

Appendix 2

Examples of communication between The Paris House's Director and B&HCC Licensing and Environmental Protection Teams.

- This Appendix sets out 6 **examples** of the detailed communication between the BHCC Licensing and Environmental Protection teams and the most senior (Director) level at The Paris House.
- **We are not necessarily inviting the Panel to read through the detail of each of these examples. Our objective here is to demonstrate that all complaints to us have been taken very seriously and have been fully responded to with the Council. This Appendix simply confirms this.**
- Each section of what follows begins with a Text Box setting out the basis of the complaint and our response to it. The emails are shown in chronological order, with the most recent email coming first.
- This sample collection demonstrates that all of the complaints made against us and reported to us by the Council have been taken extremely seriously, on every occasion.
- These examples illustrate the evidence we have presented to support our defence of the allegations made against us.
- No evidence has been provided in these examples to support the complaints made against us. We have repeatedly asked for this evidence in order that we can investigate matters, but this can only be supplied with the complainers' consent, which was never given.
- Our supportive evidence comes from our CCTV recordings and many walk-around videos frequently taken during visits to The Paris House by our most senior team. On several occasions there are recordings made, coincidentally, on the nights in question. At the time of these recordings we obviously had no knowledge of the complaints as these were not received until a few days or weeks later. These recordings prove that these allegations were untrue.
- Our evidence has been provided to the Council and is available on You Tube – having been posted there contemporaneously.
- This list of examples is far from being exhaustive.

Example1

Demonstrably unfounded allegations

Email exchange between REDACTED and Emily Fountain (BHCC Licensing) in autumn 2022 concerning further alleged breaches of Licence Conditions.

This exchange concerns allegations that:

1. Customers were making loud noises outside the Paris House at 1.30am one Saturday Night / Sunday Morning and
2. People were seen drinking on our benches at 7.45 am on a Thursday morning.

In our full and detailed response:

1. We ***prove***, through the use of CCTV recordings and till receipts, that our pub closed at 1.03am that night, that our outside area was completely cleared at that time and that the last customers had quietly moved away from our pub long before 1.30am.
2. We comment that at 7.45am we had been ***closed for 8 hours and would not be open for another 8 hours.***

In any event, our CCTV ***proves*** that the drinker was not sitting on our benches (but on a neighbour's steps).

This was a group of Street Drinkers that had nothing to do with The Paris House, yet we are being blamed for their behaviour.

Nevertheless, this unfounded complaint required the involvement of time and financial resources by the Council Officers (and ourselves).

From: REDACTED

Sent: 15 December 2022 17:59

To: Emily Fountain <REDACTED >

Cc: REDACTED; REDACTED; Helen Curtis-De Mendonca

<REDACTED >; Kathryn Adderson <REDACTED >; Jim Whitelegg <REDACTED >

Subject: RE: The Paris House - Monday's Meeting

Dear Emily

Thank you for your various recent emails below, which (having returned to the UK) I am now able to pick up on.

Beginning with your most recent email of 30 November, specifically:

".....unfortunately we are still continuing to receive complaints about noise from the Paris House, both people and music noise. Most recently I have received a complaint that at 1.30 am on Sunday 13th November there were people sitting on the benches outside the Paris House making a lot of noise. Also that on Thursday the 24th November at 7.45am there was someone sitting on the bench in Brunswick Street East".

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We have examined our CCTV imagery for BOTH of these dates and times, which proves any (alleged) noise issue on BOTH these dates / times were categorically nothing to do with The Paris House.

I will explain:

Sunday 13 November at 1.30am (i.e. at the end of our Saturday night)

At and around 1.30am on Sunday 13 November we had been closed for nearly 30 minutes.

- Our 'end of day' till-printed cash up read was timed at 01:03:34 (i.e. 3 minutes and 34 seconds after 1am, or half an hour before the 1.30am alleged noise issue you have stated).
- Furthermore, at / around 1.30am on Sunday 13 November, our CCTV shows (internal cameras) the pub as being closed, with our staff cleaning it down and (external cameras) all benches closed and locked away at this time. The benches are always locked at 11pm, at the same time the outside furniture is cleared.
- The CCTV also shows that nothing seems to be happening in the street outside at this time.
- There was a group chatting on the Brunswick Street East side of our building, but they left at 01.01am (29 mins before the alleged 'complaint' time) and
- (Separately and half an hour later) there were two people sat very briefly on the kerb / pavement (i.e. NOT on our benches or property), talking - and they leave at 01:32am. These latter two people were only sat there for a few minutes and seem really quiet. They are not animated / do not appear to be having an argument or shouting.
- Most importantly, there is no evidence that any of these people referred to above were (or had been) our customers – so they and their actions are NOT our responsibility **nor were we in breach of any requirements on us** re upholding the Licensing Objective for the Prevention of Public Nuisance (PPN).

Thursday 24 November at 7.45am

At and around 7.45am on Thursday 24 November we had been closed for over 8 hours and would not be open again for about a further 8 hours.

- At / around 7.45am on Thursday 24 November, our CCTV shows (external cameras) one of the homeless people from the shelter (church) across the road (he is well recognised by our staff) walking past the pub and going to sit on the doorstep to the flats above The Paris House (in Brunswick Street East).
- These flats and the step the guy was sitting on and the entrance and doorway to those flats is NOT our property.
- NOTE: the homeless guy is NOT sitting on our benches, as they were locked away from the previous night, as they should be.
- Our staff recognise this guy because he regularly shouts his girlfriend's name all day and all night long.
- Some of his friends then join him at 07:56am and they seem quite agitated. We are guessing this is what our neighbour heard.
- This guy and his friends are often sat on that step, almost every morning.
- As we are always closed at the time they are there (and also at the specific time and date you stipulate above, 7.45am on Thurs 24 Nov) **AND** as they were not on our property / premises (i.e. our benches) **AND** are definitely NOT our customers, then, again, their actions are **NOT** our responsibility, **nor were we in breach of any requirements on us** re upholding the Licensing Objective for the Prevention of Public Nuisance (PPN).

Yet again, we seem to be being cast as protagonists and called to account over noise issues that have (demonstrably) absolutely nothing to do with us.

At our 10 October meeting (and also in various unrelated emails to your colleagues over the years) we discussed with you many previous occasions when we have been (wrongly) accused of making noise, when 100% it wasn't us. We could prove this because (often) we were

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closed at the time/s we were accused (as proved by our CCTV) – so it definitely wasn't us.....

We would also point out that one of our (very) nearby commercial neighbours has taken to extending their daytime café operation into a late / later night cocktail bar. They also play music (often loudly) with their door left open. If it hasn't happened already, I suspect it is only a matter of time before we are being blamed (unfairly) for this change in trading direction of our neighbour. "*It's noise therefore it MUST be The Paris House*"..... No it isn't.

In addition to the two specific incidents above (on 13 and 24 November), to date we have not been sent **any** evidence (proof) to support **any** of the noise complaints made against us (via yourselves), since your involvement began in early August.

On this basis (of no proof or evidence provided for any complaint whatsoever, throughout the whole period of August to date), **ALL** the complaints since August, by definition, can only be described as uncorroborated hearsay and, at best, neighbour tittle-tattle.

Indeed, at our meeting on 10 October, we expressly asked if you had any evidence to share with us or had experienced anything untoward yourselves, as part of your (and your colleague Helen's - copied) joint investigation.

The 10 October meeting concluded, as confirmed in your email of 18 October, with you saying that "*No statutory nuisance in relation to live music was evidenced in Helen's recent investigation*".

On the Record Comments

Licence Review

As you state that the various noise complaints against us could lead to a Licence Review, we do feel the need to make some comments here '*on the record*' to serve as evidence for us to present if any such Licence Review should take place. Hopefully this will not be a route to go along and we will, of course, continue to work constructively with B&HCC to address people's legitimate concerns, as we always have, at The Paris House and for all our venues across town.

