



Rowbell Leisure Limited

18 Soho Square
London
W1D 3QL

Licensing Department,
Brighton & Hove City Council –
2nd Floor,
Barts House,
Barts Square,
BN1 1JP

E-mail: ehl.licensing@brighton-hove.gov.uk

7th March 2024

Dear Sir/Madam

Review of Paris House, 21 Weston Road, Hove, BN3 1AE; Request for adjournment and Holding Submission

I am the Director of Rowbell Leisure Limited, the Licence Holder for The Paris House in Brighton.

This letter sets out our initial response to the Application for a Review of the Licence by four residents, (including a married couple), such Application being dated 8th Feb 2024.

My understanding is that there is a provisional Hearing date listed for 28 March. The purpose of this submission is to request an adjournment (and give good notice of doing so) and also to put in a 'holding' representation setting out our general position, pending a much fuller response.

Whilst I appreciate that this letter is somewhat longer than I would normally write, it needs to be seen in the context that this is in response to over 900 pages of evidence submitted by the Applicants. I have tried to highlight the key points, in summary form, but such is the sheer volume of material presented to us that this cannot be a short response.

This letter is separated into two distinct Parts. The first deals with our request for a short adjournment concerning the date of the substantive Hearing, the second Part is our 'Holding Representation'.



Part 1 - Request for Adjournment

We would like to request that the Hearing provisionally set for 28th March 2024 be opened, but with an adjournment of, say, 14 days. This is to allow for the volume of evidence (over 900+ pages) to be appropriately digested. This, in turn, will allow for a fair hearing of the merits of the case, balancing the interests of all concerned.

The volume of the Evidence submitted needs time to be properly read:

- The Applicants have clearly spent enormous amounts of time preparing their case and collating their evidence.
- There are over 900 pages of Applicant evidence going back 8 years.
- All of this information will need to be read and digested by the Council Officers, the members of the Review Panel and, of course, the Licence Holder.
- We also need to fact-check some of these points against our own records. Even a cursory view has unearthed anomalies.
- We strongly feel that we should be given reasonable time to defend ourselves against these allegations and the basic statutory periods are clearly insufficient.
- There is quite simply no realistic way that we can be expected to review all this material, consult our own records and witnesses, be advised and submit our own evidence in rebuttal within the specific time frame required by the regulations, resulting in the provisional date of the 28 March 2024. Additionally, notice requirements under the regulations will require final evidence to be submitted let's say 7 days before the hearing, which brings that date forward to 21 March.
- We will of course be submitting our own material in due course. Whilst we cannot be specific at this point in time, this will certainly not amount to 900+ pages as received from the Applicants.
- In addition, we understand that there have been a large number of Representations made by members of the public – we have been directly copied many of these. We understand that there are a lot more representations than would normally be expected for such a Review Application. These too will take time to process by the Council and, in fairness to the members of the public who have taken such efforts to make their views known, we feel it is appropriate that proper time needs to be given to allow for all representations to be processed by the Council officers, forwarded to us and time then provided for these views to be reflected in the Submission we would like to make. (To be clear, we are not suggesting an extension of the deadline for making the representations, just to facilitate the Council Officers by providing them having a little extra time in which to handle the views that so many people are apparently wishing to make),
- Also, I, as the Director of the Licence Holder, am away on business towards the end of March and then of course we have Easter.

The Way Forward – agree an adjournment of a few weeks:

- The Licensing Authority has already spent an eye-watering amount of time on these matters over the years, and we are at great pains not to increase the Licensing Authority's workload or expense, (or our own).
- I am therefore setting out our request, now, for an adjournment of the date of the substantive hearing currently '*pencilled in*' for 28 March 2024, to some time in mid to late April.



- This is in the public interest as we, as the Premises Licence Holders, find ourselves the subject of this Licence Review, a serious threat to our business.
- We feel we only need an adjournment of 14 days, but would have no objection to an adjournment of 28 days or more if that is more convenient with the Council Officers.
- Given the timescales involved, and the sheer volume of material to be read by all concerned, we do not feel a two or three (or even four) week adjournment would be substantively material.
- By taking this practical approach there would be a minimal extra expense to the Council. It would also allow the Council teams (staff and members of the Licensing Panel) more time to digest all of this material.

All we ask is for sufficient time to adequately respond to the enormous amount of material presented by the Applicants.

Face-to-Face Hearing and not online:

- We are of the very strong opinion that in view of the vast quantity of paperwork and the number of potential witnesses, we do feel that this substantial Hearing needs to be Face-To-Face and not online / via 'Teams' etc.
- Experience has shown that large numbers of people dealing with hundreds and hundreds of pages of documentation, and ensuring everyone is looking at the right pages etc will be extremely disruptive to the Hearing if this is held online.
- All the participants are Brighton based and so bringing people together will not be onerous.
- This is unlikely to be a very short Hearing (other than to agree an adjournment to April).
- We are supportive of having the proposed Hearing on 28th March (which would adjourn the substantive Hearing until, at least, late April) to be held online.

