

## Licence Review of The Paris House

### Witness Statement of

**REDACTED**

### **Head of Legal for Rowbell Leisure Limited (The Licence Holder and Operator)**

My name is **REDACTED**. I am the Head of Legal for Rowbell Leisure Limited which owns The Paris House. I have overall responsibility for all legal and regulatory matters within our wider Group.

In this Witness Statement I address the legal case being made against us in this Review Hearing. In his Witness Statement, my colleague **REDACTED**, (Director of the Licence Holder), sets out a wider context our approach and showing how our approach fits in with the wider culture of our town.

This Witness Statement is quite long, but it needs to be. This Licence Review is an existential threat to our business, one that we have nurtured and developed for 12 years, including through Covid. It brings joy and community to thousands of people. We are very proud of The Paris House and we truly believe it is an asset worth fighting hard to keep.

This Statement sets out how we have run this venue professionally and properly from the very beginning, working closely with the Council and following our Licence, in letter and spirit. It examines and challenges, forensically, the evidence against us.

### **1 Executive Summary of this Witness Statement**

In this Witness Statement I will demonstrate the following:

#### **Responsible Operators**

- We are professional operators, across several sites in Brighton, where we have been active for 14+ years.
- We have had very few problems with our neighbours, community or Police in any of these other venues.
- We know what we are doing and we are doing it properly.

#### **No evidence of breaches of Licence Conditions and no noise nuisance**

- We have always followed our Licence Conditions and we have not created any Noise Nuisance.
- This is not just our view; it is the view shared and supported by the Council's Licensing and Environmental Health teams (and the Police).
- There has been no reliable evidence put forward by the Applicants (despite submitting 900+ pages of material) to support their allegations. Almost all their evidence is unreliable hearsay and speculation only. It is frequently proven to be simply inaccurate.
- Even the evidence of the Applicants is directly contradicted by the evidence from other Applicants.
- The Applicants have, *very* late in this process, submitted an Expert Report from a leading UK Acoustic Engineer. Despite only having a single working day in which to consider this, I do comment in some detail towards the end of this Witness Statement. This Expert Report is *highly selective* in what it says and, more strikingly, in what it *does not say*. It is because it was prepared by such a leading name in the acoustics field that this Report's value to the Panel lies so much more in what it *omits* to say. In particular, it provides no substantive evidence of any noise nuisance. (See section 12 below).

**We have good, respectful relationships with the Council and all complaints have been taken very seriously**

- We have extremely good working relationships with the Council's Licensing and Environmental Health teams.
- We have actively and comprehensively engaged with the Council Officers and appreciate the effort and patience they have shown.
- We have replied fully and comprehensively to all concerns raised with us by the Council Officers, on a timely basis. We have participated, in good spirit, with the enforcement policy of B&HCC through participation with steps such as Mediation (in contrast to the Applicants).
- Contrary to comments in certain Witness Statements and Submissions, there is no question that the residents' concerns have been taken very seriously by the Council's teams. The Council have gone to great lengths to hear the Applicants' views, but at the end of the day the Council has clearly and expressly confirmed that there is **simply no evidence to support** the case that the Applicants are making. This is why the Council are not supporting this Application themselves.
- 900+ pages of evidence have been submitted by the Applicants, with every single page touching upon the work the Council and its Officers have taken, over many years, to investigate these complaints. Surely it is difficult to present this, somehow, as proof that the Council *haven't* taken this seriously – otherwise how could there be 900+ pages of correspondence to refer to?

**Huge amount of public resources already spent in investigating these complaints**

- Rather than accept the very clear position as determined by the Council, the Applicants are now exercising their right to bring this Review Application – again, at great cost in resource terms to the public (and private) purse.
- Even though the Applicants have professional backgrounds (Practicing Solicitor- **REDACTED** - and professional negotiator – **REDACTED**), they have refused to engage with us directly about their concerns – preferring instead to consume inordinate amounts of Council resources.
- The blunt reality is that every single email sent to the Council diverts resources away from other priorities within the city.

**No changes are needed**

- Accordingly, taken as a whole, we submit that there is no need to revoke, suspend or vary the Licence as there is no problem has been established that needs to be addressed through a variation of our Licence.
- Nevertheless, we have engaged with the Council's Licensing and Environmental Health teams. We have carefully discussed the suggested Conditions that the Council Officers have put forward as part of this Review and have worked, collaboratively, to identify how these can be amended to fit the overall objectives of balancing the interest of all concerned. This is discussed further below.

In the following pages I address the above points in more detail. As I say, the focus on this Witness Statement is to address the legal case against us. In his Witness Statement, my colleague **REDACTED** focuses on the social and cultural contribution made by our Brighton-based hospitality venues – particularly the Paris House. Between us, we address all of the key issues.

## 2 Grounds for Review

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

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

### No reference to Crime & Disorder in Application or Evidence

- There is no Crime & Disorder issue at The Paris House.
- The *Crime & Disorder* that is traditionally covered in Licensing Hearings and Reviews relates to offences of dishonesty, violence, underage sales, allegations of a sexual nature, drugs, drunkenness and aspects of disorder that go beyond merely anti-social behaviour.
- This simply does not happen at The Paris House (or any of our venues).
- Critically, the Police have the power to call for a Licence Review of any licensed premises. They have not done so here. They have not even submitted any Representations in connection with this Review. We are just not on their radar.
- This is no surprise to us. We simply do not have a Crime & Disorder issue. We are struggling to recall any incident when the Police have visited us over the 12 years in which we have been operating The Paris House.
- We have had exceptionally good relations with the Police since we began opening pubs and venues in Brighton in 2010. We have a strong and long-established track record of turning around ‘trouble pubs’ and bars in Brighton. This includes a pub that had lost its Licence (before we took it over). This pub is now a community asset and has been awarded a TripAdvisor *Certificate of Excellence* for the last 11 years. One of our other venues was a Night Club on West Street – which also had a very poor reputation before we took it over. We successfully addressed and removed these concerns.
- Despite having read all 900+ pages of submissions, we see no substantive evidence that relates to Crime & Disorder. There are a (very) small number of incidents, but these are unsupported and misleading.
- There are hardly any references to Crime & Disorder. The closest examples we have been able to find are these two allegations:
  - That our staff allowed customers to sit on the benches outside The Paris House and smoked cannabis ‘with a pint in one hand and a joint in another’. (Mr Dunne’s Representation – B8). Of course this would not have been allowed. A large number of our smoking customers, similar to any other pub in the country, now smoke their own ‘roll-up’ cigarettes made from loose tobacco rather than pre-rolled packaged cigarettes bought by the packet. This has been a marked change over the last 10 years or so.  
We are prepared to accept that this observation was an innocent mistake – but it is nevertheless the comment is highly inflammatory and completely untrue.
  - There is a similar unfounded allegation about our customers urinating in the neighboring side-streets, which REDACTED contacted, directly, the then elected Leader of the Council 3 times within the space on 2 hours one evening, and again at 7.02am the following day, to ask ‘What is your policy on public urination?’.
  - We cannot find any other reference to any Crime & Disorder in any of the submissions or Representations.
- We do want to put on record our frustration that, as is known to the Applicants who are relying upon REDACTED long experience as a Practicing Solicitor with significant Court and Tribunal experience, we have been all obliged to read all of this 900+ pages evidence in order to identify that there is *nothing* to support a Review under this Crime & Disorder Heading.
- Given that this exercise has also been required by our external solicitors this has been extremely expensive for us – for something which was known by the Applicants to lack foundation.

- The scarce Council and Police resources have similarly had to be re-directed away from other matters in this way.
- One can't complain about the lack of Council resources and then legally oblige the Council and other public bodies to waste their time and money by reading 900+ pages of evidence to search for the points of Crime & Disorder when there is no evidence there to find.

### 3 No Breach of Licence Conditions / No finding of Noise Nuisance

I now turn to address the allegations that we have been in breach of our Licence Conditions and have created Noise Nuisances.

The position is simple:

- **There has never been a substantive breach of the Premises Licence since we took over the pub in July 2012.**
- **There has never been a noise nuisance objectively established, despite 20+ visits from Council Officers over a sustained period of many years, including many visits to the homes and living rooms of some of the Applicants.**
- The evidence already submitted by the Applicants themselves includes a single page summary of 22 visits from Council officers, including late-in-the-evenings and out-of-hours visits at weekends, where every visit is summarised with the finding of **'No Nuisance'**. This single page summary speaks volumes. (For convenience this is attached as Appendix 1 to this Witness Statement. Of all the evidence and paperwork concerning this Review, this single piece of paper is the most eloquent and comprehensive, with the words, **"No Nuisance"** appearing 22 times from 22 separate visits.
- Similarly, Emily Fountain from B&HCC Licensing wrote a 2-page email to the Applicants on 17 Oct 2022 setting out in detail the steps the Council had taken to investigate their complaints. This itemises all of the investigations carried out by the Council staff. It states:

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

It continues:

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

Before concluding:

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

- Ms Fountain's full email to the Applicants is even set out in **REDACTED** submission (App 8, Part C). **REDACTED** submits this email as an example of her frustration with the responsiveness and effectiveness from the Council's investigation. For convenience, it is also included in the 3-page Appendix 1 to this Witness Statement.
- These words and conclusions could not be clearer.
- At the end of this Witness Statement, I comment about the **Expert Witness Report from Big Sky Acoustics Ltd**, prepared on behalf of one of the Applicants. This was only received by us so late that we have only had a single working day to read, consider and comment upon it. We do nevertheless highlight below the **absence** in the Expert Report of any credible evidence of Noise Nuisance.

- For the sake of completeness, there have been a few cases where there has been a minor technical breach of our Licence. This included the requirement for us to display details of our ‘*Drivers Shelf*’ and ‘*Provide details of closest bus routes*’.
  - The ‘*Drivers Shelf*’ appears on the Licence for all of our pubs, but to date neither Council Licensing nor Brighton Police Licensing have ever been able to explain quite what this phrase means. On one occasion Brighton Police resorted, unsuccessfully, to ‘*googling*’ the phrase. The requisite sign is now in place, to ensure full compliance.
  - The ‘*Bus Routes*’ notice is also now in place, but as The Paris House is on Western Road with some of the highest number of buses per hour for anywhere in the city and with the nearest stop less than 50 yards away, this does seem a little superfluous.
- There have been allegations by the Applicants of breaches of more substantial terms eg Noise Limiter. These are addressed below when I cover our responses to various issues raised by the Council Officers. These demonstrate that while there have been ***allegations*** made against us, ***none*** of the allegations are true or founded on anything other than speculation.

