

Appendix 1

Council Confirmation that there is no evidence of

- any breaches of Licence Conditions and
- any Noise Nuisance

This Appendix presents two simple summaries of steps taken by Brighton & Hove City Council Officers to fully *investigate* Applicants' complaints and summarises their Council's findings that there **is no evidence of breaches of Licence Conditions and that there is no evidence of any Noise Nuisance.**

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Appendix 8 - JK's Experience of BHCC's Licensing, Highways and Enforcement Services
Part B BHCC Visits to Assess Noise Nuisance

KEY | *Pre-planned visits inside a Complainants home when a music event was advertised in the Paris House Monthly Flyer (X)* |

Visit	"Call-Out" or "Pre-planned"?	Date	Day	Time of arrival	Time of departure	Visited a resident's home or PH	Paris House Published Event Calendar (premises window, and its website)	Council recorded observations during the visit	Council judgement re Noise
1	Pre-Planned	16.06.22	Thursday	2000	Not stated	PH only	?	Live jazz	No nuisance
2	Pre-Planned	22.06.22	Weds	1900	Not stated	PH only	None		No nuisance
3	Pre-Planned	19.07.22	Tuesday	1940	Not stated	PH only	1900-2200 Open Mic	Open mic night	No nuisance
4	Pre-Planned	08.08.22	Monday	1945	Not stated	PH only	None		No nuisance
5	Pre-Planned	13.08.22	Saturday	2200	Not stated	PH only	1900-0200 Club night		No nuisance
6	Pre-Planned	14.08.22	Sunday	2200	Not stated	PH only	None		No nuisance
7	Pre-Planned	04.09.22	Sunday	1930	Not stated	PH only	1900-2100 The Stuntmen	A large amount of people congregated outside premises. Music playing.	No nuisance
8	Pre-Planned	05.09.22	Monday	1915	Not stated	PH only	None	Music playing,	No nuisance
9	Pre-Planned	06.09.22	Tuesday	2000	Not stated	PH only	2000-2200 Duo Primitivo		No nuisance
10	Pre-Planned	09.09.22	Friday	1930	Not stated	PH only	None	Staff witnessed taking sound readings in area	No nuisance
11	Pre-Planned	12.09.22	Monday	1645	Not stated	PH only	None	Music heard when doors opened.	No nuisance
12	Pre-Planned	12.09.22	Monday	1645	Not stated	PH & one Como	1400 -1700 Al Nicholls Quartet		No nuisance (X)
13	Pre-Planned	14.09.22	Weds	1915	Not stated	PH only	None		No nuisance
14	Pre-Planned	18.09.22	Sunday	1845	Not stated	PH & one Comp	None	Jazz music playing	No nuisance
15	Pre-Planned	19.09.22	Monday	1445	Not stated	PH only (a)	1400 -1700 Jazz		No nuisance
16	Pre-Planned	21.09.22	Weds	2009	Not stated	PH & one Comp	None	Samba drumming playing	No nuisance
17	Pre-Planned	25.09.22	Sunday	2000	Not stated	PH only	1900-2100 Dave Williams & friends	Open mic night	No nuisance
18	Pre-Planned	15.08.22	Monday	Not stated (b)	Not stated	PH & one Comp	None		No nuisance
19	Pre-Planned	12.09.22	Monday	2203	Not stated	PH & one Comp	None		No nuisance
20	Pre-Planned	15.09.22	Thursday	2130	Not stated	PH & one Como	2000-2200 Suoer Dupes	Music playing (c)	No nuisance (X)
21	Pre-Planned	16.09.22	Friday	1500	Not stated	PH only	None	Live jazz	No nuisance
22	Pre-Planned	10.10.22	Monday	1500	Not stated	PH only	Jazz 1400 -1700	Live jazz	No nuisance

"Call- out" means a visit made following a request made to the Council by a resident at the time of the alleged noise nuisance.

"Pre-Planned" means a visit arranged by the Council at a time that it is believed, by a resident or the Council, that a noise nuisance may be likely to occur, or for any other reason that the Council arranges an advanced booked visit.

- (a) Council reports 19.09.22: One Complainant visited, not permitted in Complainant premises
- (b) Recorder placed at Complainant's address. 06.09.22 Council reviewed recordings: People noise could be heard. BHCC interpret two incidents of faint music. Council viewed as "Not a nuisance"
- (c) Complainant reports: Field Officer said during the visit that the words from the band playing at the Paris House were clearly audible in the Complainant's kitchen with the windows closed. Council viewed as "Not a nuisance"

From: Emily Fountain <REDACTED >

Sent: 17 October 2022 14:45

To: REDACTED; REDACTED; REDACTED; REDACTED; REDACTED; REDACTED; REDACTED; REDACTED; REDACTED; REDACTED

Cc: Jim Whitelegg <REDACTED >; Kathryn Adderson <REDACTED >; Helen Curtis-De Mendonca <REDACTED >

Overview of Paris House noise complaint

On the 6th of April 2022, a noise complaint was received regarding Paris House, 21 Western Road, Hove. Over the course of the investigation, 8 more complainants local to the surrounding area would make noise nuisance complaints related to this establishment. Licensing consulted at an early stage and letter sent to OPS on the 7th April 2022.

On the 25th of April, no additional diary had been returned. Matter subsequently closed. Further complaints received on the 6th of May 2022. Case subsequently re-opened. Email sent to OPS informing them of the additional complaints and the continuation of the investigation.

Mediation intervention began on the 27th of May 2022, with some of the complainants and manager of premises involved.