Does this seem an acceptable way forward to you?

I would be most grateful if you would kindly let me know your views on this as soon as possible.



Part B - Holding Representation

- As stated above, it is impossible for us to submit a full representation together with supporting evidence within the timeframe permitted, let alone by the 7 March which is the end of the 28-day period and by which we need to file a representation.
- In order to assist the Licensing Authority, I therefore set out the broad points that will be covered in our evidence. Please treat this as a 'holding' representation.

Grounds for Review

The applicants describe the Review as based upon two of the Licensing Objectives, namely

- The Prevention of Crime and Disorder, and
- The Prevention of Public Nuisance.

No reference to Crime & Disorder in Application or Evidence

- On an initial review of the evidence supplied, we see no evidence that relates to Crime & Disorder in the field of alcohol and entertainment licensing.
- I understand that the Crime & Disorder that is traditionally covered in Licensing Hearings and Reviews in particular relates to offences of dishonesty, violence, of underage sales, allegations of a sexual nature, drugs, drunkenness and aspects of disorder that go beyond merely anti-social behaviour.
- From the hundreds of pages we have read to date we have seen not a single reference to any complaint about any of the above in support of the Applicants' '*Crime & Disorder*' heading.
- We have had exceptionally good relations with the police since we began opening pubs and venues in Brighton in 2010 (see below).
- We started operating The Paris House in 2012. There has been little or no concern in respect of crime and disorder in those years at the Paris House (or elsewhere amongst our operations).
- As at the time of writing we have seen no representation submitted by the police and we would be surprised if this were to be the case.
- Let us therefore be clear – this review is about alleged noise disturbance or nuisance, and **not** about Crime & Disorder.

Witness evidence

- The Applicants' bundle of evidence consists of very lengthy statements from **REDACTED** in particular, together with **REDACTED** and **REDACTED**.
- There are very lengthy appendices attached to most of these statements with alleged video evidence, noise diaries and such like.
- Our main witnesses will be:
 1. **REDACTED**, Director of the Premises Licence holder,
 2. **REDACTED**, Head of Legal to the Premises Licence holder,
 3. **REDACTED** – Duty Manager
 4. **REDACTED** (aka '*Andy-The-Dandy*', The Paris House's resident DJ on Saturday nights for the last 5+ years and booker of our live acts.

The DPS for The Paris House for the last 6 years has been **REDACTED**. For reasons unconnected with this Application, **REDACTED** recently resigned to go on a traveling adventure and is unlikely to be available. He is currently being replaced by **REDACTED** who



is the DPS at one of our other pubs. The Application to change DPS has been submitted and we are told will be effective within a fortnight.

Key Areas to be Addressed our Witness Evidence

- I want now to set out our main points based upon an initial review of the Applicant's material.
- Due to the enormous amount of material served I must please reserve the right to amend, clarify or add to these points and of course there will be full evidence served in support.

In order to aid the Licensing Sub-Committee, our outline positions are as set out below. We will be providing full evidence in support of every comment made below.

Headline Overview

No Breach of Licence Conditions / No finding of Noise Nuisance

The blunt reality is:

- **There has never been a substantive breach of the Premises Licence since we took over the pub in July 2012.**
- **There has never been a noise nuisance objectively established, despite over 20 visits from Council Officers over a sustained period of many years, including several visits to the homes of some of the Applicants.**

The evidence already submitted, by the Applicants themselves, includes a single page summary of 20 visits from Council Officers, including late in the evenings and at weekends, where every visit is summarised with the finding of 'No Nuisance'

Commitment by Council to investigating these complaints over a sustained period of time

- **An enormous and inordinate amount of Council resources have been allocated to REDACTED complaints in particular, and no Licence or noise nuisance problems have been substantiated by the Council.**
- **May I state at this initial stage that we wholly support the work that the Council has invested addressing the Applicants' alleged complaints.**
- **At all times, we have found staff both from the Licensing and the Environmental Health departments to have been helpful, collaborative, open-minded and indeed gone way beyond the call of duty to try and accommodate the Applicants' concerns.**
- In addition, the Applicants have been afforded a significant degree of leeway in having their issues raised with the Council on so very many occasions. By way of but one example, the Applicants' evidence includes over 300 pages of material obtained by a very far-reaching and widely-drafted Freedom of Information Act request. Typically such requests are rejected if they would require more than 20 hours work by Council staff to provide the answer. The hundreds of pages of documentation supplied clearly and substantively exceeded this limit. This in turn has a negative impact on others using this statutory service. By way of example, we put in a FOI request in Oct 2022 as to how many complaints had been received about the Pavement Licence at The Paris House in the previous few years. It took the FOI department over 50 working days before it was confirmed that the answer was '*nil*'. (FOI requests should be processed within a maximum of 20 working days). No doubt the processing of other FOI requests from other residents across the city



of all sorts of topics would have been compromised or delayed by such an extraordinarily detailed request by REDACTED.

