

APPENDIX B5 B5

From: REDACTED

Sent: Wednesday, April 17, 2024 5:48 PM

To: Sarah Cornell EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>

Cc: REDACTED

Subject: FW: The Paris House Licence Review

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Sarah

Please would you add this email from Rowbell Leisure Ltd to Cllr Andrei Czolak to our submission. I strongly believe this was intended to intimidate Andrei into withdrawing his representation.

Would you confirm acceptance at your earliest opportunity?

Many thanks

Jac

From: REDACTED

Sent: Thursday, March 28, 2024 3:42 PM

To: Cllr Andrei Czolak <Andrei.Czolak@brighton-hove.gov.uk>; Sarah Cornell <Sarah.Cornell@brighton-hove.gov.uk>

Cc: REDACTED

Subject: The Paris House Licence Review

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Cllr Czolak

I am the Head of Legal for Rowbell Leisure Limited, the Licence Holder for The Paris House.

I have read your submission in connection with the upcoming Licence Review (attached). As a matter of routine your representation will be presented in full to the Licensing Committee. The wider Brighton public will be able to see this too. This will include the (quite literally) thousands of residents of Brighton and Hove who have already registered their support for us. This includes many residents in the Adelaide & Brunswick Ward – including those within closer proximity to our venue than the Applicants themselves. There is an overwhelming tsunami of support for The Paris House on multiple grounds, including (but not limited to) cultural importance, being part of “*What makes Brighton, Brighton*”, openly embracing the diversity of ages, bringing people to mix together, social / mental health benefits, championing the creative energy for which Brighton is renowned and being a safe environment for a key sector of our community who otherwise feel excluded ie the ‘*less-young*’ members of our community.

I have a number of issues about what you have said, (as your email contains a large number of materially inaccurate 'facts'). I will address these in a separate email – should this be necessary. This email raises some very serious issues about the appropriateness of you making your representations and, indeed, whether these are admissible. This is why I am copying this email to Sarah Cornell who I understand is responsible for coordinating and validating all of the responses received to date. (**Sarah** – please also see the important request below for a full and complete copy of Cllr Czolak's representation).

Your email very explicitly states that it is a representation on behalf of residents in your ward. It is also very direct in saying that you are writing in your capacity "*both as local councillor **but also as a fellow member of the licensing committee***". [Emphasis added].

My concern is whether it is appropriate, and indeed lawful, for a member of the Licensing Committee to be lobbying other committee members in this way. As a matter of common sense, any representation submitted by a fellow committee member will be regarded as carrying greater influence and weight than a non-committee member. This is, of course, why we would expect there to be clear rules and processes in place to prevent this from happening. It undermines the independence and neutrality of the process, and public trust in the system, if a fellow committee member is seen to be taking sides and actively lobbying their fellow committee members before a Hearing to embrace their view.

I would have expected you to have said to the residents words to the effect of '*As I am on the Licensing Committee it would be inappropriate for me to make submissions to the Licence Review on your behalf. I must therefore remain impartial and recuse myself and refer you to the other ward councillor, Cllr Jenny Stevens, who is not on the Licensing Committee to take up this matter on your behalf*'. You did not do so.

Although you state at one stage that '*in the interests of impartiality...*' my concerns are heightened by the highly biased representations you have made. I will address the detail of this in a separate email, if necessary, but for the purpose of this email it is appropriate if I summarise these matters as these show that your representation on behalf of the residents is a long way from being a neutral or '*impartial*' stance – and which is why you should have recused yourself from any direct involvement.

By way of examples:

- You expressly say you are writing on behalf of the residents. A lobbyist, by definition, is not impartial.
- You have never made any attempt whatsoever to contact the Licence Holder (i.e. us) to hear our side of the matter. We find this inequitable, unfair and somewhat unprofessional. How can this be impartial if you didn't even seek our input? Do businesses not have the right to be consulted?
- You make references to accusations of customers of The Paris House "*use of local residents' properties as public urinals*" – This is highly prejudicial and of direct relevance to the Licence Review. It is totally uncorroborated. (It is, of course, untrue).
- You refer to conversations with an unnamed PCSO who you state was concerned about '*overcrowding*' and '*overspill*' onto the pavements. Again, this is highly prejudicial and inaccurate. In the interests of impartiality we would have expected you to:
 - have identified this officer, so that her views could be clarified. (Whether a venue is '*over-crowded*' is not a Police matter – it is for the venue and the Fire Service to assess).