#### 4 Conflicting complaints from the Applicants

- Before addressing the great lengths that the Council has taken to investigating these allegations, I feel it is appropriate to make a few comments about the factual basis of the complaints set out in the submissions in the various Witness Statements.
- There is an extraordinary lack of consistency between the Statements from the Applicants and the allegations they make.
- This goes to the very heart of the credibility of what is being said.

#### Discrepancies between next-door neighbours

- Two of these Applicant households are ***immediate next-door neighbours*** to each other.
- Yet, whilst one household (**REDACTED**) says they have had complaints since at least 2017 (requiring attendance at a Mediation hearing in 2019), their immediate next-door neighbour confirms, in several places in her evidence, that she never had any grounds for complaint about The Paris House until summer 2022, half a decade later.
- They ***live next-door to each other*** and have done so for the ***last 20 years***.
- One would have thought The Paris House would have come up in discussion between two long-term next-door neighbours at some time during that 5-year period between 2017 and 2022.
- Both buildings were constructed as new-builds at the same time and by the same builder, presumably using the same materials.
- So how can it be that one neighbour hasn’t been able to enjoy the use of their home since 2017 and yet, the width of a brick away, the other neighbour had no problem at all until a further 5 years had passed – and then seems to have had an issue almost every night?
- Since 2019 our resident Saturday night DJ has been Andy-The-Dandy. He has played the same style of music, in the same manner, at the same (noise-limited) volume throughout this period (excluding the Covid years).
- We do not understand how this could have been such a disturbance to **REDACTED** from 2022, but not from early 2019 when the musical output from us has not changed.
- Similarly, we have been hosting live music of some sort almost from the first time we opened our doors in 2012. In particular, we have hosted our Saturday afternoon Jazz since 2012 and our Monday afternoon Jazz since 2015. The lead musician on the Monday afternoon - Mick Hamer – has been with us throughout this entire period.
- These afternoon sessions feature very strongly in the complaints made by all Applicants – yet **REDACTED** has had complaints since 2017, but **REDACTED** not until 2022, despite being immediate next-door neighbours

- Similarly, both these sets of Applicants state that there was never any noise concerns when they moved into their new-build homes in 2004.
- This is despite the fact that there was a Licence Hearing held the following year (in 2005) at which noise complaints were addressed to the Licensing Panel. These conditions include points which are discussed in great detail by **REDACTED** in his evidence as submitted.
- How is a statement that there were no noise issues when they moved into their homes in 2004 consistent with a Hearing the very next year, which came about as a result of all the noise complaints? This 2005 Hearing is addressed and quoted extensively in **REDACTED** submission. (The venue was operated by another operator at the time of the 2005 Hearing. We did not take over the operations until 2012).

### **Materially different complaints between the Applicants**

- The complaints made by **REDACTED** are significantly and materially at odds with the complaints made by **REDACTED** and their immediate next-door neighbour **REDACTED**.
- **REDACTED** main focus, initially, was the sound of music on a Saturday night. This later morphed into more of a complaint about the noise from people standing outside the pub on the pavement rather than from the music from within our pub.
- By contrast, **REDACTED** has particular concern with the noise from our Monday Afternoon session aimed at the older crowd, which runs from 2pm-5pm on a Monday afternoon. This noise from this predominantly retired crowd is his most-complained about session of the whole week. It is only from Jan 2023 that this seems to have given any concern to **REDACTED** – from which time she complained about this in her Noise Diary almost every week. Again, the music output from this session has not changed since 2015 – it being hosted throughout these 8 years by Mick Hamer who has played the same music, to the same people at the same time.
- **REDACTED** does not make a single complaint about the noise from people standing outside late on any night – yet this is frequently complained about by **REDACTED** and **REDACTED**.

### **The Applicants have never been to our pub**

- We cannot help but feel that had the Applicants actually visited us they would have gathered a different perspective of what is actually happening at The Paris House, as opposed to what they feel is happening there.
- To the best of our knowledge, none of the Applicants have ever visited our pub.
- **REDACTED** briefly visited one afternoon many years ago when, by her own admission, she shouted ‘as loudly as she could’ at our customers that they were being selfish. She was asked to leave. On another occasion where she stood outside and blew her whistle as strongly as she could.
- **REDACTED** was refused entry into the pub by our Door Staff in 2019 as his behaviour was deemed to be too confrontational. This was referred to, in writing, to the Council in 2019 – as set out in Example 6 in my *Appendix 2 ‘Examples of our Responses to Complaints’*. This email also records, contemporaneously, **REDACTED** comment at the Mediation meeting that he wanted to “storm up” to The Paris House and “smash in our windows”. Also included in the same email was **REDACTED** dismissive and aggressive approach taken towards one of our most junior staff one Sunday afternoon.

### **Very distorted impression by the Applicants as to what our pub is actually like**

- As my colleague **REDACTED** covers in his Witness Statement:
  - Our pub is not a huge mega-venue in the style of *Amnesia* or *Privilege* in Ibiza with a dance floor of thousands of young ‘enthusiastic’ holiday-makers. It is a venue with a maximum capacity of 60 people and with a ‘dance area’ smaller than most people’s living room, holding an absolute maximum of 20 people when we have a DJ and about 2-4 people when we have a live band. (DJs take up a lot less space).

- Our so-called ‘Club Night’ is ironically labelled, as is the ‘Monday Boys’ on a Monday afternoon, which has been led since it opened by Mick Hamer who is ‘not young’ and has been playing music, professionally for over 57 years. The ‘Boys’ include a 78-year-old harmonica player and another ‘not young’ musician who plays the washboard – (please see Mr Mackinnon Musson’s Witness statement for more details).
- We ran a late-night club in West Street in Brighton for 7 years. We know what ‘Club Nights’ look like and how to successfully manage these venues. The Paris House is not such a Club-Night venue.
- There is so much speculation about what the Applicants feel The Paris House is about, but this is not founded upon the reality of what actually happens.

## 5 Noise Management and Licence Conditions

### Noise Management Plan

- Contrary to what has been frequently alleged by the Applicants, we have been complying with a formal Noise Management Plan throughout our period of ownership.
- The latest version of our Noise Management Plan was prepared and carefully reviewed following discussions with Council Officers following their meetings with us in October 2022. Emily Fountain from Brighton Council Licensing team provided us with a version for consideration. It was further reviewed in Spring 2023 following discussions with Highways Enforcement concerning our Pavement Licence.
- Every aspect of the draft Noise Management Plan supplied by the Council in October 2022 was already being implemented and followed at all times.
- Furthermore, there are many steps taken in addition to the suggestions of the Council’s draft Noise Management Plan. These have been taken by us, voluntarily and without even being requested. These cover;
  - **Additional signage** - As discussed, collaboratively and voluntarily, with Council Officers, we have posters displayed prominently by the doorway and on windows in this respect. It is almost impossible to leave the building without seeing such a notice. These permanent notices are fixed to the door itself and have been for at least a decade.
  - **Voluntary provision of door staff** – Although this is not a condition on our Licence, as a matter of good practice, we have door staff on Friday and Saturday nights. The Police and Council have never required this of us as we are able to manage our very loyal customer base without the need for a formal door staff requirement. It is a stable door team; its function mainly to ‘meet and greet’ and to actively manage noisy behaviour if it occurs.
  - **Early closure** - The ‘Pavement Licence’ areas, are usually closed, voluntarily, slightly before the cut-off of 11pm.
  - **Air conditioning** – We have air conditioning and fans in place to keep the room at an ambient temperature to prevent the need for the doors and windows to be opened for cooling purposes.
  - **Additional recordings of noise levels** - Every Saturday night we use of the **Decibel X;dB Sound Level Meter** App-based noise recorder to monitor and record noise levels in the immediate vicinity of the Paris House – particularly outside the homes of the Applicants in Brunswick St East. These have been in place for the last 3 years (approx).
  - **Decibel Readings and Video Recordings** - These taken and recorded each week, with equipment recommended by the Council Officers. Occasional videos are taken by our senior staff (including myself) on visiting the venue. Many of these videos have already been submitted to the Council, voluntarily and contemporaneously, over the last 3 years or so.
  - **Booking Policy** - We have in the past declined to book and (on one occasion) re-book bands when they we do not feel this is appropriate. The one occasion is the only time when we ever

heard from **REDACTED** who complained in April 2018 that the band that night was too loud. We have never rebooked that band, although they were very popular.

- **Emails to pub are read by owners, not managers** – It is a policy we have adopted in all of our pubs that the every single email to the each of our venues' email address, here [contact@parishousebrighton.com](mailto:contact@parishousebrighton.com), is received directly by our Head Office function and not our manager level. This ensures that any feedback (good or bad) is received directly by the owners and not filtered out by the intervention of the management. This is to ensure that any operational issues are seen immediately and handled at the most senior level.
- **Close down** – Our Noise Management Policy includes requirements to not dispose of glassware into bins late at night as the noise may cause disturbances to neighbours. However, I see that there is nevertheless a complaint in **REDACTED** Noise Diary for 22 Aug 2022 when he complains, at 4.48pm on a Monday afternoon, of '*Bottles being dropped into outside bin by pub staff*'.

A copy of our current Noise Management Plan is attached as Appendix 3.