- **'Outside area to be cleared and closed by 11pm'** - this has been a point raised by REDACTED repeatedly for several years. The Council has disagreed with his interpretation following legal advice. We agree with the Council. Nevertheless there are over 100 pages of REDACTED evidence which deal with this point. We will submit evidence that the Council's patience was tested to the limit with over 6 months of discussion before the Council replied, **over 4 years ago on this point**, (email of 4th February 2020):

"I feel we have answered your concerns to the best of our ability with regards to the condition and have taken legal advice concerning this and shared that with you.

"While we are happy to communicate with members of the public about matters that concern them, regular correspondence about matters which we can no longer assist with will not achieve anything further to assist you and will further impact upon the service that we provide to others. Consequently it is sometimes necessary to reluctantly bring correspondence to a close. With regard to this issue I am afraid that there is nothing more that we can add".

We have not been able to find any copy of this email in REDACTED long and very detailed submissions.

We have, however identified that REDACTED returned to this very same topic again with the Council a further time in 2023.

- There are many other examples of significant support being given by the Council to the Applicants. Some of these are addressed below. This is not an exhaustive list.
- We certainly do not agree with the strident and often personal criticisms made by some of the Applicants of the Council's Officers who have devoted unprecedented resources and time to addressing all of these issues.
- We see that, amongst other asides, that:
 - REDACTED comments that *"The response from the Council I have found abject, limp and unhelpful.... The ineffectual and unhelpful reaction of the Council..."*
 - REDACTED comments that *"I am extremely frustrated and disappointed by BHCC's ineffective Licensing team together with an Enforcement team that is completely ineffective for any issue that cannot be simply resolved with a standard letter. The Enforcement team fobs off of (sic) residents....."* and
 - REDACTED comments that *"This was a factor in further damaging our confidence in BHCC as the enforcement authority....more importantly how can BHCC...give any resident confidence that it will properly promote the Licensing Objectives..."*
- By contrast, whilst we have found it exasperating and frustrating to have to continue to devote so much of our (and, as residents and ratepayers in this city, the Council's) resources to this matter, we want to clearly record our appreciation for the professionalism demonstrated by the teams at the Council, with particular credit being highlighted towards Emily Fountain (Licensing Officer) and Helen Curtis-De Mendonca (Environmental Protection).



Our Co-operation with the Council Teams

- For our part, we have worked closely with the Council's Officers at every stage and tried our best to comply with any advice to promote the licensing objectives.
- There is substantial evidence to support this, from contemporaneous email exchanges, to attending meetings with several Council Officers and to attendance at two Mediation processes as part of the Council's Enforcement Policy.
- We have attended every meeting we have been asked to attend. We have responded to every email we have been sent by the Council Officers.
- By contrast the Applicants' own evidence shows they have frequently been dismissive of the enforcement policy and the need for this to be followed even though a published policy brings fairness to all those who rely upon it.
- There is not a licensed premises in the country that could hold itself out as being absolutely perfect, but The Paris House and its staff have always complied with the Licensing Objectives, respected the Conditions on the Licence and indeed respected their neighbours, even when the vast majority of the alleged complaints are, in our view, groundless.
- We still wish to reach an amicable conclusion to this and will continue to work with the Licensing Authority and Environmental Health to try and accommodate the Applicants' concerns – where justified and proven.

It's not just about Licence Conditions and Nuisance

- We are very clear and fully understand that this matter is not exclusively about whether there are breaches of Licence Conditions or a Statutory Nuisance under the Environmental Protection Act 1990 but whether there has been any unacceptable and unreasonable noise disturbance amounting to public nuisance caused by The Paris House to those living close to it.
- We '*get it*' and we do not dispute this point.
- However, we will submit substantial amounts of evidence to show
 - we do not see that there has been such unacceptable and unreasonable noise disturbance and
 - the lengths we have gone to, over a long and sustained period of time, to ensure that many steps are taken, consistently, to ensure noise levels are kept to appropriate levels.

This will include the following areas which will be addressed in our Witness Statements and evidence.

Noise Management Plan

- We have been complying with a formal Noise Management Plan since at least October 2022.
- The Oct 2022 Noise Management Plan was provided by Environmental Health and completed by us.
- Before then, we were complying with our own Noise Management Plan.
- Every aspect of the Noise Management Plan supplied by the Council in October 2022 was already being implemented by us and followed at all times.



