



# Public Document Pack

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Committee Manager Andrew Bishop (Ext. 37984)

23 February 2023

## LICENSING SUB-COMMITTEE

A meeting of the Licensing Sub-Committee will be held in the **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Monday 6 March 2023 at 9.30 am** and you are requested to attend.

Members: Councillors Blanchard-Cooper, Daniells and Kelly

**PLEASE NOTE:** Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the [Committee's webpage](#).

We request members of the public do not attend any face to face meeting if they have Covid-19 symptoms.

For further information on the items to be discussed, please contact: [committees@arun.gov.uk](mailto:committees@arun.gov.uk)

## AGENDA

1. ELECTION OF CHAIRMAN
2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

3. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

4. LICENSING ACT 2003 S51 APPLICATION FOR REVIEW OF A PREMISES LICENCE (Pages 1 - 82)

An application for the review of a premises licence relating to The Fox Inn, Arundel Road, Patching, Worthing, West Sussex BN13 3UJ has been received from Environmental Health as a responsible authority that contends that the licensing objective of the Prevention of Public Nuisance has been undermined.

Note: If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

Note: Filming, Photography and Recording at Council Meetings – The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link - [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF ARUN DISTRICT COUNCIL LICENSING SUB-COMMITTEE ON 6 MARCH 2023

**SUBJECT:**

Licensing Act 2003 S51 Application for review of a premises licence

**REPORT AUTHOR:** Louise Dewberry – Licensing Officer

**DATE:** 14 February 2023

**EXTN:** 01903 737780

**AREA:** DIRECTORATE Growth.

**EXECUTIVE SUMMARY:**

The Authority is in receipt of an application to review a premises licence for a premises known as The Fox Inn, Arundel Road, Patching, Worthing, West Sussex BN13 3UJ

The application is from Environmental Health Service, Arun District Council, a responsible authority, who contend that the licensing objectives of the Prevention of Public nuisance has been undermined (**Appendix A**)

Supporting representations in this matter have been made by Arun District Council acting as the Licensing Authority, a responsible authority, on the grounds of the Prevention of Public nuisance. (**Appendix B**)

**RECOMMENDATIONS:**

The Sub-Committee should make an evidence-based determination, justified as being appropriate for the promotion of the licensing objectives.

The Sub-Committee may only consider matters referred to in representations relevant to the promotion of one or more of the four licensing objectives. These must be considered in the context of what is relevant to the review application.

**1. BACKGROUND:****1. BACKGROUND**

1.1 This is an application for a review of a premises licence which has been received from Arun District Council, Environmental Health Service, a Responsible Authority. (**Appendix A**)

1.2 The Fox Inn is a public house located on Arundel Road, Patching, Worthing, BN13 3UJ. The premises is licensed to sell and supply alcohol for consumption

on and off the premises, under the provisions of the Licensing Act 2003.

1.3 The Premises Licence Holder for The Fox Inn is S&S@The Fox, Patching Ltd. Mr S Boxall and Ms S Murphy are the directors of the company and Ms S. Murphy is the Designated Premises Supervisor for the premises.

1.4 March 2022 - A complaint was received from a member of the public alleging noise nuisance from a party (including loud music and people noise) being held in the marquee at the Fox Inn. Investigations into the allegation continued over the summer.

1.5 September 2022 - sufficient evidence had been gathered to satisfy Officer's that a statutory nuisance had occurred and was likely to recur and a Noise Abatement Notice was served on the 12 September 2022 requiring the license holder to abate the nuisance caused by noise from amplified music and voices and thereafter neither to cause, permit or otherwise allow its recurrence. Complaints continued and further investigations were carried out.

1.6 December 2022 - The noise abatement notice was witnessed being breached on four separate occasions. An officer visited and noted loud recorded music in the marquee at a level to be a nuisance on the 2nd and 9th December 2022.