So, for the record:

Orchestrated Campaign

1. At our meeting on Monday 10 October, we showed you and Helen the social media campaign against us. This campaign (that began in late July, with a SM posting on 28 July by '**REDACTED**') also contained a link, essentially saying '*if you want to complain to B&HCC about The Paris House then click here*'. We showed you the postings at our meeting and will happily send you copies if you wish.
2. We believe this campaign was / is undoubtedly the catalyst behind the orchestrated (and to date, completely unproven) noise complaint attack on The Paris House. Given the timing of the SM posts (see below) and the link to yourselves in those posts, it's hardly surprising there is a correlation between the uptick in complaints into your department about us and the commencement of said campaign.

Nonetheless, to date it has proven to be a complete waste of both B&HCC and private (our) resources in dealing with unsubstantiated and vexatious 'stabs' at us – as none has been upheld.

3. It also hasn't gone unnoticed by us that on 25 July, three days before the first SM posting (on 28 July by '**REDACTED**'), we had a Mediation meeting with **REDACTED**, who lives nearby at **REDACTED**. He had previously made complaints about noise. We entered the Mediation process in good faith (I believe as suggested by Helen), to address his concerns – as part of the B&HCC recommended dispute resolution process. **REDACTED** neighbour **REDACTED** (at **REDACTED**) was also supposed to be part of this Mediation – but she failed to show on the day.
4. At the end of the Mediation session, at which it was explained that we were not in breach of any of our License Conditions and we are operating lawfully and completely within our License, **REDACTED** left that meeting on 25 July saying '///

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start a campaign against you on Social Media and go that route’.
Three

days later, **REDACTED**, a self-declared activist, posted her SM comments for the first time (on 28 July) and you began to hear from our neighbours. Coincidence? I suspect not.

5. In Helen's letter to me of 1 Sept 2022 she wrote "*The complaints have been received from all areas surrounding your establishment, **from different people who are not aware of other people's complaints**. The areas include, Upper Market Street, Cambridge Road and Brunswick Street East*" (my underline and **bold** emphasis added).

With respect to Helen, we do not understand how a categorical statement such as that underlined and in bold can be made, especially given the orchestrated social media campaign involving (and directly connecting) our neighbours, as mentioned above, that began on 28 July (over a month before Helen's 1 September letter and only three days after our Mediation concluded with Fraser Sim giving rise to his comment about starting a SM campaign).

Previous complaints

6. When noise issues have been raised with us in the past, we have addressed these promptly – including going through the Mediation service once previously (over three years ago) with two joint complainants involved, namely **REDACTED** and **REDACTED**. Matters were resolved very amicably with **REDACTED** (with no complaints since), however **REDACTED** left the process very early in the first session (of three). They did so in a piqued state, for reasons no one understood, saying of the process "*it was all a waste of time*".
7. It should also be noted that **REDACTED (REDACTED)** live next door to **REDACTED** (who made the original SM post mentioned above). So I suspect they are in cahoots, directly connected and ARE very aware of each other's complaints.....!!
8. We do not, of course, know if any of these previous complainants are now re-activating their grievances, as we have not been provided with any of their details. Whilst **we** don't know who they are, **B&HCC** of course **does** and it is in an informed position to assess whether they are simply repeating concerns previously addressed at public and private expense, via Mediation (or otherwise), despite us having followed the published and agreed policy of B&HCC for dispute resolution in respect of noise.
9. Given there are established dispute resolutions in place, as set by B&HCC (i.e. Mediation), we do not see any justification or necessity to go along the Licence Review Hearing route, to which you repeatedly refer – especially when not one shred of hard tangible evidence or proof of **any** alleged complaint has been provided to us.

Proportionality

10. Without being drawn here into a line-by-line analysis of the various noise complaints, at a Hearing (should one take place) we will also point out that in the 1 September letter (from Helen) it refers to noise emanating from "*Monday live jazz music*".

This Monday jazz session runs during the afternoon, from 2pm until 5pm, each week. It attracts a much older (largely retired) crowd, than at any other time of the week and is deliberately aimed at this elderly demographic and held at that mid-afternoon Monday slot.

This session has a very loyal following, for whom it is clear their Monday 'get-together' plays a very important part in their lives. If the jazz music was played too loudly, our (older) customers wouldn't be able to chat to each other and wouldn't come.

You will also recall that part of our meeting on 10 October was held during a Monday afternoon Jazz session, where you were able to witness, first hand, how it is run and the associated volume. There were no complaints from either of you! Similarly, we fail to understand how anyone else can complain either (especially given the time of day).

11. Can a group of pensioners chatting outside a pub at 5pm on a Monday afternoon in August, or listening to Jazz within it, really be grounds for a Licence Review?

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No corroboration of complaints made against us

12. We do take complaints seriously. However, without any proof or evidence whatsoever to substantiate any noise complaints, we are struggling to be able to address these.
13. It is also unfair to be under threat of a Licence Review (that could lead to its removal) on the basis of mere hearsay, unsubstantiated claims and neighbour tittle-tattle, that almost certainly emanates from an orchestrated social media campaign against us (for whatever reason).

If you did have any hard evidence (proof) of noise nuisance, then why is it not being sent to us? If there is no corroborative evidence, then what is this potential Licence Review all about and why is it even on the agenda?

To date, ALL the alleged noise complaints are merely unsubstantiated accusations, possibly from a vexatious social media campaign by one, or maybe a handful of people. B&HCC knows the identity and nature of these complainants. We do not.

14. Furthermore, at our meeting on 10 October, we expressly asked if you had any evidence to share with us or had experienced anything untoward yourselves, as part of your (and your colleague Helen's - copied) joint investigation. This 10 October meeting concluded, as confirmed in your email of 18 October, with you saying that "*No statutory nuisance in relation to live music was evidenced in Helen's recent investigation*" (as restated from above).
15. Critically, unsubstantiated alleged noise complaints (i.e. mere hearsay), without any proof, are absolutely NO basis for a Licence Review (or its removal).
16. You have explained that you are not allowed to send us more details of any of these complaints / complainants. Can you not even send us these in redacted form to exclude names, with details of the complaints including dates, so we can assess how close in time they are to the launch of the SM campaign?

We have actively worked with B&HCC to resolve matters

17. As it stands, on the noise complaint side of things, we have done what we agreed to do at our 10 October meeting, namely to place additional '*respect our neighbours and keep your noise down*' signage in our side windows along Brunswick Street East on Saturday nights and to instruct our established security team to actively manage that area and the wider area beyond it on Saturday evenings. These were actions we willingly suggested and volunteered to take (as they were not even requested by B&HCC). Example 1, Page 1 of 4
18. At the 10 October meeting you and Helen also confirmed there were no complaints about our live music on any nights of the week, only the noise from people standing outside on the pavement on a Saturday night, hence our offer in 17 above. Indeed, this was confirmed by you in your email the following week (18 October) when you said "*No statutory nuisance in relation to live music was evidenced in Helen's recent investigation*" (again quoted from above).
19. We are therefore struggling to understand why, in your latest email (30 November, below) you now seem to be re-opening the issue of noise from our live music. Nothing has changed in our mode (or volume) of operation since you ruled out music noise as being an issue on 18 October by email (and as referred to in 18 above).
20. I repeat, again, that we continue to operate the venue in the same way we have for the last 10 years. Nothing has changed.
21. So, in summary, noise complaints were received by the Council earlier in the summer and these have been investigated by two different departments within B&HCC. We met with you to discuss these complaints on 10 October. At that meeting you and Helen both confirmed there was no issue concerning the noise from live bands and yet, less than seven weeks later, this is being re-opened following a determined social media campaign run by people who may be same ones who have already had their complaints 'not upheld' previously.
22. Since our 10 October meeting, the only complaints of which we have been made aware from B&HCC deal with two (non-customer) people Example 1, Page 5 of 7

chatting quietly whilst sitting on a kerb 30 minutes after we had closed and another 'incident' of homeless people sitting on our neighbours' step (not our property) at 7.45am, some 8 hours after we had closed the night before and 8 hours before we opened again the following afternoon. If there have been more complaints, no-one has told us about them. We have seen no evidence to support either of these complaints and they are dealt with comprehensively above as being categorically 'not our fault'.