### **Noise Limiter**

- Despite the oft-repeated allegations in the Applicants' submission, we have always complied with the requirements within our Licence concerning the Noise Limiter.
- All DJ music is played through the Noise Limiter which was set by the Council and cannot be altered or varied without the Council's agreement. It has been a condition on the Licence since 2005, long before we took over the venue in 2012.
- This has been reviewed and recalibrated by Alun Cance from Brighton Environmental Health as far back as 2014.
- There is reference in Applicants' submissions to junior staff not knowing of the existence of the Noise Limiter when approached by one of the Applicants. This lack of knowledge by junior staff is completely understandable. The junior staff would have no need to know of it. It is located in the basement and is always switched on. It cannot be changed without the intervention of the Council team – which is as it should be.
- It does not follow that lack of knowledge by junior staff therefore somehow proves that the Noise Limiter is not being used. Rather than raise this with the senior management of The Paris House, the argument seems to run that '*Because the junior bar staff didn't know about this noise limiter then therefore there is no Noise Limiter and The Paris House is therefore in serious breach of its Licence*'. It is pure speculation. It is simply not true and is totally unfounded.
- The Applicants make multiple claims, in correspondence with the Council, that the Noise Limiter is not being used and that we are therefore in breach of the Licence Conditions. This is an unfounded assertion, without any evidence. The only way in which it could be seen that this is the case is if the Applicants came into the venue and followed the cables from the DJ deck to the plug in the wall which is linked to the speakers, via the Noise Limiter. They have never done this.
- Jim Whitelegg, Head of Brighton Council Licensing, addresses an email to **REDACTED**, in and challenges the allegations that the Noise Limiter is not being used, saying '*There is no evidence that the Noise Limiter was not being used*'.
- The Noise Limiter was updated in January 2023. This particular make and model of the new limiter was directly agreed with the Council before it was bought and installed.
- At this time the updated equipment and the limit on it was set by Council Officers (Emily Fountain and Helen Curtis-De Mendonca) – both of whom have been substantially involved in the Applicants' complaints for many years. They are sensitive to all of the issues raised by the Applicants. In setting of the Limiter levels, these two experienced officers paid very specific attention to the noise levels as experienced outside the homes of the Applicants. They personally stood in the street immediately outside the homes of **REDACTED** and **REDACTED**. These experienced officers professionally balanced the needs of all concerned.



### **Noise from people queuing to enter the pub**

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

### **Council Investigation found no breaches of Licence Conditions or Noise Nuisance**

- As already stated above, the Council have carefully investigated the Applicants' complaints over many years and with 20+ visits.
- They have found ***No Noise Nuisance*** and ***No breaches of Licence Conditions***.
- *(See Appendix 1 for a 3-page summary of these findings from the Council).*
- These are not glib findings from cursory visits.
- This next section demonstrates the great lengths taken by the Council teams to investigate the complaints before arriving at these conclusions.
- An inordinate amount of Council resources have been allocated to **REDACTED** complaints in particular.

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

- I would like to make clear that we wholly support the work that the Council has invested addressing the Applicants' alleged complaints. It is all about striking the right balance, as it should be.
- The last thing we want is to continue to divert so much of our own resources to these complaints – hence our commitment to working closely and collaboratively with the Council to resolve this matter.
- At all times, we have found Council Officers from both the Licensing and the Environmental Health departments to have been helpful, collaborative, open-minded and indeed gone way beyond the call of duty to try and address the Applicants' concerns. One even interrupted their summer holiday to make an out-of-hours visit to the Applicants' homes to sit on their sofa and listen to the noise themselves.

The Applicants have been afforded a significant degree of leeway in having their issues raised with the Council on so very many occasions. To illustrate how much time and effort the Council Officers have expended upon these complaints, the following is a non-exhaustive list of action the Council have taken.

### **Very Extensive use of Freedom of Information Requests**

- The Applicants' evidence includes over 300 pages of material obtained by a very far-reaching and very widely-drafted Freedom of Information Act request.
- This FOI Request included 6 separate sections, including requests for:
  - *'A full record of correspondence to/from the licensee and/or the designated premises supervisor to/from the licensing authority or the Council's enforcement staff in relation to licensing conditions and / or noise nuisance'*.

- “A full record of all visits paid to the subject premises by the Council’s enforcement staff to include the reasons for such visits, what issues were discussed with the management (licences DPS or their representatives and what responses they gave”.
- It even included a Request for “Full details of any reasons given by the licensing panel for the imposition of conditions and any notes of their reasoning in formulating the words of those conditions” for a Hearing from 2005 – almost 20 years ago!
- Typically, such FOI Requests are rejected if they would require more than 20 hours work by Council staff to provide the answer. This was clearly not the case here as the Council by far exceeded this limit and did provide full details to **REDACTED** for all of his topics.
- Part (but not all) of the Reply to this Request is set out in the hundreds of pages of documentation submitted by the Applicants.
- These onerous FOI Requests by **REDACTED** has, in turn, had a negative impact on others using this important service. By way of example, we put in a FOI request in Oct 2022 as to how many complaints had been received about the Pavement Licence at The Paris House in the previous 6 years. (Coincidentally this was at the same time that the Council’s FOI team were processing **REDACTED** extensive request – although we did not know this at the time). It took the FOI department over 50 working days before it was confirmed that the answer to our question was ‘nil’. No doubt the processing of other FOI requests from other residents across the city of all sorts of topics would have been compromised or delayed by this extraordinary detailed Request by the **REDACTED**.
- 300+ pages of details concerning complaints against a single pub does seem a lot – however this is more a consequence of the large number of complaints raised by a very small number of complainants, rather than the substantive issues with the pub. Although the names of the residents are redacted from the FOI Response, it is clear that for the vast majority of these emails they are dealing with issues raised by the Applicants (and hardly anyone else, despite so many people living in this area).
- By contrast, I cannot remember any time in the last decade when we have had **any** complaint from **any** neighbour concerning **any** our other venues.
- The sheer volume of material produced by this FOI Response details the huge amount of ongoing dialogue between the Council Officers and **REDACTED** over various points.

By way of example:

- There is a very lengthy series of correspondence between **REDACTED** and the Council Officers over the interpretation in the Licence that ‘**Outside area to be cleared and closed by 11pm**’ - this has been a point raised by **REDACTED** repeatedly for several years, beginning, at the latest, in 2019. This included the Council discussing this in great detail with **REDACTED** and even taking the highly unusual step of providing **REDACTED** with copies of its detailed legal advice.
- The Council disagreed with **REDACTED** interpretation following bespoke legal advice. We agree with the Council.
- Nevertheless, there are dozens and dozens pages of **REDACTED** evidence which deal with this single point. The tone of **REDACTED** communication is not particularly pleasant and he seems to lack gratitude that the Council have gone way beyond what is reasonably expected of them.
- I think it is fair to say that the Council’s patience was tested to the limit with over 6 months of discussion before the Council replied, **over 4 years ago on this point**, (email of 4<sup>th</sup> February 2020):
  - “*I feel we have answered your concerns to the best of our ability with regards to the condition and have taken legal advice concerning this and shared that with you.*
  - “*While we are happy to communicate with members of the public about matters that concern them, regular correspondence about matters which we can no longer assist with will not achieve anything further to assist you and will further impact upon the service that we*

*provide to others [emphasis added]. Consequently it is sometimes necessary to reluctantly bring correspondence to a close. With regard to this issue I am afraid that there is nothing more that we can add”.*

- Despite REDACTED providing so much evidence in his Submission, we have not been able to find any disclosure by him of this particular email in REDACTED long and very detailed Submission.
- REDACTED returned to this very same topic again with the Council a *further* time in 2023. This correspondence included writing to officers in (at least) three separate departments, namely BHCC Licensing, Highway Enforcement and Environmental Protection and Emergency Planning Departments placing further demands on scarce Council resources.
- There are many other examples of significant support being given by the Council to the Applicants. Some of these are addressed below. This is not an exhaustive list.

### **Council noise visits**

- There have been many Council visits over the years, both to The Paris House and to the homes of some of the Applicants.
- These visits were not *‘general visits’*. As shown in the Applicant’s evidence, they were focused and The Paris House-specific visits made as a result of the complaints the Council had received.
- They were deliberately chosen by Council staff to attend when there would most likely be disturbance, often outside of regular hours. Again, this no doubt incurred further expense and resource for the Council. They were targeted at The Paris House as this was the alleged source of the noise complaints.
- Even when the Council officers were looking to arrange out-of-hours visits to the homes of the complainant, there was a lack of co-operation from the complainant to allow access late at night (beyond 10pm) – saying this would be *‘too inconvenient’*.
- You can’t have this both ways. You can’t lambast the Council (as the Applicants do) for not investigating complaints late in the evening and then refuse the Council staff access to their homes in order to validate (or otherwise) such complaints.
- One resident, [name redacted] even made allegations that the Council staff must have *“tipped-off”* The Paris House of these unannounced visits *‘which I can explain to you [the Council] if needed’*. These comments are outrageous, defamatory and an unwarranted slur on the integrity of the Council Officers. They are, of course, completely untrue.

### **Noise videos**

- Many alleged *‘noise videos’* have been submitted by the Applicants as part of this review Process. This is the first time we have seen these videos.
- Over the years we have received letters from the Council Officers saying that they have been sent videos from residents who have complained about the noise. We have not been given the names or identities of these complainant(s) as these are deemed to be confidential. Moreover, it has never been revealed to us how many separate complainants there had been.
- We have frequently asked to see copies of these videos in order that we can better understand the basis of any complaints. These could only be supplied to us with the consent of the people making the complaints. On every occasion this consent has been withheld. It is not possible to identify the addresses or identities of these complainants from the videos – eg some are taken from the street. We do not understand why the complainants would prevent us from seeing the very things they are complaining to the Council about. Without us being shown the substance of these complaints it is very difficult for us to work collaboratively to resolve these.
- These videos do not have dates and times, which render them almost pointless.
- The Applicants were repeatedly informed by the Council, over many years, that these failings would reduce the evidential reliability (and indeed admissibility) of the recordings.

- Nevertheless, rather than taking these concerns into account, the Applicants continued to provide such evidence without the verifiable date and time details – in full knowledge of the evidential weaknesses.
- Whatever recording device was used was clearly uncalibrated and therefore no-one has any idea what recording level it was set to.
- In contrast with good acoustic practice, there is no contemporaneous record of what other noise sources were occurring at the same time as the videos - these can be as simple as a party going on two doors down or another venue open, road noise, or the noise of the general public going to and from the town centre along one of the town's principal east-west thoroughfares.
- Reliance upon un-dated, un-timed, un-calibrated video evidence taken out of context is dangerous and misleading.
- Critically, despite such a long period and despite clearly the great lengths they have gone to in preparing their submission there has been no independent expert evidence submitted to support this Review until last week – allowing us an extremely short time to consider. This is addressed in Section 12 below. Our 'bottom-line' is that this Expert Report presents no substantive evidence of any noise nuisance.
- By contrast, we have submitted many videos and other recordings of the noise levels, as recorded over a 3-year period using App-based technology. This evidence is neutral. It is comprehensive. It cannot be adapted to mislead its readings.
- Almost every single time I visit the Paris House I will personally make sure that I record the sound levels through making video recordings. These recordings are long (several minutes rather than several seconds) and are shot in a single un-broken take which either begins in The Paris House with people enjoying themselves and dancing, before moving outside the venue to capture the significant and immediate change in noise levels, often ending up outside the homes of the Applicants (or vice versa).
- A selection of these videos have been uploaded onto You Tube and are available for viewing – (see Appendix 4 for details and links).