1.7 Additionally, recordings made on Council noise equipment also showed loud music on those dates. On the 10th of December 2022 recordings made on Council noise equipment showed amplified voices in the form of football commentary and shouting and cheering by customers as well as loud amplified music at a level to be a nuisance.

1.8 On the 15th of December 2022 recordings made on Council noise equipment showed amplified voices in the form of announcements by the host of the event and a raffle as well as loud amplified music at a level to be a nuisance. It should also be noted that the premises licence only permits the use of the marquee for licensable activities between the 1st of April and 31st October and for pre booked functions only. It is argued that the repeated breach of the noise abatement notice is a breach of the licensing objective to prevent public nuisance and the licensee has failed in their responsibility to promote this licensing objective.

1.9 Sound recordings from council noise equipment will be available and can be heard at the hearing.

## **2.0 RELEVANT REPRESENTATIONS**

2.1 The application for a review by Environmental Health Services is at **Appendix A**. The grounds for seeking the review are the prevention of public nuisance.

2.2 Details of the relevant representations from Arun District Council Licensing are at **Appendix B**. The grounds for making representations are the prevention of public nuisance.

2.3 Details of relevant representations from members of the public within the Patching and Arundel areas of the district are at **Appendix C**, however please

note that some items mentioned within the representations are not relevant and should be discounted.

- 2.4 Comments have been received via email from Mr S Boxall explaining his reasons for using the marquee are at **Appendix D**
- 2.5 The authority has received comments in support of the premises these will be available for the Licensing Sub Committee if requested on the day.

### **3. ARUN DISTRICT COUNCIL POLICY CONSIDERATIONS**

3.1 Relevant extracts from Arun District Council's Licensing Principles are shown in this section.

(5.1) The main principles of the policy are: -

- to reduce the fear of crime.
- to encourage cultural diversity and lively, safe town centres.
- to reduce the burden of unnecessary regulation on business.
- to contribute to the quality of life.
- to promote public health.
- to ensure that premises are being managed responsibly.
- to ensure the promotion of the licensing objectives

(5.2) The Policy is also intended to ensure that the provision of additional opportunities for licensable activities are matched by appropriate and proportional measures enabling the police and licensing authorities to act promptly to maintain public order and safety.

(Appendix 3 – Licence Review Guidelines)

The Licensing Committee and any of its Sub-Committees, when holding licence review hearings, will follow these guidelines so as to maintain a degree of consistency and transparency when making decisions. The Committee reserves the right to amend and republish these guidelines in light of operational experience and as a separate document to the statement of licensing policy. In reaching a decision the committee will take into account any of the aggravating or mitigating factors below but may also consider other relevant evidence before them. Likewise, they can consider any other proportionate and appropriate action as allowed under the Licensing Act 2003. Section 182 guidance will also be considered in conjunction with this policy.

<b>Relevant representation regarding the Prevention of Public Nuisance</b>	
Aggravating factors	Mitigating Factors

<p>Noise late at night (especially if in breach of any condition)</p> <p>Previous warnings ignored</p> <p>Long and prolonged disturbance</p> <p>Poor procedures and controls for preventing (as far as is reasonably practicable) 'off premises' disturbance from customers leaving the premises/event</p> <p>Excessive nuisance emanating from premises during unsocial hours</p> <p>Litter problems (especially if in breach of any condition)</p>	<p>Noise limiting device installed</p> <p>Appropriate apology given to those disturbed by nuisance and nuisance subsequently ceased</p> <p>Complaints telephone/hotline available and communicated to complainants</p> <p>Short-term disturbance</p> <p>Undertaking/commitment not to repeat activity leading to disturbance</p> <p>Willingness to attend and cooperate during mediation steps</p> <p>Good controls, practices and training in place</p> <p>Voluntary acceptance/proposal of additional conditions by way of formal change to licence/certificate</p>
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**APPENDICES:**

- A: Application for a review Environmental Health Services.
- B: Representation from the Licensing Authority acting as a responsible authority
- C: Representation from members of the public.
- D: Comments from S Boxall.
- E: Copy of Licence.
- F: Map of Area.
- G: Evidence Bundle

**Background Papers:**

- Licensing Act 2003
- Section 182 Guidance
- Arun Statement of Licensing Policy

**PROPOSAL(S):****4.0      OBSERVATIONS**

4.1      The Sub Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

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

4.2      In making its decision the Sub Committee is also obliged to have regard to national guidance and Arun's Statement of Licensing Policy.