23. How would a Licence Review be 'proportionate' or 'necessary' - in these circumstances?

Handling complaints against The Paris House

24. I fully appreciate you have to respond to complaints you receive and that you have to raise these with us. Of course you do. That is your role.

25. However, it is also the role of the Council to be balanced and treat us, as corporate citizens, fairly too. This involves challenging the substance of any complaints and the motives and actions of the complainants.

26. It is the role of the Council to *investigate* complaints, not simply to process them and automatically post them on as being assumed to be valid.

27. Even where you have investigated (and determined there is no problem), we continue to receive unsubstantiated, uncorroborated notifications which may well be from the same vexatious complainant(s) who have already exhausted the due process.

28. If all this activity eventually leads to a Licence Review, then so be it. Our view is that such a move would be both disproportionate and unnecessary (as well as being based upon **not one shred of evidence**; merely unsubstantiated claims / hearsay made by vexatious individuals fueled by a SM driven campaign).

The Contribution of The Paris House

29. Finally, it would be incomplete of me not to comment that we are very proud of The Paris House. It provides the vitality that Brighton is renowned for. It encourages young (and old) musical talent. It provides jobs. It pays (a lot of) Business Rates. It is a highly valued contributor to the social and cultural aspects of vibrant City living (a B&HCC objective) and plays a particularly important role in serving elderly members of the community who are rarely served elsewhere by the private sector.

On a personal note - please be assured Emily (and Helen), that we **genuinely appreciate** the position you are both in (and we hope you appreciate ours). We have worked with you in a co-operative, constructive and friendly way (and will continue to do so) – as this is almost certainly the best way to resolve matters.

We certainly value and respect both of you and your roles, but we are (understandably) nervous when words like Licence Review are mentioned, even in passing, hence some of the tone and (slightly defensive) approach taken above (in case we need to rely on it at a future Hearing). Let's hope not.

All the Best and Kind Regards

REDACTED

From: Emily Fountain < **REDACTED** >

Sent: 30 November, 2022 12:26 PM

To: **REDACTED** **Cc:** **REDACTED**; **REDACTED**; Helen Curtis-De Mendonca

< **REDACTED** >; Kathryn Adderson < **REDACTED** >; Jim Whitelegg < **REDACTED** >

Subject: FW: The Paris House - Monday's Meeting

Dear **REDACTED**

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Licensing Act 2003

Paris House - 21 Western Road, Hove, BN3 1AE

Premises Licence Number: 2012/03269/LAPRET

I'm writing to you as Premises Licence Holder for the Paris House, unfortunately we are still continuing to receive complaints about noise from the Paris House, both people and music noise. Most recently I have received a complaint that at 1.30 am on Sunday 13th November there were people sitting on the benches outside the Paris House making a lot of noise. Also that on Thursday the 24th November at 7.45am there was someone sitting on the bench in Brunswick Street East.

Therefore I need to remind you of the following condition of your Premises Licence:

Annex 3 - Conditions Attached after a hearing of a Licensing Panel 19th September 2005:

1. The outside area shall be closed and cleared by 23.00 hours.

I also remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that: -

(1) A Person commits an offence if –

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Irrespective of the permissions and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are.

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

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

As a result of these complaints I would advise that you check that the locks for the benches are in working order and cannot be tampered with.

Please confirm receipt of this email and advise on the actions you intend to take to address the alleged breach.

I also note that I have not received a response to the attached documents or to my emails of the 18th and 26th October below.

Kind regards

Emily Fountain | Licensing Officer, Safer Communities | Brighton & Hove City Council

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Example 2

Email exchange follow up post 10 Oct 2022 meeting - showing how The Paris House Teams and Council Officers are working together to address alleged noise issues

Detailed confirmation of action points agreed at 2-hour meeting with The Paris House senior team and Brighton Council Officers.

From: Emily Fountain

Sent: 18 October 2022 12:17

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

Subject: RE: The Paris House - Monday's Meeting

Dear REDACTED

Thank you for your email, we both felt the meeting was constructive too.

Although I am disappointed to say we have received a number of further complaints since our meeting on Monday 10th, mainly about people noise from outside the Paris House, but also music.

I have replied to the points in your email below in blue as to our understanding of the meeting on Monday 10th October. With some proposals and agreements to be made going forward to address the complaints that we are still receiving and demonstrate that you are not undermining the licensing objective of the Prevention of Public Nuisance (PPN).

Emily was satisfied that, from a Premises Licensing perspective, all was well and compliant. No more action needed. Various documents were shown, inspected and initialled (by Emily) and photos taken where relevant.

We would like clarification on condition 4 (annex 3). *“The sound attenuator shall be set at a level approved by the licensing authority.”* It is unclear that this has been undertaken since you took over the pub and given the level of complaints we would like this to be reviewed (see recommendations below).

I inspected your refusal and incident log within which there were only two entries in each section. You said that the reason for this is that you do not have many incidents/refusals because of the demographic of your clientele. I am mindful that you are a pub in the city centre and in the Cumulative Impact Zone and would of expected more to have been recorded. Please ensure that ALL staff are aware of this condition on your licence and that the book is made easily available to ALL staff on their shifts.

From a 'noise' perspective, we were told that neither of you had any issue with the live music / bands we present throughout the week – but the 'people noise' outside the premises specifically on a Saturday night (talking, laughing, etc) was the only issue.

No statutory nuisance in relation to live music was evidenced in Helen's recent investigation. People noise outside the Premises was discussed as the main issue (not only issue). Saturday nights in particular were discussed. I

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inspected a book in which has been recorded the date, time and decibel level taken by a decibel meter on various days and times. We also discussed that on Saturday night readings are videoed and recorded via an app that you have a 'paid for' subscription to. The weakness of such a system was talked about including the need for an expert to complete decibel readings as they are complex and effected by many other factors. We agreed that a much better way to record noise checks is by individuals using reasonableness as their guide i.e. if you can hear the people, music noise from across the street it is probably too loud. I have attached a template of the type of monitoring we would like to see going forward. I would appreciate an agreement on your part of when and how often these checks will take place. I would advise in particular when live music is taking place and after 10pm.

We talked a lot about Western Road, how noisy it is generally (especially at night) and how no one can be 100% certain whether all 'people noise' comes from our outside customers on a Saturday night (as opposed to general passers-by in the street).

This is why it is SO important that you are completing regular noise checks to demonstrate to us that you are sure the noise is not coming from your premises.

We resolved to brief our (stable) Saturday night security team (which are the same M/F partnered couple every week, save for holidays) – to be more alert to customer 'people noise' and to 'manage' the situation (if it becomes a problem).

Agreed and it would be helpful if they could use the noise monitoring form attached.

Of course, they won't be able to tackle any noise / shouting from general passers-by, as that could cause animosity and conflict with the general public who are not our customers. This was something we talked about.

Agreed.

We also agreed to put notices in our windows on Saturday nights (facing out), down the Brunswick Street East side of our building, asking customers who are outside and in that area to be mindful of their noise and our neighbours.

This was a really co-operative element of our afternoon's conversation, on both sides.

Yes both this and the involvement of security staff on Saturdays is a very positive outcome from our meeting.

We also showed you the social media campaign against us, that began in late July, which was undoubtedly the catalyst of the (orchestrated) contacts you'd had received.

This was noted although we confirmed we could not inform you of the identity of complainants.

Therefore please see details below our recommendations following the meeting on the 10th October:

- **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 provided. To be completed on any day after 10pm and when live music is being played.**
- **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 for both customer and music noise conducted in all surrounding areas, using reasonableness as a guide. Acting accordingly to findings and conclusions. Template provided. Frequency of checks to be decided by PLH, recommend more frequent checks during live or DJ operated music. Records to be maintained and presented upon request.**

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- **Employing an engineer to set the Attenuator level and plugging in the machine to prevent music from exceeding the set high dB level. BHCC Officer to be present. 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. Please confirm that you will employ a sound engineer within 1 month and notify us so that we can attend to set the levels.**
- **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. This and concerns around spiking were discussed. Drink toppers were provided on 14/10 to allay spiking concerns for people leaving drink unattended. Would urge further consideration about restricting drinks outside after 23.00 to help alleviate noise issues.**
- **A noise management plan has been compiled and attached to this email for consideration and implementation. This is a guide, but we would like to see your agreed version as soon as possible.**

We hope that you will implement all the recommendations above and that if followed this will both resolve the complaints and demonstrate to us in a clear and easily accessible way how you are managing noise and not undermining PPN.