### Noise diaries

- The Applicants have submitted noise diaries. These run into over 85 pages.
- Prior to the Review Application, **we had never seen these diaries.**
- How can we be expected to comment or address a noise diary that we have never seen?
- We have not seen any evidence that these diaries were actually submitted to the Council.
- Indeed, there are many examples in the Applicants' own evidence where the Council are confirming that whilst noise diaries had been sent by the Council to residents, no such noise diaries were returned and therefore no further action would, or indeed, could continue. Again, further Council resources are obliged to be spent only for this to be wasted as the Applicants declined to do what was required of them.
- Many of the entries in the Noise Diaries are simply records of when music events were hosted at The Paris House. This is from information easily and publicly available from our website and Social Media. For example, there are references to Sat night 'Club Nights' till 2am. Many of these entries are **not** records of any alleged noise disturbances – rather these are records of events. These cover the time when we are allowed to open – in reality we are often closed much earlier. It is extremely unusual for our pub to be open until 2am on weekends as people simply do not wish to stay out so late at night.
- My colleague **REDACTED** addresses the misleading impression created and points out (with photos) that our 'dance-area' has an absolute maximum space for 20 people to dance and is a space much smaller than most people's living rooms. The 'Club Night' title is deliberately ironic, in a same way to the 'Monday Boys' who host the Monday afternoon session - many of 'the Boys' are in their 70s.

- We have carefully checked the accuracy of the comments in the Noise Diaries with our business' records. For example there are several references to the noise of 'drums' late at night at times when no live music was being performed (or even on days when there was no live music at all). This is clearly a long task – not helped by the fact that so many of these complaints – of which we have just become aware as part of this Review - are from so long ago.
- **One example which stands out is the complaint that we played live music very loudly on Thursday 8<sup>th</sup> Sept 2022. We did not have any live music that night. This was the day The Queen died and so, as a matter of respect, we cancelled our live music that evening.**
- Where we have previously been provided with 'headline' information by the Council we have checked these entries and there have been demonstrable errors. Eg specific dates when it is alleged that bands were making too much noise even though no bands were playing on those days.
- This exercise has shown the need for such 'Noise Diaries' to be provided contemporaneously. If the Applicants will not provide us with the detail then how can we be expected to take any remedial action – assuming such action is necessary? (This is discussed further below).

### **Abusive Criticism of Council Staff**

- We certainly do not agree with the strident and often personal criticisms made by some of the Applicants of the Council's Officers who have devoted unprecedented resources and time to addressing all of these issues.
- We see that, amongst other asides, that:
  - REDACTED comments that *"The response from the Council I have found abject, limp and unhelpful..... The ineffectual and unhelpful reaction of the Council..."* and
  - REDACTED comments *"I am extremely frustrated and disappointed by BHCC's ineffective Licensing team .... together with an Enforcement team that is completely ineffective for any issue that cannot be simply resolved with a standard letter. The Enforcement team fobs off of (sic) residents....."*
- By contrast, whilst we have found it exasperating and frustrating to have to continue to devote so much of our resources (and, as residents and ratepayers in this city, the Council's resources) to this matter, we want to record clearly our appreciation for the professionalism demonstrated by the teams at the Council, with particular credit being highlighted towards Emily Fountain (Licensing Officer) and Helen Curtis-De Mendonca (Environmental Protection).
- As mentioned above, it makes no sense to present 900+ pages of correspondence with the Council and then argue that his proves that the Applicants are not being taken seriously.

## **7 Our Co-operation with the Council Teams**

- For our part, we have worked closely with the Council's officers at every stage and tried our best to comply with any advice to promote the Licensing Objectives.
- There is substantial evidence to support this, from contemporaneous email exchanges, to attending meetings with several council officers and to attendance at two Mediation processes as part of the Council's Enforcement Policy.
- We have attended every meeting we have been asked to attend. We have responded in full to every email we have been sent by the Council Officers.
- The Council have provided a 'Narrative Representation' to this Application for the Licence Review. In this they are simply recording the fact that they have written several letters to us following the complaints that they have received.
- To be clear, they are required to notify us when they have received a complaint. Typically, these letters set out the nature of the complaint and remind us of how, if substantiated, these complaints could amount to a Noise Nuisance or a breach of a Licence Condition.

- It is absolutely critical here to appreciate that these letters are only saying ‘*We have received an allegation*’. They are **not** saying that the allegation has been substantiated and that therefore there is a breach.
- Every time we have received such a letter from the Council we have replied at length and in detail to the points raised.
- In Appendix 2 I set out, email-by-email, a sample of 6 exchanges with the Council Officers to demonstrate how we have addressed directly each and every one of the points raised against us. I am not particularly inviting you to read the detail of these replies. The key point which we demonstrate is that every single one of these emails from the Council has been taken seriously and responded to in full.
- Even a cursory read of this Appendix demonstrates the seriousness, professionalism and detail with which we have addressed the concerns as reported to us by the Council’s teams. This includes:
  - responding in full to very specific complaints about the noise from our customers at a time when we can prove (from CCTV, till receipt etc evidence) that we had been closed and empty for at least 30 minutes, or
  - demonstrating that allegations that people were drinking noisily outside our venue at 7.45am on a Thursday morning came from Street Drinkers (not customers) who were sitting on a neighbour’s step (and not our benches) – and that the incident took place 8 hours *after* we had closed and 8 hours *before* we re-opened.
- In both of these instances the complainants had told the Council that they had evidence to support their complaints. The Council could only forward this evidence with the complainant’s consent – which was never granted. The first time we saw the photos and videos contained in the Applicants’ Submission was with the Review Application.
- In no instance is there any finding that we are in breach of any condition or created any noise nuisance.
- There is not a licensed premises in the country that could hold itself out as being absolutely perfect, but The Paris House and its staff have always complied with the Licensing Objectives, respected the conditions on the Licence and indeed respected our neighbours, even when the vast majority of the alleged complaints are, in the view of ourselves, the Police and the Council teams, groundless.

## 8 Engagement of the Applicants with the owners of The Paris House

- In stark contrast to their demands on the Council and public resources, the Applicants have chosen to avoid making direct contact with ourselves.
  - **REDACTED** has never even sent us an email.
  - **REDACTED** sent us a single email in 2017 (although he has no recollection of this – per his evidence).
  - **REDACTED** sent a single email to us in 2018 to complain about the noise of a band one evening. Although they were popular, that band has never been re-booked.

(Every email which comes into The Paris House main email address, as shown on our website, comes to our Head Officer directly. There can be no filtering out of our emails by our local management. This is a deliberate ‘*Quality Control*’ policy we apply in all of our venues).
- **REDACTED**
  - The only Applicants to have met with the owners of The Paris House are **REDACTED** who attended, briefly, a single Mediation meeting in 2019.
  - As part of the Council’s Enforcement Policy for noise related issues, there is a step where Mediation is encouraged as a means of dispute resolution. The aim is to resolve matters quickly, effectively and without unnecessary burdens on public resources.

- A Mediation meeting was arranged with **REDACTED** (and another neighbour) in 2019, which we supported. Our Director and DPS attended voluntarily and with goodwill.
- **REDACTED** evidence in his Submission shows his reluctance to take part – although he did attend the meeting, but left before the end.
- I was personally not scheduled to attend that day as I had other matters but, as it turned out, I was available to meet that day and I was in Brighton. **REDACTED** vetoed my personal participation, feeling it would be *‘inappropriate’* for the *Head of Legal* to be there – even though **REDACTED** is a Practicing Solicitor himself.
- **REDACTED** subsequently absented themselves from the process before the end of the first (of three) meeting, saying it was *‘a waste of time’*.
- However, as shown in his Submission, **REDACTED** then subsequently objected, bluntly, to the fact that the mediator had not updated him on the ongoing process (from which he had withdrawn) and took umbrage that he was not allowed to provide written contributions to a further Mediation meeting that he would not be attending.
- **REDACTED**
  - **REDACTED** is a self-styled activist and a professional negotiator.
  - She has never reached out to have any discussion with us.
  - She has remonstrated with our customers and our junior staff over the years.
  - By her own admission this included **REDACTED** coming into the pub and shouting *“as loud as I could”* to some customers that they *“were being selfish”* for dancing and, on a separate occasion, standing outside the pub and *“blowing my storm whistle (for sea swimming outside)”* to attract attention.
  - This is hardly behaviour conducive to *‘winning friends and influencing people’* or, more importantly, to resolving any issues.
  - **REDACTED** used Social Media to encourage neighbours to raise any complaints about The Paris House with the Council – but has never raised her concerns with us (other than through her shouting in the pub and in the street).
- **REDACTED**
  - **REDACTED** sent us a single 2-line email in 2018 to complain that a particular band had been too noisy one evening.
  - That band was never re-booked (despite being very popular)
  - We had not heard a single word from **REDACTED** in the last 6 years.
  - We had no idea had any active complaint with us until the Review Application was submitted.
- Other than the above, we have never had **any** approach from **any** of the Applicants to discuss **any** matters with us.
- I have personally never met **REDACTED**, **REDACTED** or **REDACTED**. I have never been invited to do so by either of them. I was prepared and available to attend the Mediation Meeting in 2019 with **REDACTED**, but he vetoed my involvement as he felt it would be inappropriate for the *Head of Legal* to attend – even though **REDACTED** is a Practicing Solicitor himself.
- All Council complaints and FOI Responses redact the names of the complainants – so we had no idea as to who the complainants were until this Review Application was made.
- It is difficult to engage and resolve matters if the complainants’ identities are continually redacted, we are not sent their Noise Diaries, they don’t talk to us, they walk out of Mediation meetings, they prevent me from attending the Mediation meeting, they refuse to consent to the Council providing us with their ‘evidence’ and behave inappropriately with our customers and junior staff.
- Had they reached out to us directly, rather than involve the Council on an anonymous (to us) basis and invoked all this unnecessary public (and private) expense, then maybe an informal discussion would have made all the difference in the world (of at least in Hove).