- referred to the fact that we have had no issues raised with us by the Police (or Fire Service),
- referred to the fact that neither the Police (or Fire Service) made any representations concerning the Licence Review and
- referred to the fact that the issue of customers outside the pub are not 'overspill', (to use your emotive, misleading and not particularly pleasant term to refer to our customers and residents of the city). This has been discussed carefully with officers at the Council responsible for Highways Enforcement, Licensing and Environmental Health and is directly addressed in the specific and separate Pavement Licence in place for the outside areas. Your so-called 'overspill' are actually in a specific licensed area, as agreed with your Council Officers.

You did none of these things.

- You state as bold facts that "*The persistent problem of loud music has undoubtedly had a negative impact on the lives of some of the local residents*". In the interests of impartiality I would have expected you to have added '*although this matter has been extensively investigated by the council Licensing Officers and Environmental Health Officers, including no fewer than 22+ recorded visits to the pub and local residents' homes and in every single visit no noise nuisance was found to be taking place*'. So there is clearly very considerable 'doubt' as to the impact on residents' lives. Stating this as an established fact to your fellow Licensing Committee members is totally inaccurate, misleading and inappropriate. It is patently one-sided and therefore not '*impartial*'. It is biased lobbying of your fellow committee members, which is why you should have recused yourself from this matter.

On a personal level, you make a reference to a letter I sent to two of the residents concerning the requirement to disclose their dispute when selling their homes. You have described this letter as '*intimidatory*'. Again, this is highly inflammatory language. In the interests of impartiality I would have expected you to mention:

- (i) this disclosure requirement is a long-established part of English law
- (ii) the disclosure is triggered by the residents submitting their complaints to the Council
- (iii) the wording I quote is cut & pasted, word for word, from the B&HCC council's website which, very responsibly, alerts all residents to this disclosure obligation and
- (iv) that we informed the Council Officers, in advance, that we would be doing so, and they had confirmed that this was also their understanding of the law of the land.

Indeed, your representation seems to be carefully designed to circumvent this disclosure obligation which is required by law – which will ultimately be to the detriment of any future buyer of the properties concerned in what is probably going to be largest amount of money they will spend in their lives. Again, this cannot be appropriate behaviour from an elected Councillor.

None of the above is covered in your email to your fellow members of the Licensing Committee. These are all points that we would have raised with you, and addressed, had you made any contact with us before you began your lobbying campaign.

So, in light of all of this, I feel you should withdraw your representation and I invite you to do so.

Given that the Licence Review threatens our business and is of huge importance to the lives of many of our customers – as shown in the overwhelmingly positive responses we have received - we simply

cannot allow your representation to go unchallenged. We have no wish to spend yet further resources on this matter or to unnecessarily take up even more Council time. We are willing to accept (and hoping) that this was a well-intentioned intervention by a newly-elected Councillor who may be unfamiliar with these rules, but nevertheless the impact is the same – irrespective of the motivation behind it. A simple withdrawal of the representation will be sufficient from our perspective and this matter can be closed.

In any event:

Please provide me with contact details

Can you please provide me with the contact details for the various Officers and Councillors within Brighton & Hove City Council who will be responsible for ruling on whether this lobbying of fellow Licensing Committee members in this way is acceptable. I am unclear which committee will be responsible for this. I note that you are also a member of the Audit & Standards Committee.

Please provide me with the complete version of the attached email

The attached email does not show the date on which this was sent. Nor does it show the addressee(s) to whom it was sent. This detail is shown on every other representation we have received. Our concern is whether this has already been sent or copied directly to any / all members of the Licensing Committee and / or anyone else internal or external to the Council.

In light of the approaching Hearing (and requisite deadlines), and in the spirit / requirement of openness, I look forward to hearing from you in the very near future.

Regards

REDACTED

Head of Legal

Rowbell Leisure Limited

Cc to

REDACTED as Director of the Licence Holder

REDACTED as our external legal adviser