We would like have a review meeting in 1 months time to see how things are going and if standards are being met.

Kind regards

Emily Fountain | Licensing Officer, Safer Communities | Brighton & Hove City Council

From: REDACTED

Sent: 14 October 2022 16:23

To: Emily Fountain <REDACTED >; Helen Curtis-De Mendonca <REDACTED >

Cc: REDACTED; REDACTED

Subject: The Paris House - Monday's Meeting

Dear Helen and Emily

Thank you for your time on Monday to meet with REDACTED, REDACTED (both copied) and myself re The Paris House, which we all found very constructive.

As the week draws to a close, I thought I'd drop you both a line to confirm our understanding of the outcome of the session, so in a nutshell, this is what we believe was concluded:

Emily was satisfied that, from a Premises Licensing perspective, all was well and compliant. No more action needed. Various documents were shown, inspected and initialled (by Emily) and photos taken where relevant.

From a 'noise' perspective, we were told that neither of you had any issue with the live music / bands we present throughout the week – but the 'people noise' outside the premises specifically on a Saturday night (talking, laughing, etc) was the only issue.

We talked a lot about Western Road, how noisy it is generally (especially at night) and how no one can be 100% certain whether all 'people noise' comes from our outside customers on a Saturday night (as opposed to general passers-by in the street).

We resolved to brief our (stable) Saturday night security team (which are the same M/F partnered couple every week, save for holidays) – to be more alert to customer 'people noise' and to 'manage' the situation (if it becomes a problem).

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Of course, they won't be able to tackle any noise / shouting from general passers-by, as that could cause animosity and conflict with the general public who are not our customers. This was something we talked about.

We also agreed to put notices in our windows on Saturday nights (facing out), down the Brunswick Street East side of our building, asking customers who are outside and in that area to be mindful of their noise and our neighbours.

This was a really co-operative element of our afternoon's conversation, on both sides.

We also showed you the social media campaign against us, that began in late July, which was undoubtedly the catalyst of the (orchestrated) contacts you'd had received.

And I think that accurately sums up our couple of hours together..... If not – please do let us know!!

All the best and enjoy the weekend

REDACTED

Example 3

Refusal to supply evidence to support allegations / our evidence to refute allegations

Email exchange between **REDACTED** and Emily Fountain (BHCC Licensing) in Feb 2023 concerning further alleged breaches of Licence Conditions.

This exchange concerns allegations that external areas were not cleared by 11pm.

In our full and detailed response we *prove*, through the use of 'Walk-Around' video recordings, (taken by **REDACTED**), that the area *was* appropriately cleared at this time. Our evidence further proves the low level of noise coming from The Paris House at 11pm.

We asked to see the evidence that had been submitted against us, but this could only be provided with the consent of the complainants – and such consent was never provided.

Further council resources allocated to a claim that the complainants would / could not substantiate.

From: Emily Fountain <**REDACTED**>

Sent: 16 February, 2023 3:58 PM

To: **REDACTED**

Subject: FW: Paris House Complaints - January 2023

Dear **REDACTED**

Thank you for your email.

At the time at which I sent you the email to **REDACTED** on the 27 January 2023 I had not received the second complaint and photo regarding the 26 January this was received after 4pm on the 27 January.

I will ask the complainants if they ok for me to share the photos of the 26 January and the video footage of the 28 January. Are you happy for me to share your photos/footage with the complainants should they ask?

Thank you for providing your video footage of the 28 January this is helpful, noted and will be kept on file.

We discussed the weakness of dB readings at our meeting on the 10 October 2022 but you are of course able to do these if you feel it necessary. It's good to hear that you are also continuing to do the 'common sense' checks again for your own due diligence I would recommend keeping a written record of these.

I will now send a separate email regarding the complaint we have received about the 11th February and the conversation with **REDACTED** yesterday.

Kind regards

Emily Fountain | Licensing Officer, Safer Communities | Brighton & Hove City Council

From: **REDACTED**

Sent: 15 February 2023 16:34

To: Emily Fountain <**REDACTED**>

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

Subject: FW: Paris House Complaints - January 2023

Dear Emily

Example 3, Page 1 of 4

Further to my email of earlier today, I will now deal with your following email (of Monday 6 February, below) – adopting the case by case approach I outlined previously.

In my earlier email of today – I dealt exclusively with the situation (raised in your email of 27 January to **REDACTED**) regarding the outside area of The Paris House on Thursday 26 January – including attaching, as evidence, screenshots of our CCTV covering the area timed at 22:56:22 and 23:05:09 on the 26 January.

I concluded these screenshots: “.....proves that at (or within a few minutes of) 11pm – the outside area was closed. This includes the benches you have specifically referred to. I therefore believe that our License Condition, which you set out below, was met on Thursday 26 January 2023”.

You mention below (but not in your email of 27 January):

“.....Most recently I have received alleged complaints from two separate complainants with photographic evidence that on the 26th January 2023 the benches were not disabled after 23.00. I received a further complaint and video footage on the 28th January again regarding the benches not being disabled and also noise.

Can you please send me the “photographic evidence” you’ve been sent from Thursday 26 January? This seems only fair – as we have sent you shots of our CCTV covering the same time.

Similarly, can you please send me the “...video footage on the [Saturday] 28th January...?” (I am assuming it was filmed on this date)?

As you will see immediately below, we are sending you our own video footage of that night (Saturday 28 January) for you to examine and to substantiate our comments in defence below.

Dealing now with the ‘noise’ aspect of the complaint on Saturday 28 January outlined below (as opposed to any regarding the disablement of benches):

As it happens, my colleague **REDACTED** (who you have met, as he attended the meeting we had with Helen, yourself, **REDACTED** and I on 10 October), was at The Paris House on the night of Saturday 28 January. Whilst there, he took video footage of the outside area, for purposes other than potential noise complaints (alleged pavement blocking).

Having said that – his footage is very pertinent to defending ourselves regarding the noise complaint subsequently raised about that night.

The video is 2 minutes 4 secs in length – see link below.

Commentary regarding the video – read before watching:

General:

- This video was taken by **REDACTED** on Saturday 28 January 2023 at 10.30pm. It lasts 2 mins 4 secs
- Confirmation of timings and dates etc is retained on the original recording file for validation purposes
- The sound levels have not been changed – either during the original recording or subsequently. The relativities between the silent passages and the noisy ones therefore remain constant and a true benchmark throughout
- This video was taken to address complaints received (not via you) about pavement blocking by people outside The Paris House (referred to in the voiced over commentary on the film)
- The video was not shot to address any (subsequent) noise complaint arising from that night – as obviously the complaint you’ve raised below hadn’t been made at the time of filming – so we couldn’t have known about it when the film was made....
- It is, fortuitously, nonetheless very strong contemporaneous evidence of the noise and crowd levels on the night (as being minimal), that is the subject of the noise complaint you raise below

Example 3, Page 2 of 4

Beginning to 44 seconds of the video:

- Confirms the recording was made at 10.30pm on Saturday 28 January 2023
- Shows pavements were not blocked and freely passable to all users
- In so far as it relates to customers outside The Paris House, the video shows only three people sitting and chatting quietly that Saturday night, on the corner of Brunswick Street East
- Noise wise – this section of the video was taken immediately outside the doors to The Paris House, with people entering and leaving
- As soon as the video moves along Western Road the sound levels fall completely
- The sound of passing traffic is much louder than any noise emanating from The Paris House or from people outside it

44 seconds to 54 seconds of the video:

- Records the sound going southwards down Brunswick Street East away from The Paris House
- Shows the sound levels outside the houses at the end of Donkey Mews and outside 5 & 6 Brunswick Street East – this being the site of the nearest neighbours to The Paris House
- The sound of **REDACTED** footsteps are clearly audible – reflecting the low levels of background noise outside these dwellings (including from The Paris House)
- Such background noise as there is, comes from passing traffic (of people and vehicles) and not from The Paris House

55 seconds to the end of the video

- Walking back up Brunswick Street East from outside the nearest neighbours (5 & 6 Brunswick Street East)
- This video was shot to show the absence of any obstacles on the pavement, as referred to in the film, following a complaint (from a resident that B&HCC will not identify), but nevertheless it also (and fortuitously) shows the lack of noise disturbance coming from the pub at that time
- It also shows the area outside The Paris House on Brunswick Street East being managed in a way that reflects what we volunteered to do in our meeting on 10 October

Here is the link to **REDACTED** video of Saturday 28 January:

<https://clipchamp.com/watch/PwvEUWvhr8>

In addition to **REDACTED** video – as a matter of routine, The Paris house continues to take DB readings in various places outside the venue using the handheld sound monitoring device that you've been shown previously, with the readings recorded via an app and video (which is saved).

Additionally, continual 'common sense' (human) monitoring is performed via regular walkarounds – again, as previously discussed with you. No noise problems, using either method, have been identified.

From a combination of **REDACTED** video, our regular DB readings and our 'common sense' walkarounds, I believe we are fully compliant with our Premises License (including Conditions) and the wider Licensing Objectives.

I also believe we already ARE (and have been for many years) taking appropriate and proportionate measures to control our venue, both inside and out. All of this is as discussed and our approach agreed with you and Helen in our meeting on 10 October 2022, when you confirmed there was no Statutory Noise Nuisance involving The Paris House.

In anticipation of receiving another communication from you regarding last Saturday, 11 February - as suggested in your telephone call to **REDACTED** of today (Wednesday 15 February), I will begin to think about this, in prospect.

I would just add that **REDACTED** was again in attendance last Saturday (11 February) and he took yet further (and significant) video evidence, which demonstrates the noise levels outside The Paris House were fully compliant with our License and the Licensing Objectives.

Example 3, Page 3 of 4

As I said in my earlier email of today – I do believe the complainants are vexatious and that nothing will placate them. I fear they will now always complain, no matter how reasonable we are being and what evidence we gather to support us not being a problem.

Best

REDAC

TED

From: Emily Fountain < REDACTED >
Sent: Monday, February 6, 2023 4:25 PM
To: REDACTED
Cc: REDACTED
Subject: Paris House Complaints - January 2023

Dear REDACTED

Licensing Act 2003

Paris House - 21 Western Road, Hove, BN3 1AE

Premises Licence Number: 2012/03269/LAPRET

I'm writing to you as Premises Licence Holder for the Paris House, unfortunately we are still continuing to receive complaints about the outside area of Paris House covered by the pavement licence not being closed and cleared after 23.00 and the benches at either side of the pub not being disabled. Most recently I have received alleged complaints from two separate complainants with photographic evidence that on the 26th January 2023 the benches were not disabled after 23.00. I received a further complaint and video footage on the 28th January again regarding the benches not being disabled and also noise.

Therefore I need to remind you of the following condition of your Premises Licence:

Annex 3 - Conditions Attached after a hearing of a Licensing Panel 19th September 2005:

1. The outside area shall be closed and cleared by 23.00 hours.

This includes the outside furniture and the benches at the side of the pub. I would also ask that you are mindful that even if these are cleared that the noise from people outside the pub after 23.00 could still cause a nuisance. We have discussed ways to mitigate this previously including measures such as no drinks outside after 23.00, limiting the number of people outside at any one time and making regular noise checks.

We will be monitoring the Premises and should I or any of my colleagues witness any further breaches of the licence conditions or undermining of licensing objectives formal enforcement action may be considered.

We would welcome a response from you on how you attend to address the alleged breaches and measures that you will put in place to limit noise from your customers outside.

Kind regards

Emily Fountain | Licensing Officer, Safer Communities | Brighton & Hove City Council

Example 3, Page 4 of 4

Example 4

Response to unfounded allegations of noise nuisance and our video and CCTV proof in support of our position that we were complying with requirements of us

Email exchange between REDACTED and Emily Fountain (BHCC Environmental Health) in March 2023 concerning further alleged breaches of Licence Conditions.

1. This exchange concerns allegations that we were not using the Noise Attenuator.
2. That the outside area was not cleared and closed as required.
3. That there had been drumming and bass music which had disturbed neighbours.

In our full and detailed response,

1. We **deny** that the attenuator wasn't in operation and **provide supportive evidence** from our DJ that this was in use (as it can't be over-ridden and had been set at the level being used a month earlier by Council Officers)
2. **Prove** that the outside area was cleared and closed by required time (through video evidence)
3. **Deny** there was any drum and bass from a named band. The band have been playing their Cuban-based music at The Paris House for many years. There is no 'bass' and the 'drums' are a small set of **unamplified bongo** drums.

Again – **no evidence** provided to **support** these allegations and plenty supplied to deny them – all of which require Council resources to process.

From: REDACTED **Sent:** Friday, March 3, 2023 2:14 PM

To: Helen Curtis-De Mendonca <REDACTED >

Cc: Emily Fountain <REDACTED >; Jim Whitelegg - Brighton & Hove Council (REDACTED) < REDACTED >; REDACTED; REDACTED

Subject: RE: Live music complaints

Dear Helen, Emily and Jim

Emily and Jim (particularly): Thank you again for Tuesday's 90+ minute meeting at The Paris House, attended by both of you, two officers (David Fisher and Gail Barnett) from the Pavement Licencing Team, together with myself, our Head of Legal REDACTED and our DPS REDACTED (and our Bar Supervisor Helena).

Whilst there were disagreements with the position taken by the Pavement Licensing team (who have today issued a new Pavement License on the same terms as we've had for the last countless years – and for the area we wanted...), I trust you appreciate the efforts we are going to, to work constructively with Council Officers in dealing with the noise complaints you receive – despite the many, many (all....) times when no problem has been identified (as confirmed by the FOI disclosures we have been sent) and, indeed, by your direct emails.

As we discussed, we appreciate and understand that you are duty bound to process these complaints as they come in – however much this is impacting upon your time and ours.

Turning to the points outstanding (particularly the points raised in Helen's email below):

Example 4, Page 1 of 4

Thursday 23 February 2023

After our meeting on Tuesday, we checked our CCTV for Thursday 23 February 2023. I can confirm this shows the outside area was cleared away in accordance with all our obligations. Indeed this happened even earlier than usual that night. The complainant also refers to the noise from 'drumming'. Without knowing the full story, this may imply a loud set of drums being played vigorously. The 'drums' concerned was a simple set of acoustic bongos which are not amplified at any time and were playing in the background. This was the regularly monthly booking of a returning monthly band (Pollito Boogaloo) that have played the same set, on the same instruments, at the same volume for years. They play from 8pm to 10pm.

Limiters / Attenuator and our DJ

For the completeness of the record, I confirmed to the meeting on Tuesday that our DJ always plugs into the Attenuator. Helen – this was one of your points below. Here is what our DJ wrote, when challenged on this point (by us):

"I am plugged into the limiter, at the levels they set. I'm not going over that or the limiter would have done its job and cut the sound. I also nip down to the cellar on Sat nights to look at level readings going through the limiter - they are ALWAYS in the green ie, allowable area with no red lights showing. There's no way that they can retrospectively claim I wasn't plugged into the limiter post-installation as, apart from it being untrue, without a time machine I don't see how it could be proved. Please excuse the sarcasm but it's driven by frustration of following the rules. From this week on, I'm going to do what REDACTED did and start my DB reading videos indoors then in a single take, continue outside and down the street to the houses. I'll also carry on with the "common sense" walks at the same time."