## 9 Representations submitted in relation to this Licence Review

As is required, a Notice of the Licence Review was posted in our windows by Council Officers on 8<sup>th</sup> Feb 2024. Anyone wishing to make and Representations were directed towards a Council email address – with all Representations being required to be submitted by 7<sup>th</sup> March 2024.

### Our Support

- The Council Officers have confirmed that they have processed **130 Representations** in our support.
- They have also confirmed that they received a **further 1,710 emails** in our support. Apparently, to be admitted as a ‘valid’ Representation the Council have told us the signatory needs to provide full details of their home address – even though this is not mentioned anywhere in the Official Notice. Due to the lack of resources at the Council to process all of the signatories in our support the Council have decided to process these further 1,710 emails as an ‘*online petition*’.
- The names of these signatories have been provided by the Council, running to 28 pages of email addresses.
- In addition, a customer of ours Josie Green has set up a (separate) Online Petition on Change.org. [https://www.change.org/p/preserve-the-cultural-hub-of-hove-oppose-the-review-of-paris-house-s-premises-licence?source\\_location=search](https://www.change.org/p/preserve-the-cultural-hub-of-hove-oppose-the-review-of-paris-house-s-premises-licence?source_location=search). As at the date of signing this Witness Statement this has **2,375 on-line signatories**.
- We are also aware of, quite literally thousands of people who have demonstrated support to us through various Social Media postings. We do not know how many such postings were set up as these were frequently done completely independently of us.

### Excerpts of Representation our Support

- We have carefully gone through the Representations in our favour. It took us over 6 hours to just read these. They are all part of the Hearing Bundle.
- We have produced an edited version of these Representations. These are set out in Appendix 1 to **REDACTED** Witness Statement – ‘**Excerpts from Representations in our support**’. This Excerpts document is a collection of direct quotes, taken verbatim and *cut & pasted* into a reader-friendly single document. Every single comment is completely verifiable by cross-checking the Statement number with the quote. It is just a lot easier to read this way. Not every comment from every person is included in these Excerpts.
- In fairness to the residents of our town who have taken the time and opportunity to express their views to you, **I urge you to read these Excerpts**.
- Simply browse through them and you will gain a very clear and very consistent message of the many things that our customers (and non-customers) feel about our venue. Even if you don’t read every comment, you will very quickly gain a strong flavour of the strength and depth of feeling in our support.
- We have categorised these comments under several themes and headings, namely:
  - **Part 1 - Comments from people living closer to The Paris House than the Applicants**
  - **Part 2 – Contribution of The Paris House to the Brighton & Hove Community, including:**
    - Cultural contribution
    - What makes Brighton, Brighton,
    - Impact on Tourism / Local Economy
    - Importance to the Community
    - Age Diversity / Inclusivity
    - Monday Afternoon Session
    - Support for live music
  - **Part 3 – Comments on how well the venue is run / attention to noise leakage**
  - **Part 4 – Character of the immediate area**



- Not a residential area
  - Western Road is noisy with homelessness etc and
  - **Part 5 – Crime & Disorder**
- Please remember, these are **not our words**. They are the heartfelt words of the **residents of our town** who have a very close interest in the outcome of this Hearing – for all the reasons set out in their individually written emailed Representations.

**Cllr Birgit Miller** (Culture Lead for the Council and Ward Councilor for the Goldsmid Ward).

- **REDACTED** Witness Statement also sets out an email received from Cllr Birgit Miller, who has expressed a great interest in this matter.
- Cllr Miller personally attended The Paris House on a Monday afternoon (15<sup>th</sup> April 2024) during our jazz session to see for herself what was happening. She took the time to stand outside the venue, and also outside the doors of all of the Applicants’ homes to listen for any noise disturbance. She walked around the vicinity. She took the time to discuss the concerns of our customers and musicians, directly and personally, in order that she could form her own opinion.
- Her comments are set out in full in Appendix 2 of **REDACTED** Witness Statement.
- She comments about the noise volume (inaudible on the street) and the positive contribution to the music ecosystem of the town.
- Her concluding comments are:

*“The Paris House is far more than a pub. Its various regular music sessions and the audience of regulars which this generates has created a sense of community in this pub which is extraordinary. Several older regulars spoke about how this was the only space they knew where they could turn up alone and always have someone to sit and chat with. Numerous people told me about how welcoming and accepting the space is.*

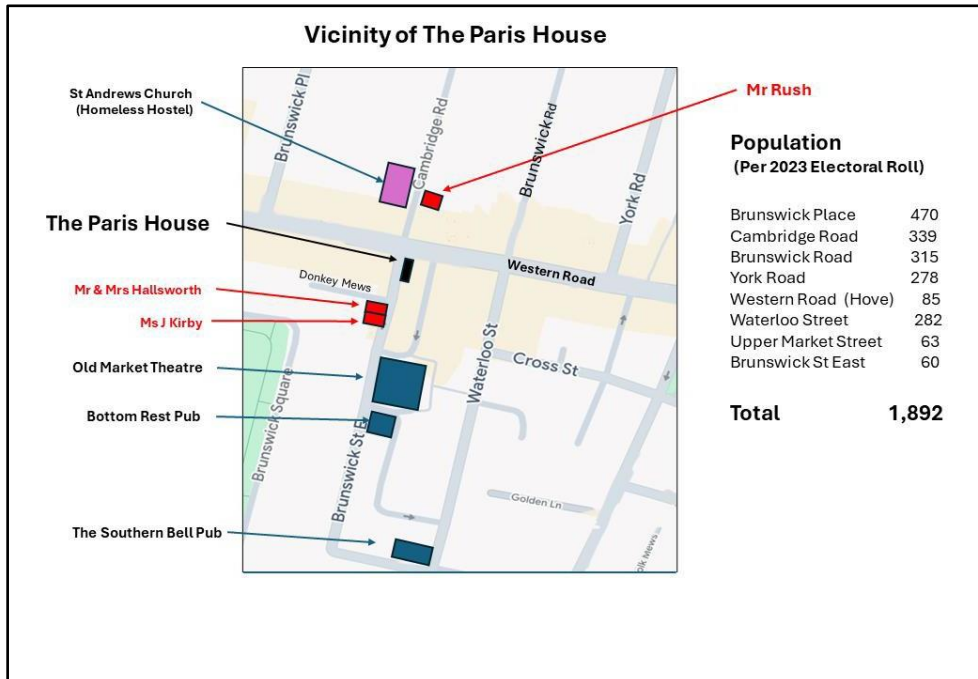
*The Paris House is far more than a pub with live music. It is both essential to the city’s musical ecosystem and our informal social networks.*

*If sessions such as the Monday afternoon jazz sessions are lost and The Paris House community with it, our city will be the poorer, and many of our residents will have lost something very precious in their lives”.*

### **Representations in favour of the Review**

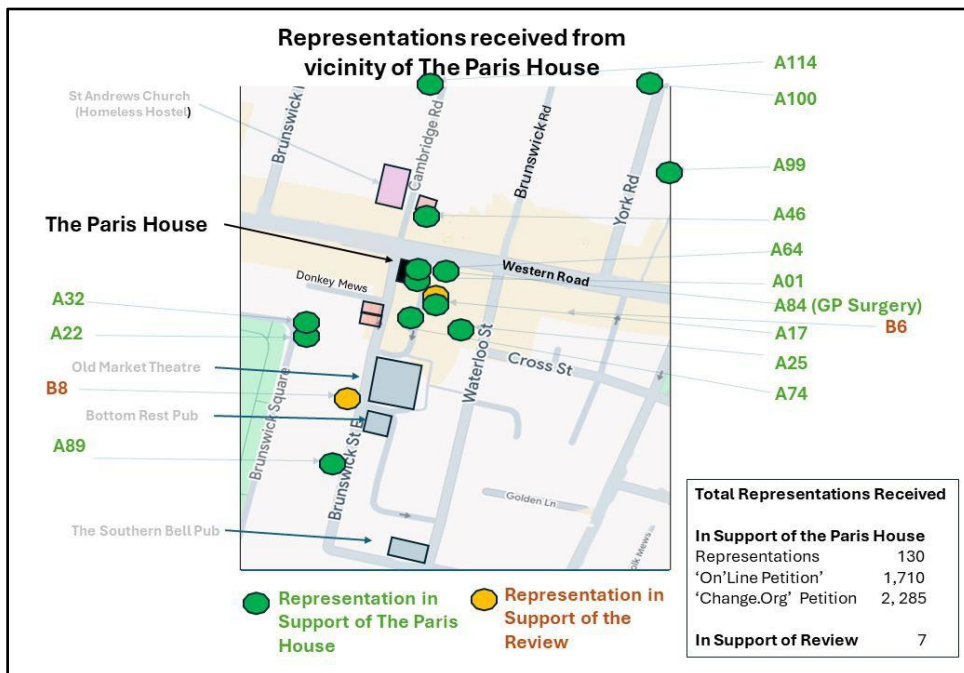
- We have also carefully read every single word in every one of the seven validated Representations in support of the Review.
- Such is human nature, we have spent far more time reading these negative Representations than we have the **4,200+ expressions of support** towards us, as referred to immediately above.
- I briefly comment on each Representation below.

- Before doing so, I think it is only appropriate to present these two charts which show the immediate vicinity around The Paris House (including the location of the 3 Applicants, the Homeless Hostel on Cambridge Road, together with the location of other relevant Licensed venues, namely the Mold Market Theatre, Bottoms Rest and The Southern Belle.



- These also show that in the immediate streets there are 1,892 residents (as taken from the 2023 Electoral Roll). This places the 7 representations in the support of the Review into context.
- This next chart shows the location of the homes of those residents within this immediate vicinity and shows that only 2 of these 7 residents supporting the Review have shown themselves to live within this immediate area.