4.3      The Sub Committee must also have regard to all relevant representations and evidence that it hears.

**OPTIONS:**

**5**      The Committee may:

- a) Revoke the premises licence
- b) Suspend the licence for a period not exceeding three months
- c) Remove the Designated Premises Supervisor
- d) Modify the conditions of the licence
- e) Take no further action

**6. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	x	
Relevant District Ward Councillors	x	
Other groups/persons (please specify)	x	
7. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		x
Legal	x	
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

**8. IMPLICATIONS:**

Any decision made by the Licensing Sub-Committee can be appealed to the Magistrates Court

**9. REASON FOR THE DECISION:**

**10. BACKGROUND PAPERS:**

- A: Application for a review Environmental Health Services.
- B: Representation from the Licensing Authority acting as a responsible authority
- C: Representations from members of the Public
- D: Comments from S Boxall.
- E: Copy of Licence.
- F: Map of area.
- G: Evidence Bundle.



General Details										
Licence Type	Premises Licence									
Application Type	Application for the Review of a Premises Licence under the Licensing Act 2003									
Fees	<table border="1"> <thead> <tr> <th>Type</th> <th>Detail</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Rateable Value</td> <td>Not Applicable - Please select</td> <td>£0.00</td> </tr> <tr> <td>Capacity</td> <td>Not Applicable - Please select</td> <td>£0.00</td> </tr> </tbody> </table>	Type	Detail	Total	Rateable Value	Not Applicable - Please select	£0.00	Capacity	Not Applicable - Please select	£0.00
	Type	Detail	Total							
	Rateable Value	Not Applicable - Please select	£0.00							
Capacity	Not Applicable - Please select	£0.00								
Total Fee(s)	£0.00									
Location to be Licenced	The Fox Inn Arundel Road Patching Worthing West Sussex BN13 3UJ									
Trading Name	The Fox Inn									
I am the	Proposed Licence Holder									
Agent Details										
Proposed Licence Holder Details	Ms Joanne Lewis Arun District Council Arun Civic Centre Maltravers Road Littlehampton West Sussex BN17 5LF Tel: 01903 737666 Email: joanne.lewis@arun.gov.uk									
Additional Proposed Licence Holder(s)										
Additional Contacts	Ms Joanne Lewis Environmental Health, Arun District Council Arun Civic Centre Maltravers Road Littlehampton West Sussex BN17 5LF Tel: 01903737666 Email: joanne.lewis@arun.gov.uk									
Licence Type Additional Data Setting										
Premises Licence Number	6672									
Telephone number of the premises (if any)										
Name of										