00.01am Sunday 12 February 2023

We also took the opportunity to check our CCTV for the evening of Saturday 11 / Sunday 12 February 2023 following the comment in your email to us (Emily) of 16 February at 4.00pm, that "we have received a further complaint and video footage taken at 0001 on the 12th February".

We have scoured our CCTV carefully for the area outside The Paris House for this time – including the period from 10 minutes either side of the "00.01am" time when the video was said to have been recorded.

A collection of these images is attached.

Our CCTV confirms the area outside was de-commissioned in accordance with our License Condition obligations and the side benches were locked and placed out of use at that time. Throughout this 20 minute period there were a handful of people who were chatting outside the pub for a few minutes before leaving to go their own ways into the night.

At no stage is anyone seen recording / making a video of the situation outside The Paris House.

There is an exception to this, namely our CCTV clearly shows REDACTED, our Head of Legal and who you met on Tuesday, making several videos at this time, as part of his monitoring of the sound levels. We have already sent you copies of these videos made by REDACTED (my email to you of 21 February at 4.50pm). REDACTED has confirmed that he made many 'walkarounds' that evening and did not see anyone outside The Paris House making any similar video recordings.

Obviously, we cannot categorically state the complainant did not make a video at the time they say ("0001 on the 12th February"). To do so, we would need to be able to see their video ourselves – but we have not (yet) been allowed to do so.

Please do let us know if that changes, however – and they agree to share the various footages with us (as we have already agreed to do so, of ours with them) – again the subject of previous emails.

Example 4, Page 2 of 4

That said – we can categorically say the person who is claiming to make the “00.01am video” was not visible in the immediate vicinity of The Paris House at that time.

Thank you again for the time of all of you, it really is appreciated.

Best

REDACTED

From: Helen Curtis-De Mendonca < **REDACTED** >

Sent: 27 February, 2023 3:33 PM

To: **REDACTED**

Cc: Emily Fountain < **REDACTED** >

Subject: RE: Live music complaints

Hi **REDACTED**,

The band/alleged noise nuisance related to Thursday 23/02.

Many thanks and kind regards,

Helen Curtis-DeMendonca | Technical Officer

Environmental Protection, Regulatory Services | Brighton & Hove City Council

From: **REDACTED**

Sent: 27 February 2023 14:49

To: Helen Curtis-De Mendonca < **REDACTED** >

Cc: **REDACTED**; Kathryn Adderson < **REDACTED** >; Jim Whitelegg < **REDACTED** >; Emily Fountain < **REDACTED** >; **REDACTED**

Subject: RE: Live music complaints

Hi Helen

To help me respond properly to below, which I will do later – can you first please shed any light on which Thursday/s (date/s) have been complained of?

For instance, was it last Thursday (23 Feb) i.e. the night before your email (below) of last Friday (24 Feb)?

This would also help us identify which specific band was playing on the night/s in question.

Thanks

Best

REDACTED

From: Helen Curtis-De Mendonca < **REDACTED** >

Sent: Friday, February 24, 2023 10:19 AM

To: **REDACTED**

Cc: **REDACTED**; Kathryn Adderson < **REDACTED** >; Jim Whitelegg < **REDACTED** >

Subject: Live music complaints

Example 4, Page 3 of 4

Dear **REDACTED**,

I am writing to you again regarding complaints received in relation to loud live music, which appears to correlate to a Thursday night (and possibly one Saturday night, where the DJ may not have been plugged into the limiter). I just wanted to inform you that if these complaints continue, I will need to re-open the noise nuisance investigation. Allegedly, the drumming and base is so loud it is having a detrimental effect on individuals residing within the locality, with windows and doors closed.

I appreciate that you have made efforts to assist and mitigate these complaints in relation to the attenuator installation. However, as this system does not assist with the 'live' bands, please could you make efforts to monitor and adjust the sound for these events.

If a noise nuisance is proven and the noise is shown to be at an unreasonable level, I will be issuing a noise abatement notice (NAN) due to the detrimental effect these events are having on the local residents.

Many thanks for your anticipated support in these matters.

Helen Curtis-DeMendonca | Technical Officer

Environmental Protection, Regulatory Services | Brighton & Hove City Council

Example 4, Page 4 of 4

Example 5

Further unevenced complaints and our evidence to refute allegations

Email exchange between **REDACTED** and Emily Fountain (BHCC Licensing) in Feb 2023 concerning further alleged breaches of Licence Conditions.

This exchange concerns allegations of noise leakage post midnight.

In our full and detailed response we **prove**, through the use ‘Walk-Around’ video recordings, (taken by **REDACTED**), that there was no noise leakage. This includes long, single-take videos taken from inside the Paris House, leaving the venue, recording the local noise levels and includes outside the homes of **REDACTED** and **REDACTED**.

Once more, we requested copies of the video evidence that the complainants refer to. Once again, this required their consent which they refused to give.

This **proves** there was no noise leakage at the time alleged.

From: REDACTED

Sent: 21 February, 2023 4:50 PM

To: Emily Fountain <REDACTED >

Cc: REDACTED; REDACTED ;Helen Curtis-De Mendonca <REDACTED >; Jim Whitelegg - Brighton & Hove Council (REDACTED <REDACTED >

Subject: RE: Paris House - Complaint 12th February

Dear Emily

Further to our various email exchanges last week (namely on Weds 15 and Thurs 16 February) – and, specifically, from towards the end of my email on Weds 15 February at 4.34pm where I said:

*“.....I would just add that **REDACTED** was again in attendance last Saturday (11 February) and he took yet further (and significant) video evidence, which demonstrates the noise levels outside The Paris House were fully compliant with our License and the Licensing Objectives.....”*

For clarity – I am calling this session (when **REDACTED** took his video) ‘Saturday 11 Feb’ – but, of course, it includes the post-midnight portion of that evening, until the close of The PH that night (strictly Sunday 12 February).

In your email which is included at the very bottom of this string, to which I am now replying, you refer to *“.....received a further complaint and video footage taken at 0001 on the 12th February.....”*.

This is, of course, the same ‘Saturday night’ DJ session which began on the 11 and ended on the 12 of February that **REDACTED** also videoed.

So, having cleared up that we are talking about the same session, I will now pick up on **REDACTED** ‘significant video evidence’ of that night (Saturday 11 February), which we believe definitively shows there was no noise / noise spill problem from The Paris House.

Each of **REDACTED** videos is a single take and each spans a decent period of time (the first is one-take of 51 secs and the second nearly 2 mins) – so they are representative of the evening as a whole. They are not a short (unrepresentative) quick ‘snatch’, conveniently filmed and presented to make a (distorted) but extrapolated point from something that lasted only a blink and is a misrepresentative mere glimpse of the night as a whole.....

Example 5, Page 1 of 5

Immediately below you will see **REDACTED**'s email to me of today, which is self-explanatory on the 'noise' points he is making in his videos and that I would like to emphasise in this reply to you.

It also includes the YouTube links to his video footage from late that night (Saturday 11 February and on Tuesday 14 February, more of which below).

Please take a moment to read through this email and also his commentary below - before clicking the links and watching the footage.

We believe **REDACTED**'s footage and commentary below, together with mine in this email, shows (yet again!!) that **ALL** our Licensing Conditions and the Licensing Objectives were being complied with (on Saturday 11 February) – **AND** thus, there is absolutely no justification whatsoever for the (new) Attenuator Level, that was only set by you and Helen on Tuesday 24 January 2023, being adjusted from where it is currently.

The meeting at which the Attenuator was set also included you and / or Helen being positioned directly outside **REDACTED** (the address of our nearest neighbours) during the setting process.

REDACTED video (of Saturday 11 February) also includes footage from directly outside numbers **REDACTED** (taken late into the night) and it shows there simply is NO noise problem that requires solving (by altering the Attenuator Level).

Similarly, per **REDACTED** video shot on Saturday 28 January and sent to you in my email of 4.34pm on Wednesday 15 February, there was no noise problem outside **REDACTED** on that night (28 January) either – i.e. only four days after you set the new Attenuator Level on 24 January.