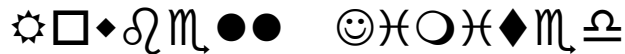
- Furthermore, there are many steps taken *in addition* to the measures set out in the Council's Noise Management Plan. These have been taken voluntarily and without request. These cover;
 - the voluntary provision of door staff,
 - the early closure of the 'Pavement Licence' areas before the cut-off of 11pm,
 - additional signage etc, as discussed collaboratively and voluntarily with council Officers,
 - additional recordings of noise levels every Saturday night by use of App-based noise monitoring and recording that have been in place for the last 3 years (approx),
 - records of decibel readings taken each week with equipment recommended by the Council Officers and
 - occasional videos taken by our senior staff on visiting the venue. Many of these videos have already been submitted to the Council contemporaneously over the last 3 years or so.

Noise Limiter

- Despite the unfounded allegations in the Applicants' submission we will show that we have complied with the requirements within our Licence concerning the noise limiter.
- All DJ music is played through the noise limiter which was set by the Council and cannot be tampered with. It has been a condition on the Licence since 2005.
- The limiter was updated in January 2023. At this time the updated equipment and the limit on it was set by Council Officers (Emily Fountain and Helen Curtis-De Mendonca) – both of whom have been substantially involved in the Applicants' complaints for many years and who are sensitive to all of the issues raised. This setting of the levels involved these two Officers paying very specific attention to the noise levels as experienced immediately outside the homes of **REDACTED** and **REDACTED**. Further evidence will be given about this in due course.

Council noise visits

- There have been many Council visits over the years, both to The Paris House and to the homes of some of the Applicants.
- These visits were not 'general visits'. As shown in the Applicant's evidence, they were focused and The Paris House-specific visits made as a result of the complaints the Council had received.
- They were deliberately chosen by Council staff to attend when there would most likely be disturbance, often out of regular hours. This again no doubt incurred further expense and resource for the Council. They were targeted at The Paris House as this was the alleged source of the noise complaints.
- In the late summer of 2022 there were over 20 such visits and yet there was **not a single case where a noise nuisance was substantiated** by Council Officers during their visits.
- Rather than expressing gratitude and appreciation to the Council Officers the Applicants concerned were very dismissive of these considerable efforts. This included Officers interrupting their holiday plans to make these weekend visits.
- One resident, [name redacted] even made allegations that the Council staff must have "tipped-off" The Paris House of these unannounced visits 'which I can explain to you [the



Council] if needed". These comments are outrageous and an unwarranted slur on the integrity of the Council Officers. **They are, of course, completely untrue.**

Noise videos

- Many alleged 'noise videos' have been submitted by the Applicants.
- These do not have dates and times, which render them almost pointless.
- The Applicants were repeatedly informed by the Council that these failings would reduce the evidential reliability (and indeed admissibility of the recordings).
- Rather than taking these concerns into account the Applicant's continued to provide such evidence without the verifiable date and time details.
- Whatever recording device was used was clearly uncalibrated and therefore we have no idea what recording level it was set to.
- In common with good acoustic practice there is no contemporaneous record of what other noise sources were occurring at the same time as the videos - these can be as simple as a party going on two doors down or another venue open, road noise, or the noise of the general public going to and from the town centre along one of the town's principal east-west thoroughfares.
- There are two other live music venues in very close proximity to The Paris House.
- Reliance upon undated, untimed, uncalibrated video evidence taken out of context is dangerous and misleading.
- By contrast, we will submit many videos and other recordings of the noise levels, as recorded over a 3-year period using App-based technology. It is comprehensive. It cannot be adapted to mislead its readings.

Noise diaries

- The Applicants have submitted noise diaries in their evidence. These run into over 85 pages. Prior to the Review Application we had never seen these diaries.
- How can we be expected to comment or address a noise diary that we have never seen?
- We have not seen evidence that these diaries were actually submitted to the Council.
- Indeed, there are many examples in the Applicants' own evidence where the Council are confirming that whilst noise diaries had been sent by the Council to residents, no such noise diaries were returned and therefore no further action would, or indeed, could continue.
- We are currently carefully checking the accuracy of the comments made against our business's records. For example there are several references to the noise of 'drums' late at night at times when no live music was being performed (or even on days when there was no live music at all). This is clearly a long task – not helped by the fact that so many of these complaints are from so long ago.
- Where we have previously been provided with 'headline' information by the Council we have checked these entries and there have been demonstrable errors. Eg specific dates when it is alleged that bands were making too much noise even though no bands were playing on those days. This exercise has shown the need for such 'Noise Diaries' to be provided contemporaneously. If we are not aware of the detail then how can we be expected to take any remedial action – assuming such action is necessary?