Current Premises Licence Holder	S&S @ The Fox Patching Ltd
I am an individual, body or business which is not a responsible authority	No
I am a responsible authority	Yes
I am a member of the club to which this application relates	No
The Prevention of Crime and Disorder	No
Public Safety	No
The Prevention of Public Nuisance	Yes
The Protection of Children from Harm	No
Please state the grounds for review	Arun District Council's Environmental Health Service (the responsible authority) contends the following licensing objectives have been undermined by the carrying on of licensable activities at these premises: - the prevention of public nuisance. Full particulars in support of the application are to be found in the next section.
Please provide as much information as possible to support the application	<p>March 2022 - A complaint was received from a member of the public alleging noise nuisance from a party (including loud music and people noise) being held in the marquee at the Fox Inn. Investigations into the allegation continued over the summer. September 2022 - sufficient evidence had been gathered to satisfy Officer's that a statutory nuisance had occurred and was likely to recur and a Noise Abatement Notice was served on the 12 September 2022 requiring the license holder to abate the nuisance caused by noise from amplified music and voices and thereafter neither to cause, permit or otherwise allow its recurrence. Complaints continued and further investigations were carried out. December 2022 u2013 The noise abatement notice was witnessed being breached on four separate occasions. An officer visited and noted loud recorded music in the marquee at a level to be a nuisance on the 2nd and 9th December 2022. Additionally, recordings made on Council noise equipment also showed loud music on those dates. On the 10th December 2022 recordings made on Council noise equipment showed amplified voices in the form of football commentary and shouting and cheering by customers as well as loud amplified music at a level to be a nuisance. On the 15th December 2022 recordings made on Council noise equipment showed amplified voices in the form of announcements by the host of the event and a raffle as well as loud amplified music at a level to be a nuisance. It should also be noted that the premises licence only permits the use of the marquee for licensable activities between the 1st April and 31st October and for pre booked functions only. It is argued that the repeated breach of the noise abatement notice is a breach of the licensing objective to prevent public nuisance and the licensee has failed in their responsibility to promote this licensing objective.</p>
Have you made an application for review relating to the premises before?	No

If yes please state the date of the application	
If you have made representations before relating to the premises please state what they were and when you made them	
Please confirm you agree with the above statement	Yes
Signature	J. Lewis
Is there a second applicant?	No
Signature	

Customer Comments:

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**Louise Dewberry**

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**From:** Neil Williamson  
**Sent:** 08 February 2023 09:40  
**To:** Licensing  
**Subject:** Review of Licence - The Fox Inn, Patching

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

The Licensing Authority acting as a Responsible Authority, is making representations in respect of the Review application for The Fox Inn, Patching, due to the risk of the licensing objectives being undermined.

The Licensing Act 2003 provides a clear focus on the promotion of four statutory objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance; and
- The protection of children from harm

Further to this, Section 1.5 of the Home Office guidance, *Revised Guidance issued under Section 182 Guidance of the Licensing Act 2003 – December 2022*, (S.182 Guidance) states:

*However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:*

- *protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*
- *giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;*
- *recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;*
- *providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and*
- *encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them*

Officers have made a number of interventions at this premises since the current licence holder took over, and yet concerns regarding operations remain.

Since the licence was issued on the 15 March 2022, multiple reports of noise being caused by the premises have been received, and warnings have been issued regarding the failure to comply with the requirements of the premises licence and the Environmental Protection Act 1990.

On 9 May 2022, Licensing Officer Andrew Burrows attended the premises in company with PC Lucas of Sussex Police Licensing. Complaints had been received regarding noise from the premises.

The proprietor, S & S@The Fox Patching Ltd, had at that time just taken over the premises licence from the previous operators. The officer noted that there appeared to be an ongoing dispute with a neighbour

and management were warned that they must comply with their licence conditions and find a mutually agreed way of resolving their differences.

Visits have been made to the premises by both Licensing and Environmental Health Officers. Including, on 12 August 2022, when Licensing and Environmental Health both attended. The Environmental Health Officer advised the licensee of the action that could be taken if a statutory nuisance was found to be occurring, and recommended they employ an acoustic consultant to provide advice on noise mitigation measures. The licensee advised that he was happy to turn the music down a bit and that they were happy to work with the council.

On 25 August 2022, a letter was sent to the premises by Environmental Health advising that a nuisance had been witnessed (on 13 and 20 August) and they were given until 1 September to provide evidence of the measures that they had employed to demonstrate best practicable means, prior to a notice being served. No response was received, and an Abatement Notice was issued by Environmental Health on 7 September 2022.

On 2 and 9 December 2022 noise nuisances were witnessed by Environmental Health from loud recorded music in the marquee at the premises. Further nuisances were identified from noise recordings made on the Council's noise equipment on 10 and 15 December 2022, all of which were in breach of the abatement notice issued.