Our regular Saturday DJ also performed additional 'common sense' walkarounds to check on noise (Saturday 11 / Sunday 12 February), that included taking readings using our DB meter (that are auto-saved to video), as previously discussed. This is what he reported:

"I've got three DB reading vids from Saturday [11 February] taken in Brunswick St East at 23:06, 00:14 and 00:47 - main readings all in the 50s. One more taken in Cambridge Rd at 00:15, similar DB readings".

In context, 50 DBs is considered an absolutely acceptable noise level – including street noise. This is also in the range of 'normal inner-city noise levels'. One would reasonably anticipate the DB level inside a dwelling would be considerably less than readings taken just outside the same dwelling, in the open street!

Again – our DJ's readings and 'common sense' noise checks point (additionally) to there being no noise problem that night – as our DJ's readings cover a wider period of time than **REDACTED** video exercise – including after when you say the complainant's video was shot (00.01 hrs).

In the interests of providing further insight into the live music sessions we present at The Paris House, I think it is only fair to highlight another video **REDACTED** has produced (the third link in **REDACTED** email below). It shows the classical music evening we presented on Valentine's Night (Tuesday 14 February). This was a real treat for a very diverse audience and featured The Paris House debuts of two local up and coming musicians, a cellist and violinist. It was heard in absolute enthralled silence by the audience.

I would just add the purchase, installation and setting (by you) of the new Attenuator has already cost us well over £1,000 (for what is a small business) – which only adds to our resistance in calling back (and paying for) an engineer to re-attend (at premium rates), late on a Saturday night, to adjust Attenuator equipment - when there is video and much other supporting evidence to show this is absolutely **NOT** required.

It would be a complete waste of our money at a time when we can least afford it, economically and following our post-Covid closures.

Example 5, Page 2 of 5

Complainant's Evidence:

Last week I asked if we could please see the complainant's photos from 26 January and their video from 28 January – and that I am happy to share our video with them (of 28 January and also taken by **REDACTED**), if they allow us to see theirs. Obviously we are waiting to hear back on that.

Additionally, can we also please see the complainant's video “...taken at 0001 on the 12th February” (from your email at the bottom of this chain and the subject of this reply) – on the same basis that we are happy to share with them any of our videos in **REDACTED** email immediately below - if they agree to let us see theirs.

I am sure you will appreciate our position, that we cannot comment on (their) video evidence that we have not been granted access to view.

I will end with a restatement that, from the video and other evidence presented above, we do not believe any Licensing Conditions or Licensing Objectives were breached that night or that any change in the Attenuator Level is justifiable or warranted.

Kind Regards

REDACTED [This is the email referred to in **REDACTED** response immediately above to Emily Fountain]

From: REDACTED Sent: 21 February, 2023 12:18 PM

To: REDACTED

Subject: Paris House Videos 11th Feb 2023 (+ Valentine's Night)

Dear **REDACTED**

As discussed I did indeed take some video material from Sat 11th Feb 2023. This was done to capture the noise levels on the streets around The Paris House on a Saturday night. Obviously when I was taking these videos I was not aware that someone would be complaining about these noise levels in the adjoining streets at that very time. Every time I am at The Paris House I take several recordings of the noise (as do others) as part of our ongoing sound-monitoring.

This explains why we have these recordings for the last 2 nights when there have been complaints (28th Jan 2023 and 11th Feb 2023).

To help these to be shared and viewed by B&HCC staff I have posted these videos onto You Tube.

There are two Videos from that night (11th Feb 23).

I think it is important to stress that the sound levels in the videos are from the original recordings. The volumes did not change during each recording, nor have they been edited since. You will hear my commentary on the videos. Again, these were recorded as it was being filmed (i.e. not added in afterwards).

You hear the sound of my footsteps. These are also 'as recorded' and show the sound relativities, i.e. my footsteps were louder than the noise coming from The Paris House.

Both of these videos show a single-take, i.e. they have not been edited.

The times and dates of the recordings can be verified as they are shown in the 'Document Properties' for the relevant files on my camera.

Video 1 – 10.43pm

This shows the sound levels on Brunswick St East, primarily outside numbers 5 and 6 – these being the location of the closest neighbours.

Example 5, Page 3 of 5

<https://youtube.com/shorts/5syTHd8Sqqg>

Video 2 – 11.35pm

This contrasts the noise levels inside The Paris House – with a very good atmosphere.

The camera is then taken outside the pub and shows how little sound leakage there is onto the street. Even less than 10 yards from the door there is almost no sound at all coming from the pub. The sound of passing traffic (cars and people) is much louder.

You will also see, as the camera leaves the pub, that the outdoor seating area is decommissioned.

<https://youtu.be/WMOuKrRZEHg>

Video 3 – St Valentine’s Night

<https://youtu.be/UH8afEE-HDw>

In the interests of providing a fuller picture of The Paris House I have uploaded another link.

This showcases the stunning evening of classical music played at The Paris House on St Valentine’s night. You will recognise the pianist – Tim Lea Young – as he regularly plays there. The violinist and cellist were making their Paris House debuts that night.

Apart from the beautiful quality of that music, they are being listened to in almost complete silence.

This shows wide range of presentations of live music at The Paris House. If you would like videos of our Monday afternoon jazz sessions, which are aimed at the more senior members of the community, of course, then there are many of these available too.

Any queries etc – please let me know.

REDACTED

From: Emily Fountain <REDACTED >

Sent: 16 February, 2023 4:00 PM

To: REDACTED

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

Subject: FW: Paris House - Complaint 12th February

Dear REDACTED

Licensing Act 2003

Paris House - 21 Western Road, Hove, BN3 1AE

Premises Licence Number: 2012/03269/LAPRET

I’m writing to you as Premises Licence Holder for the Paris House, unfortunately we have received a further complaint and video footage taken at 0001 on the 12th February. The noise from the music appears to be audible quite far away from the Paris House down Brunswick Street East. As you know I called REDACTED yesterday to ascertain whether the DJ you have on Saturday nights was plugging in to the attenuator REDACTED confirmed that they are. We are therefore going to need to arrange to attend on a Saturday night when the DJ is plugged in so that we can assess the volume outside the nearest noise sensitive premises and set the levels, we will need your engineer to attend at the same time. Please let me know which Saturday this can be arranged for I would suggest 10pm so it’s not too late for everyone involved.

The complainant also alleges that in this footage '*Apart from the noise of the music - the only source of ANY noise at that time - please note the people outside who are clearly either waiting to go in or watching what was going on from outside . Those just passing by are clearly distinguishable from pub customers*'.

Therefore I need to remind you of the following condition of your Premises Licence:

Annex 3 - Conditions Attached after a hearing of a Licensing Panel 19th September 2005:

2. The outside area shall be closed and cleared by 23.00 hours.

Please be mindful that even if the outside furniture is cleared the noise from people outside the pub after 23.00 could still cause a nuisance. I refer to measures that we have previously discussed to mitigate this such as no drinks outside after 23.00 and limiting the number of people outside at any one time

We will be monitoring the Premises and should I or any of my colleagues witness any breaches of the licence conditions or undermining of licensing objectives formal enforcement action may be considered.

Kind regards

Emily Fountain | Licensing Officer, Safer Communities | Brighton & Hove City Council

Example 5, Page 5 of 5

Example 6

Evidence of approach of REDACTED, showing aggressive behaviours demonstrated on three occasions, including

- at the Mediation Meeting (including making unsubstantiated allegations which were quickly withdrawn when challenged),
- his refusal to be admitted to The Paris House by our Door Staff (due to his aggressive behaviour) and
- his attitude and towards our junior staff

This is a copy of an email sent to Emma Bullen of Brighton Council Licensing Department 5 years ago.

It is a contemporaneous record of observations about the aggressive approach demonstrated by REDACTED on several occasions and about the unreliability of many of the claims being made against The Paris House and its staff.

