

APPENDIX B5 A1

APPLICATION FOR REVIEW OF PARIS HOUSE LICENCE

APPLICANTS' SKELETON ARGUMENT

This document sets out the issues before the Licensing Panel ("LP").

Reference to the "PLH" is to the Premises Licence Holder.

1. It is submitted that the LP has to decide on the evidence before it whether either of the following two licensing objectives has been promoted in accordance with the Act:-
 - (a) the prevention of crime and disorder, including antisocial behaviour.
 - (b) the prevention of public nuisance. **Submissions J 1.3**
2. The LP makes its decision on the balance of probabilities. **Submissions J 1.3**
3. If the LP decides the Applicants have not proved their case on either of the licensing objectives to that standard, it should dismiss the application. **Submissions J 1.4**
4. If the LP decides the Applicants have proved their case to the requisite standard on either or both of the objectives it can take action as outlined in the Applicants' **Submissions J 1.5**
5. The Applicants' closing submissions deal with two possible scenarios: –
 - (a) Revocation of the licence (or the consideration of a suspension of it or a warning to the PLH re its future conduct).
Submissions L 1.15 - 1.22; B 1.32: and App31 App A respectivelyOR
 - (b) If the licence is to continue, the imposition of conditions to better protect the Applicants and other residents from the problems which have led to this application.
Submissions L 1.23 - 1.27
6. The Applicants submit that the three steps referred to in para 5(a) above merit consideration due to the attitude of the PLH throughout the history of the operation of the PH premises as revealed in the documents submitted in support of this application.

For ease of reference and based **solely on the evidence**, a document entitled "**Paris House – PLH and Staff's Approach to Complaints**" has been prepared and submitted with this Argument.

7. The issue of conditions in para 5(b) above is covered in the report of Mr Richard Vivian in his recent noise impact assessment, a copy of which has been sent to BHCC for the LP's consideration.
8. **Ancillary matters**
 - (a) The **ONLY** matters relevant to the LP's decision are the licensing objectives and whether they have been properly promoted or not.
(**para 9.44 s.182 Guidance - Submissions B 1.29**).

Thus, "need" (for premises to be licensed) is **specifically** stated to be **irrelevant** in **BHCC's SOLP at para 3.1.1** and in keeping with the s182 guidance.

Much of the evidence so far produced by the PLH relates to “the cultural value of the premises”; its importance as a “live music venue”; and representations made in support of the PH and its PLH (designated as “A” representations by BHCC for the purposes of this review) as well as a petition.

Many of these representers do not live in the neighbourhood and do not address the impact of these premises on the local community. Very few make **ANY** reference to the promotion of the licensing objectives **AT ALL** and are more concerned with the writer’s own enjoyment when visiting the PH.

As such, **it is submitted that this evidence is NOT RELEVANT to the issues to be decided and should be COMPLETELY ignored by the LP in its deliberations.**

It should also be noted that a few of these “A” representations do make relevant comments in favour of the Applicants’ case even though they wish the PH to continue.

It cannot be stressed enough that this is NOT a case of trying to prevent live music being played or people from enjoying themselves.

It IS a case of noise nuisance caused by both music and customers and their antisocial behaviour disturbing residents on a regular basis and for a very long time and in breach of the licensing objectives in para.1 above.

- (b) It is for the LP to assess the credibility of the evidence before it and to decide what weight to give it. In review cases there is no need for any witness’s evidence to be corroborated or supported by anyone else. If it so decides, the LP can rely on the evidence of just one witness in these proceedings.

In this case it is submitted that there is a significant amount of corroboration for the Applicants’ case from a variety of sources including their individual evidence, the FOIA information, the **APPS** produced in support of the Applicants’ submissions and the information provided in “B” representations arising from this review and made in support of it.

In addition, there is the **independent expert** evidence of Mr Vivian who visited the PH and the surrounding area on an **unusually quiet night** only to note a breach in a licensing condition re the noise limiter which was being bypassed by other equipment after 2300. He also witnessed noise generated from the premises and audible roughly 150 metres away after 0100. Both these facts are supportive of the evidence of the Applicants and other residents.

C.C.Hallsworth

3 May 2024.