Practices and procedures for customers to keep the noise down

Notices – We have posters displayed prominently by the doorway and on windows in this respect. It is almost impossible to leave the building without seeing such a notice. The notices are in excess of what is required by the Licence and have been in place for many years.

Door staff – although this is not a condition on our Licence to have SIA Registered staff, as a matter of regular practice we usually employ door staff later on Friday and Saturday nights. The police and Council have never required this of us as we are able to manage our very loyal customer base without the need for a formal door staff requirement or indeed ratio. It is a stable team; its function mainly to ‘*meet and greet*’ and to actively manage noisy behaviour if it occurs.

Disperse quietly - We encourage our customers to disperse where appropriate and prevent drinks from being taken outside after particular times, all based on a general risk assessment. We will provide much more detail in our Witness Statements as to the measures we take to minimise any disturbance and to encourage dispersal at the end of the evening.

Regular bands / Regular customers - We will show that very many bands have been playing with us on rotation for a very long time. They are established professional musicians (not student bands) who make a living from these performances. They know what they are doing. They know the venue and are aware of the need to prevent disturbance to neighbours. They will check with us mid-performance if the sound levels are right. They love the venue and do not want to lose the opportunity to play again with us.

Booking Policy - We have in the past declined to book and (on one occasion) re-book bands when we do not feel this is appropriate. One occasion is the only time we have ever heard from **REDACTED**, who complained in April 2018 that the band that night was too loud. We have never rebooked that band, although they were very popular.

Keeping doors and windows closed - We will show that our customers are well aware of the noise issues. They are very keen to ensure that all doors and windows are closed when bands are playing to prevent noise seepage ‘*as we don’t want the pub to get in trouble*’. This applies when ‘new’ customers may try to open the doors during a performance who are frequently ‘jumped upon’ by our regular customers. It’s almost self-policing by our customers.

Noise from people queuing to enter the pub – We simply do not understand or recognise this complaint. We do not have an entry charge and there is no need for customers to queue to enter the pub (other than on the very rare occasions when it is simply too busy). This seems to be a throwback to the Minutes of the 2005 Hearing when the pub was operated by other operators on very different lines. It is simply not supported throughout our ownership and operation of the pub – other than on extremely rare occasions and for extremely short periods of time involving extremely few people. If this was an issue 20 years ago, it certainly isn’t now. No supportive evidence has been submitted to support this claim.

Emails to pub are read by owners, not managers – It is a policy we have adopted in all of our pubs that every single email to each of our venues’ email address, here



contact@parishousebrighton.com is received directly by our Head Office function and not our venue manager level. The management cannot access such email accounts. This ensures that any feedback (good or bad) is received directly by the owners and not filtered out by the intervention of the local management. This is to ensure that any operational issues are seen immediately and handled at the most senior level.

Engagement of the Applicants with the owners of the Paris House

- We will show that the only Applicants who have met with the owners of The Paris House are **REDACTED** who attended, briefly, the single mediation meeting (of three) in 2019.
- Other than that, we have never had any approach from any of the Applicants to discuss any matters with us.
- **REDACTED** and **REDACTED** have remonstrated with our customers and our junior staff over the years. By her own admission this included **REDACTED** coming into the pub and shouting at customers “*as loud as I could*” that “*they were being selfish*” and, on a separate occasion, standing outside the pub and “*blowing my storm whistle (for sea swimming outside)*” to attract attention.
- Both **REDACTED** and **REDACTED** refer to discussions with very junior staff who cannot be expected to properly represent the management approach of the senior staff and the owners. To quote from such exchanges, whilst not engaging with the owners, is unfair and unreasonable.
- It is difficult to engage and resolve matters if neither we and / or the Council are not sent the Applicants’ Noise Diaries, they don’t talk to us, they walk out of Mediation meetings and behave inappropriately with our customers and junior staff.
- I, as Director of the Licence Holder, have never met **REDACTED** or **REDACTED**. I have never been invited or requested to do so by either of them.

REDACTED Letter reminding of the obligation to disclose property disputes to prospective purchasers

- We note that there is lengthy commentary in the Applicants’ submission about our Head of Legal writing to **REDACTED** and **REDACTED** to remind them of their obligation to disclose a property dispute to any prospective purchaser of their property.
- This letter is simply a statement of the law.
- The obligation to disclose is triggered when the residents click the ‘*submit*’ button on the BHCC website to make a complaint.
- This is very clearly (and very responsibly) shown on the Council’s website to bring this requirement to the attention of residents before the complaint is submitted.
- At a meeting on 28th Feb 2023 we did discuss us writing to **REDACTED** and **REDACTED** with four Council Officers, who all confirmed their understanding of what we were going to say. As agreed, this letter was copied to Council Officers after it was sent.



