C p58
complaint.**
- C9 CH’s complaint shows it was incorrectly described by C9. C p54
BHCC officer to PLH (reference to Debbie Harry should
have made clear to PLH complaint was not re live music
but officer did not mention her in his email to PLH).Still no
reason to assume complaint was about live music.**
- Above claims made in C5 p29-31 in email dated 31/08/20
and referred to in FOIA analysis at page 40.**
- 10/1/22.** “I reached out and emailed to ask them to turn it down past **A13.** A p30-31
a certain time. They suggested the noise may not even be
coming from them, which is obviously untrue as nowhere
else so close to my house plays live music... I politely
asked if you could agree on a time to turn the volume down
..... they then stopped responding.”
“ Other neighbours have also reached out to them and
they’re not being very understanding or willing to sort the
issue.”
- 14/03/22.** “ I have tried to call them to ask them to turn the speakers **A14.** A p32
down. They usually don’t answer, but once they did, the
woman who picked up said “ redacted - “could not hear me,
but I should call back when it’s quieter then hung up.”
“ Just tried emailing them again but no answer.”

22/07/22. Resident/representer **B6** Mediation - "It was made very clear to me that "they've never had a complaint" and that there was obviously no problem. I was made to feel like I was the guilty party by daring to challenge their business."

"I asked several times if they had a noise management policy but no answer was given. It was promised to provide Fraser with a record of decibel readings from one of their regular sound controls, preferably from this Thursday evening or a Thursday in the near future. This never happened..."

Representer B6 26/04/24 letter.

15/08/22.	PH warned of complaints on 11/08/22 13/08/22 unannounced BHCC visit . 15/08/22 BHCC officer reports to councillor. Numerous complaints received yet officers' report states "To say the manager was vague on certain aspects would be understated". No one on premises who knew how to use the noise limiter. Paper trails for checks required non existent. Training needs identified.Limiter not seen by officers.	B75.	B p364
		B76.	B p375 - 376
10/10/22.	Limiter seen by officers on visit to PH Subsequently sought confirmation it was working by email. No response to emails. APP29		
19/12/22.	Officers visit PH on 19/12/22 to see if limiter was working but do not do so because DPS or manager needed to be present. APP29		
10/01/23	Officers met with DPS who assured them that since their last visit on 10/10/22 "we've had our electrician look at it to check it over and he said it's fine." Checked by BHCC officers and not working at all.APP29		
25/01/23.	New limiter fitted. APP29.		
13/03/23.	PLH letter from Head of Legal to CH & VH and JK APP11 Parts A & B. APP2 Schedule.1 Part A CH/VH statement paras 5.1- 5.17.		
Early 2023	Representer B5 additional letter paras 9 - 14 & 16 - 18 . Re PLH's attitude to complaint.Prior to that meeting regular calls to PH asking to close front door because of noise distraction preventing her from working.Even if door closed it didn't stay closed for very long. "Eventually they stopped taking my calls." Para 11 - PH staff member said he was under instruction to keep the door open . Para 13 - PLH "became quite hostile towards me and quite		

quickly.”

Para 14 - “You can always move but we can’t.”
It was “my problem”

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Para 17. “.. invading my personal space found his manner of speaking to me intimidating.”

31/01/24. Application for PLH licence review. **APP10.**

Representations received supportive of application :-

29/02/24. B2 - re claims PH is in a non residential area (para 2).

- operation disrespectful to neighbours in present form.(para 6)
- PH abusing the situation (para 7.)

01/03/24. B5. - local resident - contact with PLH distasteful, rude and “creepy”
Evidence in additional letter re PLH added above for early 2023.

06/03/24. B6 - “ despite asking them politely to turn it down are ignored.”
(Details in additional letter from B6 added above in chronological order in which he put them).

06/03/24. B7 - unfavourable contrast with other licensed premises in the area.
(para 3).

06/03/24. B9.. - unfavourable comparison with other licensed premises
in area (paras 3-5).