Turning to the Representations in support of the review, I would like to comment as follows:



## REDACTED (B5)

- This Representation makes no sense and is verifiably untrue.
- **REDACTED** alleges that noise from The Paris House is having a material impact on her enjoyment of her home. However, whilst every other person submitting a Representation has been required to disclose their address, **REDACTED** has not provided her address. This makes it impossible to address this particular concern.
- **REDACTED** states that she has tried to work with the Council previously. However, there is no evidence provided to support this – and nothing in the 300+ pages of evidence disclosed under **REDACTED** very extensive FOI request for *'full details of all complaints raised against the Paris House since 2016'* makes any mention of **REDACTED** concerns.
- In her additional Statement, sent to us late on Friday 3<sup>rd</sup> May 2024, **REDACTED** states that she compiled noise diaries but these were *'bounced back'* went sent to the Council. She also states that she tried to call the Council but that the numbers were disconnected. She then complains that *'I found this a very strange experience. Nobody from the Council got back to me'* – which is hardly surprising if the emails weren't delivered and her phone calls were to a disconnected number.
- She alleges that we have *'refused to take her calls for the last year or so'*. This is simply untrue. We have no record of her ever making contact with us. We have no *'caller-ID'* system on our phone so we cannot know who is calling us (and therefore cannot *'refuse to take her call'*). All emails into the pub are seen directly and personally by myself – so I can state with full certainty that this route of communication has not been tried either.
- **REDACTED** moved down to Brighton during Covid times when our music performances were on-hold. Contrary to what she claims, we are not *'opening later and later'* or *'choosing to add another event during the week or add another hour to their closing time'*. We now play 30% **less** live music than before Covid. The only additional *'event'* we host since Covid is a Pub Quiz once a month on a Wednesday evening.
- We have not started hosting DJ nights on Fridays and Saturday evenings – these nights have been in the same format, with the same DJs, for the last 5 years (at least) – with the exception of the Covid years.
- Contrary to what is being said – we do not operate until 3am in the morning as that would be in breach of our Licence Conditions.
- She adds *'not a day goes by where I don't hear cackling, screaming or even full blown fights outside my window'*. In her supplementary statement sent late on Friday 3<sup>rd</sup> May 2024 this claim is further enhanced by her saying that she has phoned the police 10 times concerning fights. We completely and utterly refute this claim. **REDACTED** is the only person, in all of the mountains of evidence being considered, who is making any such allegation – and this is not supported by the Police or any evidence.
- We suspect **REDACTED** lives somewhere on Western Road (although she refuses to disclose where) and such anti-social behaviour is, very sadly, endemic in certain parts of this area where the homeless gather and sleep. There is a homeless hostel immediately opposite the pub and the nearby Norfolk Sq is becoming notorious in the area.
- Let me be 100% clear - There has never been a fight of any type at The Paris House or involving its customers throughout the 12 years of our operation.
- Finally, I am completely confused by the comments that the noise from The Paris House prevents her from working from home and *'forces'* her to go into the office instead. The Paris House opens at 1pm on a Monday (for the Monday jazz session) and at 3pm during the other weekdays. It simply inconceivable that a pub that is not even open from 8am to 3pm can somehow prevent anyone from working at home during the working week. The 3-5pm slots during the week are very quiet times. There will be much more noise coming from the local newsagent...

#### REDACTED (B6)

- **REDACTED** omitted to mention that he has previously engaged the Council Officers. Indeed we believe that Council Officers attended his flat to take sound recordings (It is hard to be 100% certain of this particular fact as names have been redacted – but the context is consistent).
- **REDACTED** has previously attended a Mediation meeting with our Director as part of the Council Enforcement Policy. He only attended one meeting and accepted that there had been no breaches of the Licence Conditions. On leaving this Mediation meeting he announced that, rather than continue with the Mediation process, he would begin a Social Media campaign to generate more complaints. Such a Social Media campaign began 3 days later by **REDACTED**.
- **REDACTED** flat is about 20 yards away from Western Road – with all the anti-social behaviour that comes with that.
- **By contrast, REDACTED** immediate next-door neighbour (**REDACTED**) has made a Representation (A 17) in strong support of the Paris House, saying:

*“As a close neighbour to The Paris House – I live in Upper Market St – I wanted to give my views as a local neighbour.*

*Before the current owners took over this establishment, the pub was rundown and a troubled meeting place for people with various social problems. It never felt quite safe walking past. Under current management, the venue has become a much loved, vibrant local venue with excellent live music and a wonderfully mixed clientele of different ages and backgrounds.*

*I visit The Paris House quite regularly and have never witnessed any problems or trouble of any kind. On the contrary it is a safe space that women and people of different ages meet and relax without the hassle experienced in some other Western Road venues.*

#### REDACTED (B7)

- **REDACTED** states she has only occasionally heard music ‘when the wind is in a certain direction’.
- She refers to hearsay that ‘friends’ have experienced problems, but with no evidence to support this. It is for these ‘friends’ to make Representations as part of this Review process if they feel aggrieved. They have not done so.
- **REDACTED** states that she has lived here for 13 years and that ‘Under the previous landlord I went to the Paris House regularly’. We have owned The Paris House for the last 12 years – virtually the entire time she has been living there.
- There is a highly alarming comment about ‘I’ve heard about threats and intimidation’. I can 100% guarantee that such behaviour (if any) has absolutely nothing to do with The Paris House. I would urge her to take up such behaviour directly with the Police and we will, of course, do all we can to assist with this very serious concern.

#### REDACTED (B8)

- Again, there are material discrepancies.
- There are comments about how The Paris House was much better run under previous owners, but this is inconsistent with the fact that we have owned and operated the venue for 12 years.
- There is a completely unfounded allegation that customers are allowed to sit on our benches with a ‘Pint in one and [sic] and joint in the other’. Of course this isn’t true. We will accept that this could be an honest (albeit highly prejudicial) mistake of seeing a ‘roll-up’ tobacco cigarette as a ‘weed joint’ – but it is utterly untrue that smoking cannabis occurs at our venue. It does not. Not a single other person, in all the 900+ pages of evidence submitted, has made such an allegation.

- **REDACTED** also states that we allow non-customers to sit on our benches and drink cans of beer from the shop and ‘stand over the road or down the street’. To state the obvious - these are not our customers. They are part of the homeless community that are, sadly, commonplace in the area. As **REDACTED** states himself, they haven’t bought their drink from us and they are not in our premises. **They are not our customers.**

- **REDACTED** makes additional allegations about the pavements being blocked - making access along the public highway unpassable for his elderly disabled mother.

- Our use of the Pavement is covered by a Pavement Licence issued by the Council and the pavement is not blocked. By contrast, **REDACTED** and



There have been 3 submissions that The Paris House has obstructed the public highway.

2 of these submissions have come from Applicants, the other from a resident of Brunswick St East.

Every one of these 3 households has blocked the public pavement / highway immediately in front of their homes.

Our use of the public highway is covered and regulated by a Council issued Pavement Licence.

two of the Applicant households (**REDACTED** and **REDACTED**) have all chosen to block the public pavement in front of their homes with large pot plants – thus forcing disabled people to move along the main road – see photo. (*The Title Deeds for all these properties confirm that the area covered by these plants is a public highway and not part of their respective private demises*).

- Bizarrely, in previous FOI disclosures requested by **REDACTED** there is a complaint from one of occupants [name redacted] of one of these houses where is complained that “*The pavement [outside of The Paris House] is being treated like a garden owned by the premises*”. So much for consistency.

#### **REDACTED (B9)**

- **REDACTED** lives over a quarter of a mile away from The Paris House (as the seagull flies).
- **REDACTED** offers no comment as to how her enjoyment of her home is being impacted by The Paris House.
- There are hundreds of people who live much closer to The Paris House than herself, yet these have not raised complaints.

#### **REDACTED (B10)**

- **REDACTED** Statement is headed ‘*I support The Paris House (but changed [sic] need to happen*’.
- He states in the body of his Representation that ‘*I live in Brunswick road [sic]*’ and states that he can sometimes hear the music on my road.
- Brunswick Road is a long road and so his more accurate location on the road is highly relevant. (He makes no reference to hearing any music in his flat).
- However, when asked to provide his address by the Council, this has now been provided as Upper Market St – which is much closer to The Paris House. So where does he live?

#### **REDACTED (B11)**

- **REDACTED** lives a 4-minute walk away from The Paris House.
- There are 3 other Licensed venues between The Paris House and her home, including The Southern Belle which is, literally, 4 steps away from her front door.

- **REDACTED** makes an oblique reference to “*questionable behaviour*”. yet offers no further description of this.

#### **Cllr Andrei Czolak**

- Cllr Czolak is a Ward Councilor for the Adelaide & Brunswick Ward (the Ward in which The Paris House is situated. He is also a member of the Licensing Committee.
- Cllr Czolak tried to make a Representation to the Panel, but this was ruled to be invalid by Sarah Cornell, Licensing Officer. However, we now understand, as at late on Friday 3<sup>rd</sup> May 2024, that this invalidated representation is being included as part of **REDACTED** Witness Statement.
- To the best of our knowledge Cllr Czolak has never visited our pub. He has certainly never introduced himself to any of our team. This contrasts with Cllr Andrei Czolak– above – who took several hours to visit our pub on the Monday afternoon session and discussed the matters with our customers and musicians, as well as taking a careful tour of the vicinity and stood outside the Applicants homes.
- I have sought to raise my concerns about his invalidated Representation with Cllr Czolak, namely:
  - He is expressly writing on behalf of residents of the Ward, but has made no attempt whatsoever to make any contact with us to allow us to provide any input into his Representation or comment on the concerns being raised. This is unfair to us. He is ***our*** Ward Councilor too.
  - He seeks to present his comments as ‘*impartial*’ – yet makes no disclosure of the fact that he hadn’t even *tried* to contact us.
  - His email expressly says that he is writing ‘*as a fellow member of the Licensing Committee*’ – which may be inappropriate for a Licence Review Hearing.
  - We queried whether he should have recused himself from acting.
  - We asked for details of the appropriate people within the Council with which we could address these concerns.
- Cllr Czolak simply refused to respond or engage with us. Only after my 3<sup>rd</sup> chasing email (ie 4<sup>th</sup> email in total) did he reply with the outrageously blunt opening of “***Yes, truth be told, I hadn’t intended to provide you with a response***”.
- We can only begin to imagine what the reaction would have been if we had responded to any Council Officer or Councilor in such a manner.