Mediation

- Our witness statements will deal with issues regarding Mediation in detail. Suffice to say that we have always supported the two suggested Mediations, voluntarily attended where requested, and seen both processes through to the end.
- Another resident (and his wife) who engaged in that mediation process in 2019 were satisfied with the result and it worked well for them.
- The attendee at the second Mediation accepted that we were acting in accordance with our Premises Licence Conditions.
- By contrast we will show that of the Applicants only **REDACTED** attended Mediation and absented themselves from the process before the end of the first (of three) meeting, saying ‘ *We always knew this would be a waste of time*’.
- However, as shown in his evidence, **REDACTED** then subsequently objected, bluntly, to the fact that the mediator had not updated him on the ongoing process (from which he had withdrawn) and took umbrage that he was not allowed to provide written contributions to a further Mediation meeting he would not be attending.

Proportionality of the complaints

Again, our Witness Statements will deal with this in detail. This includes our response to the following type of points. This list is not exhaustive.

- **Not a thumping disco** - Despite the impression that may be created by the Applicants’ persistent and repeated comments, our venue is ***not*** a thumping disco. It is a small venue with a space available for dancing that can physically contain no more than 20 people.
- **Monday afternoon Jazz** – We very proudly have Monday afternoon jazz music which is tantamount to a tea dance. It has a very loyal and much appreciative regular audience of people, many of whom are well into their 70s, some their 80s and others previously in their 90s. They find this session to be a main highlight of their week. We understand that there are submissions and emails to demonstrate these views from our customers.
- **Saturday afternoon Jazz** - We play jazz on a Saturday afternoon too, and have done since 2012. This begins at 4pm and is finished by 7pm.
- **Saturday Night DJ** - The only late-night event we have is the Saturday night disco with DJ ‘*Andy the Dandy*’ who has been our Resident DJ for years and carries out his own noise checks on our behalf (albeit the music is played through a noise limiter set by the Council).
- **New Years Eve and Pride** - There are other complaints by the Applicants about New Years Eve and Pride. There is going to be some disturbance on New Years’ Eve, as there will be during Pride. These are just parts of living in a vibrant and diverse city and not necessarily caused by our customers (eg caused by other revelers moving across town).
- Indeed, one of the photographs submitted by the Applicants, which was sent to us on Monday 4th March shows a crowd of people standing outside the pub along Western Road (and not even Brunswick Street East). This is apparently in support of their complaints. This photograph is timed at 11.16pm on 31st December 2022 – 44 minutes to midnight on New Year’s Eve!
- **Demonstrably false claims** - These complaints include an unfounded and inaccurate claim that we are in breach of our ‘*liquor licence*’ by being open at 6am on New Years Day 2018/9. Firstly it is untrue. We showed to the Council Officers in Jan 2019 that we were closed by 3.30am that day. The Council Officers replied to us to say they would be taking



no more action. Secondly, as will be known to the Licensing Panel and Council Officers, we would be allowed to serve drinks all day on New Year's Day.

- **Bastille Day Party** - There are also complaints about our Bastille Day celebrations. Our premises is called The Paris House. We have and have had many French staff. The Bastille Day party attracts a lot of local positive press coverage and it is fun. We provide Can-Can dancers much to the great enjoyment of our customers. It is a highlight of the year. The Can-Can dancers perform twice, at about 5pm and 6pm. The Can-Can dance lasts 2 minutes and 12 seconds. This event is always held on a Sunday afternoon and is finished by 9pm. We do not think this is an unreasonable intrusion.
- **Street drinkers at 7.30am** - There is a complaint about a homeless person drinking at 7.30am outside the pub. Why are we being blamed? We had been closed for 8 hours and wouldn't be open for another 8 hours. It wasn't even happening outside our pub but on the steps of the next door house (ie not on our property). There is a homeless hostel opposite us and plenty of other street sleepers along Western Road.
- **Following Covid advice** - Complaints about people being outside in the immediate aftermath of the Covid Lockdowns despite the fact that governmental guidance (national and local) and regulations were focused on encouraging people to be outside as much as possible rather than inside venues. This is a formal complaint about us for following such formal guidance.
- **Urgent enquiry to elected Leader of the Council re Council's Rules on Public Urination** - We will submit that some of **REDACTED** complaints have placed disproportionate demands on very senior members of the Council. By way of one example, in the days leading up to Pride 2022, when the Council is extremely stretched in making arrangements to ensure Pride passes safely and smoothly, he sent three emails on the same evening, 94 minutes apart, followed by a further email at 7.02am the following morning, marked '**URGENT – The Paris House**' to the **Leader of the Council** (Clr Phellim MacCafferty) to complain about people standing in the quiet side street and someone urinating in the street (no evidence to suggest he was a customer of ours) and asking '**What are the Council's rules on Public Urination?**'. This is not a proportionate use of the Council's time and resources and is extremely unlikely to have anything to do with The Paris House.
- **It's Western Road** - We query to what degree the Applicants are, whether consciously or unconsciously, labelling us with grievances which are unrelated to our business but which are more convenient to lay at ours, being a convenient geographical marker. Our pub is on Western Road, an area with many homeless and rough sleepers and immediately opposite a Shelter for the Homeless on Cambridge Road. It is also on several bus routes and well used by HGVs delivering to local stores and supermarkets – often late at night - creating more background noise.
- We also note that **REDACTED** short Witness Statement includes a relative large section entitled 'Decline of the Area' much of which is way beyond the scope of operation of The Paris House.