07/03/24. B8 - door left open during the day (para 3)

- bar staff “very rude” (para 5)
- bar staff don’t tell people to move on who sit outside with drinks bought elsewhere (para 7)
- use of drugs (para 8)
- “manager unapproachable.Very attacking in her manners.” (para 10)
- waste bin positioned obstructing pavement (without permission?) when spoken to about it “mind your own business” attitude.”Let’s build this and see if we get caught.” (para 11)

08/03/24. B10.. (PH customer) - overcrowded so “no control over how many people are actually inside.No sound proofing.No air conditioning .People going in and out “constantly” and it “becomes noisy”. (para 2)

“ Security staff and management never make an effort to tell people to leave

quietly or to tell them to be quiet when they are outside.” Play music on a daily basis until late sometimes I can hear the music on my road ...” (para 3).

“ serve people alcohol even if they are completely drunk”(para 4).

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“ seems there is no control from the management on alcohol and substance abuse and so it does get very loud.”(para 5).

A sense of cooperation required from management to be able to continue and need to control amount of alcohol sold and how many people can fit in.(para 6.)

11/03/24. B11 (former PH customer) “ I do not understand why the local council thinks that this level of noise and questionable behaviour right outside people’s homes is acceptable.”

27/03/24. B11. Further letter - “ **this is a business that has shown no respect or understanding for their close neighbours and has brought misery to many local residents for many years.**” (para 1).

Concerns re Covid restrictions not being observed at PH (para 7)

Unlike other music venues there is only one set of doors (para 9).

Need to keep doors open for customers outside to hear (para 9)

No working air conditioning (para 10)

“ Donkey Mews .. used as a urinal (probably because it was more easily accessible than the loo’s inside). Very unpleasant and quite intimidating when on my own.” (para 11)

“ do not understand how it’s management/owners can think that the noise generated and use of the outside area as an extension of the pub is remotely reasonable” (para 13).

“ ... the noise from the crowd alone on busy nights echos down the street.I wonder if they or their customers would accept this if it was on their doorstep.” (para 13).

Additional point re **independent** acoustic consultant,Richard Vivian, whose report was submitted to BHCC on 2 May 2024.

Mr. Vivian was consulted by CH in September 2023 on an informal basis. After the application for review was submitted, he phoned CH to say that he had been approached by a solicitor instructed by the PLH to act on its behalf in relation to this review.

As CH had been in contact with him before then Mr Vivian contacted him to see whether or not the Applicants wished to instruct him on their behalf. A few days later he was informed they did.

He emailed the lawyer instructed on behalf of the PLH and sought to make arrangements to visit the premises and carry out a noise impact assessment (**report para 2.4**). The purpose of that was to obtain information in order to gauge what controls might be necessary to ensure that the premises could operate without causing a public nuisance. That way “all parties may understand what is, and isn’t, acceptable. “

He was told that the lawyer would take instructions from his client, the PLH.

As at the 2 May 2024, Mr. Vivian had not been contacted with regard to those arrangements.

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He visited both the premises and the surrounding area between the hours of 1600 on Saturday 20 and 01 45 Sunday 21 April 2024 without notifying the PH . Whilst there he noted the following: –

- (a) Additional equipment being used in the premises and rendering any limiter controls on the installed sound system **ineffective. (report para 7.3). This equipment bypasses the limiter altogether. (report para 7.4).**
- (b) Recorded music being played at 23.36 audible some distance from the premises **(half way up Cambridge Road) - (report para 5.2)**
- (c) Recorded music being played at 01.27 Sunday 21 April **audible around 150 metres away which would have “impacted on multiple properties, even with windows closed.”**
(report para

5.2)

The Applicants CH and VH's noise diary refers to the noise levels from the PH being much reduced approximately two weeks after the application for review was submitted. **The night of the 20/21 of April was particularly quiet and yet Mr Vivian still experienced what the Applicants and a number of residents have complained of for years but at a lower level.**

Based on his own experience of these licensed premises and the area in which they are situated, his report refers to -

remedial works to the building without which no regulated entertainment should take place after 2300 (**report paras 7.1 & 7.2**);

failings in the existing control of noise levels and very specific controls on some instruments so that live music should cease at 1900 hours (**report paras 7.3 - 7.6**)

And

better controls on the use of outside areas (**report para 7.7**).