The initial complaints revolved around 'live' music which was mainly isolated to Thursday and Saturday evenings. Field Officers tasked to witness the potential noise nuisance on these specific days. On the 22nd of June, Field Officers (FO) began their visits, targeting two complainants on opposite sides of the establishment. One complainant did state that the situation had improved slightly. Three visits completed with a negative result for any noise nuisance. However, these visits were only executed before 8pm.

Visit made by EHL (Environmental Health Officers) and FO on the 12th of August, negative for nuisance. On the 13th of August, licensing check completed with EHL and licensing. As complaints about compliance with licence conditions had also been received. Again, no noise nuisance proven.

One licensing condition involved the usage of a sound attenuator at the establishment. Advice sought from EHL specialist. Email sent to OPS explaining this condition and the fact that an engineer would need to be employed to set the appropriate level of such a device.

On the 30th of August, one complainant sent a resume of noise nuisance. It appeared that the main nuisance generator was from congregating people outside of the establishment, rather than the music, as first suggested. Live music nights were targeted and Field Officers tasked to visit on specific days and times.

On the 31st of August, a joint letter from EHL and Licensing sent to the licensee.

7 visits in total were completed by the Field Officers. On the 12th of September, **two officers visited two complainants and heard 'loud' music from within the premises (lounge area). However, this was not deemed a nuisance.** A third FO visited and deemed the music 'loud' from the street level. However, upon further investigation within the complainant address, the noise was only just audible. No noise nuisance proven.

Recording equipment was placed into one complaints address. This was reviewed on the 6th of September and was not deemed as a nuisance. Live jazz could faintly be heard. However, people noise was loud. It could not be proven that these people were associated with Paris House however, as Western Road is a busy location, being in the centre of the town centre. As the investigation progressed, it became clearer that people noise allegedly congregating outside of the establishment was the main issue of noise.

A subsequent late night visit by EHL and a Monday afternoon visit was completed. Both were negative to support a noise nuisance.

Throughout the process, complainants were updated either in person, via email or telephone.

Collating all evidence to support a noise nuisance, I would conclude that there is insufficient evidence to serve a **NAN** or proceed with any further investigation.

The focus of the licensing investigation has been to establish any breaches of conditions on the licence in particular those conditions that relate to noise both from inside and outside the premises. And whether the licensing objective in relation to the Prevention of Public Nuisance (PPN) is being undermined.

Three visits by Licensing have been completed; the initial unannounced inspection with EHL on the 13th August, a meeting with EHL and the Premises Licence Holder (PLH), Designated Premises Supervisor (OPS) and other representative of Paris House on 10th October and a joint visit 14th October at 11.30pm with Police Licensing.

As a result of these investigations, we have been unable to establish any clear breaches of the Premises Licence and conditions.

It should be noted at this stage that the Licence is old last updated in 2005, this means that some of the conditions are either unworkable or unenforceable due to time and deregulation. All conditions on the licence that relate to live and recorded music are suspended between 8am and 11pm by the Deregulation Act 2015 See S182 guidance 16.36 -38. It should also be noted that this licence permits off sales, which means that the premises can allow its customers to drink outside.

It is also acknowledged that **REDACTED** is currently querying the interpretation of conditions on the licence relating to the outside areas. These arguments have been considered by our legal team and a further email from **REDACTED** on the 15th October regarding the interpretation of conditions has now also been passed to our legal team to consider again. For the purposes of this report at the inspection on 13th August tables chairs were stacked and made unusable at 3.00. We were informed at the meeting on the 10th October that the benches are locked and made unusable at 23.00. This was witnessed at 11.30pm on 14th October at a joint visit with Police Licensing.

It should be noted that irrespective of the Deregulation Act 2015 and the suspension of certain conditions, there is a responsibility of the licence holder to promote the licensing objectives and where there is evidence that these are being undermined enforcement action can be taken.

At the meeting on the 10th licensing conditions were discussed, mainly in relation to noise nuisance complaints. The sound Attenuator was viewed and was switched on. Live jazz was playing throughout this meeting and failed to be deemed a nuisance.

The PLH and OPS were informed that throughout this process complaints have continued to be received by both Licensing and EHL. That the complaints centre around noise both people noise outside the Premises and live music days/nights and DJ music on Saturday nights. We discussed that Saturday nights seem to be a particular problem. PLH was reminded that regardless of the permissions and restrictions attached to the Premises Licence that they still have a duty to uphold the Licensing Objective of PPN.

Solutions were discussed to mitigate noise complaints. Conclusions drawn were;

Staff to monitor and record public house customer noise while outside of the premises, especially on live music nights. Security staff will be responsible for this on a Saturday evening. Template for noise records sent to PLH to consider using,

Additional signage will be put up on the windows facing the outside onto Brunswick Street East on Saturday nights asking customers to respect nearby residents, in relation to noise.

Regular noise checks conducted in all surrounding areas, using reasonableness as a guide. Acting accordingly to findings and conclusions. Again template for noise records sent to PLH to consider using, Frequency of checks to be considered, recommend more frequent checks during live or DJ operated music. Records to be maintained and presented upon request.

Employing an engineer to set the Attenuator level and plugging in the machine to prevent music from exceeding the set high dB level. With BHCC officers in attendance. Set level could then be used to make readings of local area noise, with appropriate Calibrated sound level metre device. Records to be maintained and presented upon request.

Ensuring the door and windows are closed after 2300 hours and the door remains closed after customers enter/exit.

Consideration into not permitting alcohol outside of premises after 2300 hours. Drink toppers provided to PH to allay spiking concerns for people leaving drinks unattended.

A noise management plan was compiled and sent to the public house for consideration and implementation.