Conflicting complaints from the Applicants

- We have looked through the Statements from the Applicants. We will challenge the lack of consistency between their complaints.
- We do not understand how two of these households are *immediate next-door neighbours* to each other, yet, whilst one household says they have had complaints since at least 2017 (requiring attendance at a Mediation hearing in 2019), their immediate next-door neighbour confirms, in several places in her evidence, that she never had any grounds for complaint about The Paris House until 2022. They live next-door to each other.
- This will include pointing out that Andy-The-Dandy has been our resident Saturday night DJ since 2019. He has played the same style of music in the same manner throughout this period (Exc Covid years). It is also played through the Limiter. We do not understand how this could have been such a disturbance to **REDACTED** from 2022, but not from 2019 – even though this is the same DJ, playing the same music, at the same volume to the same crowd.
- Similarly, both these sets of Applicants state that there never were any noise concerns when they moved into their new-build homes in 2004. This is despite the fact that there was a Licence Hearing held the following year in 2005 (way before our ownership of The Paris House) at which noise complaints were addressed to the Licensing Panel. These subsequent Conditions include points which are discussed in great detail by **REDACTED** in his evidence as submitted. How is a statement that there were no noise issues when they moved into their homes in 2004 consistent with a Hearing the next year as a result of all the noise complaints? (The venue was operated by another operator at the time of the 2005 Hearing. We did not take over the operations until 2012).
- We will also look to demonstrate that the nature of the complaints made by **REDACTED** are significantly and materially at odds with the complaints made by **REDACTED** and their immediate next-door neighbour **REDACTED**.
- We reserve the right to address this inconsistency in evidence.
- We also reserve the right to address *Agent of Change* principles when people choose to move into an area fully in the knowledge that there are local amenities well known to be the cause of noise complaints.

Number of Complainants

- We will submit evidence to show that over the years there have been at least three attempts by a handful of neighbours to bring about large-scale complaints about The Paris House. These included:
 - a meeting attended by 6 people in a nearby park in 2019,
 - a Social Media driven campaign in 2022 by **REDACTED** to encourage complaints to be made directly to the Council and
 - a suggestion by the Leader of the Council (Cllr Phelim MacCafferty) that a local petition would carry weight and should be organised.
- No evidence in support of the Applicants has been submitted from any other resident in their respective streets or from the vicinity of The Paris House.
- This is a densely populated area of town. There are thousands of residents in this immediate area – yet only a handful have complained over the last 12 years.



- By contrast, we have been very moved by the support shown to us since this Review Notice was posted in our windows. This is discussed below.
- This includes email representations in support of The Paris House by people who live closer to The Paris House than any of the Applicants. The Applicants represent **only three households** from the **hundreds and hundreds** that are nearby and whom, to the best of our knowledge, do not have a problem.

The immediate vicinity

- It will also be shown, for the sake of completeness, that Western Road area is a notoriously noisy and troublesome street. It is a major east -west thoroughfare across the city. It is in the Cumulative Impact Zone and has many bars, restaurants and late-night takeaways and off-licences.
- It has many rough sleepers. There is a homeless hostel immediately opposite The Paris House on Cambridge Road.
- There are substantial issues of street drinkers and drug usage and dealing in the area.
- We have previously had complaints from people singing loudly *The Flower of Scotland* at 5am on a night when we had been closed at midnight, and yet this singing was nevertheless blamed upon us.