## **10 Suggested Conditions**

- In the Council’s Narrative Representation, Helen Curtis deMendonca (Environmental Health) has suggested a few conditions to be added / varied to our Licence.
- We have, of course, carefully considered these and would like to make the following points:
  - We have a long track record across 4 venues whether we have behaved properly and collaboratively – ie we can be trusted.
  - We have operated The Paris House for 12 years and have not been found to be in breach of any substantive condition.
  - Most conditions we are already complying with eg noise limiter etc and these are already a term of our Licence – so there is no real need to change these conditions.
  - The noise limiter has indeed been set at levels suitable to the Council Officers who have been engaged with this complaint for several years, most recently early last year. It cannot be altered by anyone without their involvement.
  - Our live music never extends beyond 11pm anyway. It finishes at 10pm – maybe a few minutes later if there is an encore.
  - We already have air cooling in place.

- So, taken as a whole, we do not feel there is the need to impose any new conditions to our Licence.
- Having made the above comments, we are nevertheless keen to be actively co-operative with the Council Officials to see what adjustments can be made which will address some of the concerns.
- Accordingly we have met (on line) with both Helen Curtis DeMedonca and Emily Fountain to discuss these in some detail. We put forward a few counter positions in a genuinely collaborative manner. The outcome of which is that the Suggested Conditions have been amended a little to reflect these concerns. We support the version provided to the Council by Helen DeMedonca on Friday 3<sup>rd</sup> May 2024.
- By way of polite reminder to the Panel, The Council’s Statement of Licensing Policy states:
 

*“The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre – such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only appropriate, proportionate and reasonable licensing conditions should impose any restrictions on such events”.*

## 11 Miscellaneous legal points

### Designated Premises Supervisor

For completeness I would like to explain why there is no Witness Statement from our Designated Premises Supervisor.

- From 2017 until Jan 2024 the Designated Premises Supervisor at The Paris House was Julian Franklin.
- For reasons completely unconnected with this Review, **REDACTED** resigned in November last year (long before the Review Application was filed) and finished his employment with us at the end of January 2024 (again, before the Application was filed on 7<sup>th</sup> Feb).
- **REDACTED** is taking a ‘life-style’ break and is setting off on a long travelling holiday around Europe in his mobile home. Accordingly, he has not been involved in the preparation for this Hearing. This also explains why there is no Witness Statement from Julian.
- As is clear from both my Witness Statement and from that of **REDACTED**, most of the communication and discussions with the Council have been directed via **REDACTED** and is fully covered.
- The newly appointed DPS is **REDACTED**.

### Legal Extracts

- Our external legal advisers, Poppleston Allen, have requested that I attach the documents set out in Appendix 5 ‘Legal Extracts’ to assist at the Hearing. These cover relevant extracts from the Councils Statement of Licensing Policy and appropriate Government Guidance.

## 12 Noise Impact Assessment Report from Expert Witness

- We have (very recently) received a Noise Impact Assessment prepared by Big Sky Acoustics Ltd on behalf of one of the Applicants, **REDACTED**.
- This was only sent to us at 4.45pm last Thursday (2<sup>nd</sup> May 2024). Due to the time constraints, by which we need to submit our Witness Statements on Bank Holiday Monday 6<sup>th</sup> May, in advance of the Hearing next Friday (10<sup>th</sup> May), this has only allowed us a single working day (the Friday before a Bank Holiday) in which to respond to this 21-page Report. We have been unable to consider this Report in the detail we would have wished.
- Nevertheless, we do have the following observations to make, since this is the only Expert evidence submitted to support the Application.

- It is *because* it is authored by such a leading name in the acoustics field that the value of this Expert Report to the Panel lies not in what it **does** presents, but rather in what it does **not** present.
- It is highly selective in what it provides. In particular, it provides no substantive evidence of any noise nuisance.
- We would expect a scientific Expert's evidence '*to follow the science*'. We are not sure this is what is happening here.

#### Our comments:

#### Sat 20<sup>th</sup> April 2024 – a 'normal' day

- It might be helpful to comment on our level of business on the day of Mr Vivian's visit.
- This was about as normal a Saturday night as we have. The overall takings for that day were very much in line with our average takings for Saturdays over the last 6 months – slightly higher than average, but nothing of significance.
- In the afternoon we had live music from The Cat Club Swing from 4-7pm and Andy-The-Dandy was our DJ from 9pm until close. Andy has been our regular Saturday Night DJ for over 5 years.
- We had no advance notice that Mr Vivian would be attending on that day (or at all) and so our programme and style of presentation had not been changed from anything other than that which we would normally offer on a Saturday.
- To the best of our knowledge Mr Vivian did not enter our premises. If he did, he certainly didn't introduce himself to any of our team.

#### Credentials

- According to their website, <https://bigskyacoustics.co.uk/> "*Big Sky Acoustics is respected as one of the UK's leading specialists in music and entertainment noise control*".
- The author of the report is Richard Vivian BEng (Hons) MIET MIOA MIOL, the Principal Acoustic Consultant at Big Sky Acoustics Ltd. (In fairness, it should be pointed out that Mr Vivian is their *only* employee).
- Mr Vivian clearly has a lot of experience and skills in these matters. We even considered engaging Mr Vivian to prepare an expert report for us and he provided a fee-quote for doing so, (see below).

#### Timing of the Report

- We note that this Report was only commissioned several weeks *after* the Review Application had already been brought. Indeed the 4-week deadline for making Representations had already expired by the time the Report was commissioned. By this time it was known to all the parties that the Council had received over 1,800 emails in support of The Paris House (and only 7 in support of the Review).
- Given that **REDACTED** has carefully assembled 900+ pages of material for his Submission, and that he first raised issues with The Paris House in 2017, (7 years ago), we are surprised that such an important Expert Report had not been commissioned and formed part of **REDACTED** *original* Submission in early February 2024. Instead it was commissioned so late and sent to us almost 3 months after the Review Application had been made. – allowing us just one working day to respond to it.

#### Scope of the Report

- The scope of the report is stated as '*to carry out an assessment of the existing noise breakout and noise control measures at The Paris House*'.



- We are not sure why this scope should be defined this way. The purpose of the Hearing is to balance the interests of the 1,000s of people who have shown their support towards The Paris House with the interests and rights of the residents of the city not to have their reasonable enjoyment of their homes disrupted. The test for the Hearing is therefore about the ***impact*** of any noise on their enjoyment of their homes. The ***process*** by which that noise is produced is a side issue. It's not about ***how*** the noise is made, it's about ***whether*** this noise compromises the neighbours' enjoyment of their homes. *'Assessing the noise breakout and noise measures* is a ***means to an end*** rather than ***an end in itself***.
- Indeed, when Mr Vivian sent a fee proposal to us when we expressed an interest in commissioning him ourselves, he defined his scope as *'I will evaluate the ***impact*** of noise from the premises at nearby noise sensitive properties'* [emphasis added]. That, to us, is far more relevant- but this does not seem to have been his Brief for the Report he has produced for REDACTED / The Panel. This is highly relevant to our next observation.

## The findings of the Report

### No data

- We would have expected such an Expert Report to contain large amounts of data and scientific facts around which logical conclusions could have been drawn. This would differentiate this evidence from that available to lay-people who are conducting *'walk-arounds'* and applying a non-scientific *'reasonableness test'*. However, there is virtually no such scientific data presented to The Panel in Mr Vivian's Expert Evidence Report.
- The only reference in the 6,183-word Report to any data is in Para 4.6, which is just 25 words long and says *"A large amount of noise data were [sic] gathered during the survey which is simplified and summarised in this report in the table below"*. That's it.
- The table that is referred to contains only 6 data entries. As there are only 2 minutes separating some of these entries, this is effectively only 4 *'moments'* of an attendance period by Mr Vivian which exceeded 10 hours. 5 of these 6 entries refer to low level noise being heard before 7pm on a Saturday afternoon.
- There is then a gap of 6 hours and 18 minutes before there is the last entry, at 1am, which refers to *'minimal people noise but regular bass beat and high-hat [sic] noticeable'*. These 10 words are probably the most important in the 6,000+ word Report, but, as lay people, we do not understand them. We are unsure if this *'high-hat'* comment is a typo.
- We would have expected that an Expert Report from one of the country's leading Noise and Acoustic specialists to have been far more detailed in its analysis of the data. Whilst the full data would probably be incomprehensible to lay people such as ourselves, we would have expected this to have been included in an Appendix. This would avoid cluttering the main body of the Report yet still open up the data to external scrutiny and allow for other professional experts to be able to conduct some form of *'Peer Review'*. Without this data, our ability, and that of the Panel, to have this report properly scrutinised is rendered completely impossible.
- Our reading of Mr Vivian's report is that he visited for 10 hours (4pm till 2am). He used professional recording equipment, set out in great detail in Appendix C of his Report, which covered both his Attended and Unattended readings.
- Whilst Mr Vivian confirms the existence of *"a large amount of noise data were gathered during the survey"* he does not present this, anywhere (other than the very brief table mentioned above). There is virtually no scientific evidence put forward.
- There is a gap of 6 hours and 18 minutes (6.42pm Sat to 1.00am Sun) during the whole of the Saturday night, when there is ***no commentary or data*** at all about ***any*** of the noise readings made during this critical period.
- We would be extremely surprised if there is no data ***recorded*** during this period. The collection of the data was, after all, the entire purpose for his visit and why he set up so much sophisticated recording equipment. There is Mr Vivian's direct confirmation that *"large*

*amounts of noise data were gathered during the survey*” but this data is simply not presented for scrutiny by anyone else.