From: REDACTED

Sent: 29 October, 2019 1:39 PM

To: Emma Bullen <REDACTED >

Cc: Jim Cosgrove <REDACTED >

> Subject: RE: Paris House

Dear Emma and Jim

Thank you for your letter (Emma) of 16 October re The Paris House (copied to Jim Cosgrove and REDACTED our venue DPS).

This email is just to confirm a number of the salient points I raised with Jim subsequently in a 'phone call on Monday (21 October).

I have also called you Becky a number of times since Friday 18 October, but it has just gone straight to voicemail, so I'm assuming you were not around. Hence this email.

Jim and I discussed Emma's letter, which followed your joint meeting with REDACTED (REDACTED) last week. Their identification is revealed from the Mediation Process we're engaged in currently – see below (that also includes REDACTED and REDACTED from REDACTED).

Mediation

Jim suggested we engage in a Mediation Process (via the Brighton & Hove Independent Mediation Service) – which we were happy to do (and is on-going).

Our first Mediation Meeting was held on Monday 14 October attended throughout by REDACTED and myself – and it concluded really positively and was very constructive, with some tangible (and workable) outputs.

Most important to note - REDACTED LEFT the Mediation Meeting prematurely and before the session had ended (as it happens, on a high note). We are not sure why – other than 'pique'.

REDACTED said they "nearly didn't come to the session at all in the first place.....but had decided to come in the end". As they left abruptly and prematurely they said the Mediation was a

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“pointless exercise....and a waste of time”. It most definitely WASN'T either of these for those that remained (**REDACTED** and us).

I'm assuming **REDACTED** must then have turned pretty much immediately to yourselves – as your letter (Emma) is dated only 2 days later (the Mediation Meeting was on the 14 Oct and your letter is dated the 16 Oct and arrived by email that day).

The agreed outputs of the Mediation Meeting were 'signed off' by **REDACTED** and **REDACTED** (**REDACTED** having left by then).

As part of the Process it was agreed that we (**REDACTED** and **REDACTED**) would reconvene in a month or so's time - to review progress. Whether or not **REDACTED** will come back to the Mediation forum, who knows? The Lovatts and ourselves both regard the Mediation Process as very much still 'live' and 'active', however.

Although I have no absolute knowledge as to when **REDACTED** called to arrange their meeting with you, if it was in *advance* of the Mediation Meeting on 14 October - then this undermines the entire Mediation Process, as they had effectively chosen to by-pass it, before it had even begun.

If they called you *after* the Mediation Meeting on 14 October (as I surmised above, although I can't be 100% certain) - this similarly undermined the Process, as they seem to have abandoned it by walking out, even though good progress was being made.

Aggressive Attitude of REDACTED

I think it is only fair to ourselves (and the Mediators) that we record a few comments made by **REDACTED** in the Mediation Meeting on 14 October. These comments strike at the **temperament** and **accuracy** of the man. In the Mediation Meeting he stated that he has wanted to “storm up” to The Paris House and “smash in our windows”.

He also told us at the Mediation Meeting that on another occasion he had come to The Paris House to complain but **he had been refused admission by our Security** (a single individual, working alone on Friday and Saturday evenings).

The only time a potential customer would have been refused admission is where they are: **a) evidently drunk** or **b) aggressive and likely to cause trouble if let inside**.

REDACTED being refused entry must have happened on a Friday or Saturday night (between 9pm and 1am) – as these are the only occasions we have Security working. He must also have displayed the behaviour of a) or b) at the time.

Even though having Security is not a required License Condition for us – we have voluntarily had it for many years now, only on these two weekend nights and at these times. The brief to our (single) Security is to provide 'a customer concierge / welcoming front-of-house' service – not a 'strong arm' one (as there's no need – as we're not a trouble venue).

The reason we voluntarily have (a single) Security is because Western Road can attract noisy / drunk people at the weekend times they work. We want to ensure our customers (inside) are not troubled by such people, who may also have been refused entry and been 'kicked back' from elsewhere (where there is a Licensing requirement to have Security) - and are just looking to gain entry 'anywhere' (they can).

We were therefore previously at a disadvantage (before we had Security) – as 'undesirables' could easily walk in to us unchallenged, having been refused elsewhere (and once in, be far more difficult to remove).

False Claims

REDACTED had previously remonstrated with us two years ago (in October 2017) about a Saturday night – at a time when Security would have been on duty. He then followed this up with a meeting (on the Sunday) with a member of our team and an unpleasant email sent by him the same day (Sunday), that contained **false claims** (of fact).

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An (extremely well-written) contemporaneous email account by our team member who met with **REDACTED** that Sunday, described **REDACTED** (and I quote) as “having a very aggressive manner and who refused to listen to what was being said to him”.

REDACTED stormed off from this encounter with our team member (a repeat of his behaviour at the Mediation Meeting). A theme emerging.....?

The particular matter at stake that Saturday night was that **REDACTED** was insisting that our Premises Licence prevented us from playing Music after 1am. This is simply **not true**.

REDACTED described our team member who he met on the Sunday as ‘dismissive’ of his complaint, before he stormed off. He wasn’t being dismissive; he was merely pointing out (the fact that) **REDACTED** comments about our Licence were verifiably untrue.

REDACTED had either read our Licence inaccurately (which is extremely surprising for such an experienced solicitor – see below) or he was trying to intimidate our staff by his manner and making up untrue ‘stories’ to suit his argument.

In this encounter with our team member, **REDACTED** insisted that he is an expert in Licensing, being ‘a Licensing Lawyer’ and was therefore ‘*fully aware*’ of the terms of our Licence.

A simple Google-Search shows this assertion to yet again be another **false claim**.

Whilst he was once a Solicitor, he is long retired. He has not held a Lawyer’s Practising Certificate since 2009 and his exchange with our team member was in October 2017 – eight years later.

New Year’s Eve 31 December 2018

We discussed with Becky Pratley (copied to Jim) her letter to us of 7 January 2019 (about NYE on 31 December 2018) – alleging unacceptable noise coming from The Paris House (on NYE).

This letter is also referenced in your (Emma) letter of 16 October: “In January 2019 my colleague also wrote to you to remind you of you [sic] responsibilities under the Licensing Act 2003”.

We were able to verifiably demonstrate to Becky 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** and **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 their son, visiting them from London that night)..... They wouldn’t or didn’t want to accept the noise was NOT coming from The Paris House – because were verifiably closed at the time.....

Yet again – another **false claim** by the **REDACTED**.

Becky concluded our email exchange about this subject (on 31 January 2019) and she 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 Jim Cosgrove from the Environmental Protection Team.” [Becky Pratley]

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

REDACTED - Appendix 2 - Examples of communications between The Paris House’s Director and B&HCC Licensing and Environmental Protection Officers to illustrate the detailed communication and seriousness with which these complaints have been taken by The Paris House (and the Council)

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!!

His Complaint and Emma’s Letter of 16 October

Turning to the substance of the complaint and points referred to or raised in your letter (Emma) 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 Mr **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 he 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 Jim on the ‘phone – and which he appeared to accept)?

It is most likely this noise is coming from general ‘passers-by’ crossing the side road junction of Brunswick Street East (where the **REDACTED** live) 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 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** and **REDACTED** (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=0pgEZugsdE0>

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 – we no longer consider **REDACTED** and Virginia to be reliable or objective ‘commentators’ in respect of The Paris House, as they have made so many demonstrably **false claims** about us. We believe they are now at the stage where they

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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 Virginia - 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 someone of **REDACTED** stature, being a retired Solicitor, would even make such a wild (and potentially) defamatory claim about us – that had no founding as far as our premises were concerned. He raised it only to smear us – and quickly retracted the allegation when directly challenged, as he realised the serious legal implications of what he 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.

By his behaviour, **REDACTED** would appear to have a very short fuse and quickly becomes aggressive (storming out / wanting to smash in our windows, etc) – especially when (legitimately) challenged with a counter view to his own – or he is being told something that he doesn’t want to hear or believe – even if it is verifiably true. The **REDACTED** are therefore no longer ‘objective’ observers (or, it seems, willing to submit themselves to the Mediation Process).

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

With Kind Regards

REDACTED

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