Rowbell Leisure Limited's track record with pubs and clubs

- We are very experienced in running pubs. We have had three pubs and a nightclub in Brighton. We are particularly good at taking over problem pubs and turning them into an asset in the community. We run the Camelford Arms, The Three Jolly Butchers and, until the lease was surrendered to the landlords (who wanted to re develop it), the nightclub Boutique on West Street.
- The Camelford Arms was previously known as The White Horse. Before we took it over it had lost its Licence following neighbour complaints. Since our ownership it has become a well-established, very popular and welcoming pub. It has received the TripAdvisor *Certificate of Excellence* for the last 11 years under our operations.
- Similarly, the nightclub operation on West Street was previously known as Pasha when we took it over. It was called Boutique when we ran it. It had a terrible reputation as Pasha. We took this over, rebranded it and transformed it into a place with an enormous reduction in Crime and Disorder issues.
- The Paris House was run as the Juggler until about 2010. It too had a very bad reputation. Its windows were blacked-out and it was a very noisy 'club' in all the negative senses of the word. It was dominated by a very young crowd. It was probably the most '*problem*' of '*problem pubs*' in this area of town. It was aimed at a completely different demographic to The Paris House. This is why it was rebranded from The Juggler to The Paris House. We will demonstrate that the old reputation has been turned around significantly under our ownership, similar to The White Horse / The Camelford Arms and Pasha / Boutique. This is evidenced by, as at the date of writing, we are not aware of any Police Representation in support of this review application.



The cultural value of The Paris House

Whilst, of course, we accept that residents should not suffer undue interference with their enjoyment, we will be stressing the importance of The Paris House in so many aspects of living in Brighton and for all types of residents.

We will demonstrate:

- It has a very wide age profile.
- The Monday afternoon jazz sessions are aimed at retirees. It is such an important aspect of the regular attendees' social world. For many, it **IS** their social world.
- This is a very important addition to their lives and is all provided without any cost to the public purse. It is very effective at nurturing a caring community of friends (particularly the elderly) and one that we feel very proud to present and represent.
- The session is a meeting place for many musicians, both young and '*not so young*'. The ironically titled 'Monday Boys' are led by **REDACTED**. Mick has recently celebrated 50 years of being a professional musician and has been our lead '*Monday Boy*' for over 8 years. We understand Mick has made his own submission to the Council in support of us.
- We will be providing video evidence of the style of music played on these sessions and how inclusive they are.
- These sessions also attract a range of very young musicians, many students at BIMM, who are taken under the wing of the elder musicians and given the chance to share the gigs and gain much valued experience of live performance.
- We will also provide video evidence compiled by film students four years ago which show how much The Paris House means to so many people. This was part of their university film-making project.

Support for us

- We have been deeply touched and moved by the very strong levels of support we have received from local residents and customers.
- As at the time we are finalising this Holding Submission we have been informed by the Council that over 1,000 emails in support of us have been received by the Council. This provides very strong corroboration of the points made above about the importance of this venue to this area of town and the whole of the tourist city too.
- We have separately received copies of many submissions emailed to the Council by people wishing to make representations.
- We will stress that so many of these representations have been generated by our customers and supporters and have not come from a '*professional campaign*' run by or on behalf of ourselves. We have exercised our right to encourage people to support us, but so many other people have brought attention to this Hearing without any involvement, encouragement or indeed knowledge of ourselves. We have not orchestrated a united campaign to encourage all these disparate groups to support us. We couldn't control this even if we wanted to.



- We have put a poster in our window to encourage those wishing to make representations to do so. However, we are aware of very many other postings that have been put online and passed by word of mouth which have not been coordinated by us in any way whatsoever.
- For example, we have received messages of support from people saying words to the effect of '*I have written to the Council and have posted this on my Social Media pages to encourage others to do the same*'. Obviously, we cannot prevent anyone from doing so. It is a reflection of the groundswell of support towards us.
- We will be referring to this support and to the comments made in our Witness Statements and at the Hearing.
- We '*get it*' that this is not a '*popularity contest*'
- We '*get it*' that simply by virtue of being very strongly supported does not in itself negate the need to consider the possible noise issues.
- However, it cannot go unnoticed that there are so many supporters, from all age ranges and backgrounds, including from many people who live very close to us (indeed, in cases, even closer to us than any of the Applicants). We reiterate, the Applicants represent **only three households** from the **hundreds and hundreds** that are nearby and whom, to the best of our knowledge, do not have a problem.

Summary

- As shown by the above '*Holding Submission*' there are many, many points which we need to make.
- The detailed rebuttal can only come from a full reading of all of the claims against us.
- 900 pages takes a lot of time to read. Given that we were not served with this full evidence until 10 of our 28 days had passed, we do feel it is only fair to be given more time to submit our full Witness Statements and supporting evidence, and for the substantive Hearing to be adjourned until, at least, mid - late April.
- Our evidence will consist of a rebuttal (where required) of the Applicants' evidence, support for the Licensing Authority and the Environmental Health departments' Herculean efforts to accommodate the Applicants' alleged complaints, as well as measures that, despite our rejection of the vast majority of the Applicants' evidence, we consider may assist in terms of the management of noise both from the premises and customers in the future.
- All these will take a lot of time, hence this holding representation.

Yours faithfully

REDACTED
Director