- As shown in the section immediately below – these recordings by Mr Vivian were taken with the windows to **REDACTED** house wide open – and still there is no data mentioned in the Report.
- **Put simply – is this absence of any data in the Report because there is no scientific evidence that demonstrates any noise problem?**
- There are two references to occasions when Mr Vivian heard noise from the street (at 11.36pm and at 1.27am). There is another entry at 1am from an attended visit at Old Market Cottages. This does suggest that Mr Vivian was actively patrolling the streets throughout that afternoon / evening / night – yet this is the sum total of what he is reporting to the Panel.
- By contrast, as set out above, experienced teams from the Council’s Environmental Health and Licensing departments have made 20+ visits to the Applicants’ properties. They have very clearly stated that there is **no evidence to demonstrate any noise nuisance**. This is covered elsewhere in this Witness Statement. Their findings, with full details, are set out in the 3-page Appendix 1 to this Witness Statement.

#### **Our Noise recordings from Sat 20<sup>th</sup> April 2024**

- As with all Saturdays, we take recordings of internal and external noise as part of our Walk-Around. Our recording taken at 10.40pm has been uploaded to You Tube and can be seen via this link. <https://youtube.com/watch?v=w5TcPoWuXKc&si=JjZ4ULKeJ1-NvXPN>
- This recording shows the noise levels inside the pub, and how these change as Andy-The-Dandy walks along Brunswick St East to Old Marke Cottages.
- Please note – **the large the windows to the front of REDACTED house are wide open at this time.**
- This was presumably done by Mr Vician as part of his noise data gathering.
- **Even with the windows wide open, there is still no levels of noise nuisance worthy of any comment by the acoustics expert.**

#### **Other Commentary in the Report**

- In contrast to the almost entire absence of any actual scientific data, Mr Vivian’s Expert Report also contains far more detailed commentary about matters that are well outside the purpose of the Hearing. These take up multiples of the space allocated to actual noise data. These comments by Mr Vivian are misleading, inaccurate, factually wrong and inconsistent.
- They are most certainly not based on the scientific input Mr Vincent was commissioned to report upon.

#### **Comments in the local newspaper**

- There is a full page of the Report devoted to the comments of a resident quoted in the local newspaper. From this press quote there is extrapolated by Mr Vincent to the conclusion that, therefore, there is a noise nuisance.
- The commentary on this single quote from an individual’s (a Mr Tom Burris)’s Social Media page (lifted by the Argus) amounts to 275 words, more than 10 times the length of the only sentence which refers to any factual data obtained from 10+ hours of recording.
- It is vital to the understanding of the wider debate for the Hearing that we add the full comment that Mr Burris is quoted as having made, rather than a highly-edited selective sample of it. This completely changes the impression which would otherwise have been created by cherry-picking the points assumed to be in Mr Vincent’s favour and ignoring the rest to provide a wholly misleading version. After all, if the views of Mr Burris are relevant

enough to be included in the Expert Acoustic Report then it must be relevant to include his whole quotation.

- Mr Burris also said:  
*“These people [the people bringing the Application] are a public nuisance by complaining all the time. It causes so much stress to venues and the public who for the most part love live music and culture. How do we complain about the complainers? Brighton needs a culture preservation order on music venues and event spaces.*  
[Of The Paris House] – *Sad that a small minority want to remove it”.*
- The Report states that Mr Burris’ bedroom is 80m from The Paris House – but without knowing the actual address of the resident we do not understand how this can be stated as a fact, other than speculation.
- This second-hand commentary is not what we expected to see in an Acoustic Scientific Expert’s report.

### **Misleading commentary about the Statement of Licensing Policy**

- There are several references in the Report to the Council’s SOLP and the conditions which would be expected in any new licences which may be granted, (See 3.6, 3.7, 3.8 and 5.1).
- Critically, these apply to new Licences only. To state the obvious, this Review Hearing is not about a new Licence.
- The Paris House has had a licence for longer than anyone can remember. It is not a new Licence and so the many sections quoted at length from the SOLP simply **do not apply**.
- Again – there is far more commentary about inapplicable and / or irrelevant content than about the scientific data which we would expect the Report to contain (363 words Vs 25 words).

### **Noise Controls**

The report defines its scope as an analysis of ‘Noise Control Measures’. But;

- **Noise Management Plan.** There is no commentary about our detailed NMP and / or how this goes much further than the guidance and suggestions made by the Council. Indeed Mr Vivian never even asked to see a copy of this NMP (or even knew if it existed).
- **Use of Noise Limiter.** There is commentary about how our speakers were not directing music through the noise limiter. This comment is completely and utterly untrue – as verified by Council Officers during their unannounced visits over the years. This was even checked with and confirmed by the Council Officers in our recent meeting with them last Monday, (29<sup>th</sup> April). Given that there is no mention of Mr Vivian ever entering the pub at any time during his 10-hour investigation then we do not understand how this can be presented as a scientific ‘fact’. It is not a fact. It is speculation. It is also demonstrably untrue.
- **Position of the Speakers.** These DJ Speakers are placed at the front of the building, directed towards the back of the room, in accordance with the Council’s guidance on noise management. This way they avoid being adjacent to any party walls (per guidance). They are positioned to direct music into the pub at all times (ie not positioned to play music to people outside). We have experimented in the past with placing the live bands at the rear of the pub but this was dangerous as it caused overcrowding and blockages at the top of stairs from people needing to go to the downstairs toilets. It would also place the speakers and band adjacent to a party wall – in contradiction to the guidance received from Brighton Council’s Environmental Health teams.
- **No entrance lobby.** Given that the pub has only has a single door and with no other means of escape, the construction of an entrance lobby would compromise emergency evacuation in

the event of a fire. We would have expected such an experienced expert to have been aware of this.

- **No drinks outside.** Running a pub in these days requires careful consideration to be given to the problem of people's drinks being spiked with additional alcohol or drugs. The Golden Rule is that '*never leave drinks unattended*'. This is confirmed by specific guidance given by Brighton Police at a Spiking Awareness Course as recently as March 2024 (which I attended). By preventing drinks from being taken outside then either drinks will be consumed too quickly, (intoxication issues), or left unattended inside (spiking issues). This is a point that we discussed very carefully with the Council Officers who accepted these concerns and this is addressed in the conditions discussed elsewhere in my Witness Statement.
- **Control over external area late at night.** The Report contains large photo (*Photo 6, page 11*) showing a well-managed external area of The Paris House taken at 23.39pm – showing a single smoker. (The photo is larger than the table referred to above which provides all of the scientific data). There is a comment that no SIA supervisor was present on the outside of the building. As there was only a single person outside, our door host was conducting a walk-around of the pub, checking loos etc. (*Verified by our CCTV*).

### **Blockage of the Pavements**

We are not convinced that these comments by Mr Vivian are relevant to how the residents' reasonable enjoyment of their homes is being impacted, but, even if relevant, these comments are inaccurate.

### **Pavement Licence**

- We have a Pavement Licence granted annually by the Council. This sets out very specific requirements for the location of our tables and chairs and prescribes the width of the pavement thoroughfares. This Pavement Licence is renewed annually (as recently as last month) and was subject to a detailed discussion with the Highway Officers just over a year ago – who approved its use along with the measurements for the area concerned.

There are 3 photos in the Report which are relevant.

### **Clear Pavements.**

- Photo 6 (page 11). This shows that the pavement is completely accessible to everyone, even at 11.39pm on a Saturday night, and that all conditions regarding the chairs and furniture to be decommissioned by 11pm are fully satisfied.

### **Blocked pavements don't belong to us.**

- Photo 11 (page 15). This shows a narrow space between some bikes and the building – with the commentary that '*pedestrians were unable to pass and were forced to walk in the road*' and that he had '*estimated*' (but not '*measured*') this gap to be 70cm.
- However,
  - the Expert Acoustic Report is highly misleading as this photo shows an area which is ***not our responsibility*** as it *does not belong to us*.
  - The bikes are chained to a Council signpost (nothing to do with The Paris House) and the black-marbled building closest to the bikes is ***not*** a part of The Paris House's demise or Pavement Licence area. Our premises end where the benches end.
  - Our pavement space, where our benches are, has been approved by the Council and complies with our Premises Licence and Pavement Licence.

### **Pavements are blocked by two of the Applicants**

- Photo 2 (page 8) shows the homes of two of the Applicants. This shows that, immediately in front of their homes, the pavement (ie the public highway) has been rendered completely impassable by the extensive use of pot plants which have been placed outside their homes.

- Whilst no-one is denying that this does look very attractive and enhances the area, this does nevertheless amount to a complete blockage of the public highway (pavement) forcing *everyone* to walk in the road. (The Title Deeds at the Land Registry confirm that the curtilage of their property ends at the wall of their buildings and that the area with the plants is a public footpath).
- As mentioned elsewhere, there is only 1 other complaint about the blockage of the footpath (Richard Dunne – Rep B8), yet he has also blocked the public footpath immediately outside his home on Brunswick St East with plants.

### **The Suitability of the building for amplified music**

- Mr Vivian makes reference to the age of the building and states that this is ‘*unsuitable*’ for amplified music.
- Although Brighton hosted the world’s first continuously operated public supply of electricity in 1882, this was still very much in its infancy by the time The Paris House building was constructed in 1896 – which was long before electrically *amplified* music took hold.
- Live music is integral to the culture of Brighton, as are our beautiful historic buildings covered by so many planning protections.
- Almost every single ‘*live music venue*’ in central Brighton is produced in buildings of at least the age of The Paris House (and, in most cases, before the arrival of electricity).
- With the exception of The Brighton Centre, we cannot immediately think of a modern (post-electricity) purpose-built venue which hosts live music in this town.
- If the restrictions suggested by Mr Vivian are applied to all venues across town there would be no live music (other than at The Brighton Centre).

Given the very limited time to consider this report, we reserve the right to return to this with further questions at the Hearing.

### **Summary**

- Thank you for taking the time to read this Witness Statement.
- I appreciate that it is long, but it needs to be, given the existential threat this Review poses to The Paris House.
- Hopefully you will have a sense of the professionalism and detail we have applied throughout our time in operating this much-loved venue, and how seriously we always take all of these matters raised.
- At the end of the day, there is *no evidence* produced by the Police, the Council’s Licensing and Environmental health teams, or even the Applicant’s own Acoustic Expert, to show that there is any breach of our Licensing Conditions, Public Nuisance, Noise Nuisance or any Crime & Disorder.



6<sup>th</sup> May 2024

**REDACTED**

**Head of Legal**

**Rowbell Leisure Limited**

**Licence Holder for The Paris House**