The operation of the marquee for a licensable activity on 2 and 9 December is contrary to the premises licence conditions (attached), and in particular:

In the licence under **Conditions consistent with the Operating Schedule, General Objectives**, it states,

*Any condition or restriction referring to Licensable Activities outside includes the marquee. All outside Licensable Activities to encompass a marquee erected for the period 01 April to 31 October annually, for pre booked functions only.*

And under **Prevention of Public Nuisance**, it states;

*All regulated entertainment will end before we cease to supply alcohol - see operating schedule. Regular noise checks during performances or regulated entertainment and appropriate action taken. Customer notices re leaving the premises quietly. Outside areas kept clean and tidy. Bins emptied regularly. No drinks taken off site apart from off-sales. Regulated entertainment activities held outside to cease at 23.30 hours Friday, Saturday and Sunday. The sale, supply of alcohol conducted outside to cease at 23.30 hours. The provision of late-night refreshment outside to cease at 00.00 hours. Noise Management plan in place for the occasional, and seasonal only, use of a marquee in the gardens of the Fox Inn for pre booked functions and wedding receptions.*

Section 11.18 of the S.182 Guidance states:

*'However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.'*

On 7 December 2022, a warning letter was sent to operator by Licensing, regarding the use of the marquee. The letter reads:

**Re: Alleged breach of premises licence 6672. Use of Marquee.**

The purpose of this letter is to advise you that it has come to the Authority's notice that the Marquee erected at your premises is being used contrary to the conditions of your premises licence.

The premises licence permits the use of the marquee between the 1<sup>st</sup> of April and the 31<sup>st</sup> of October and for pre-booked functions only. Use outside of these dates, without authorisation, would be a breach of your premises licence. The penalty for breaching a premises licence is 6 Months imprisonment, an unlimited fine or both.

The use of the marquee, should you be using it for licensable activities, is to cease immediately. Failure to comply could result in enforcement action being taken against you, the designated premises supervisor or staff operating within the marquee. Enforcement action could include a review of your premises licence and, or prosecution.

A copy of this letter has also been mailed to the designated premises supervisor.

If you wish to discuss the contents of this letter, or if there is anything you do not understand, please contact me.

Yours Sincerely

Andy Burrows  
Licensing Officer

In a subsequent telephone conversation with Mr Boxall, one of the Directors of the company operating the business, Mr Boxall stated to the Licensing Officer that the premises had pre-planned events for the marquee and that regardless of the premises licence conditions, he was willing to hold the events and face the consequences. He further stated that the events were necessary to keep the business operating.

It is evident that the purpose of this Review is to seek the premises licence holder to comply with the conditions of their premises licence and to permit their neighbours to have enjoyment of their property.

Section 11.19 of the S.182 Guidance states:

*Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- *modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- *exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*

- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence*

Whilst there have been clear breaches of the premises licence conditions, and a persistent failure by the licensee to uphold the licensing objectives, the Licensing Authority does not seek the revocation of the premises licence. However, a period of suspension is considered appropriate under the circumstances.

Authorities have highlighted some key issues which are having an impact on the local community, and the licence holder has failed to adequately respond to informal interventions, making it necessary to seek more formal resolution to ensure promotion of the licensing objectives.

Suspension of the premises licence would not only act as a deterrent to irresponsible operation of the business, but would allow time for the licence holder to review procedures and take action to effectively remedy the issues identified.

Modifying the conditions of the premises licence alone is unlikely to remedy the concerns, given the disregard the licensee has already shown for the conditions attached to their licence. However, if Committee is minded to, options such as reducing the hours or days on which outdoor entertainment is permitted, or excluding certain licensable activities outdoors altogether, from the scope of the licence, as well as any conditions that Environmental Health may wish to recommend in relation to noise mitigation, for example relating to commissioning of a noise assessment and installing sound insulation, could be considered to address noise concerns.

Further guidance on use of conditions can be found at Section 1.16 of the S.182 Guidance which states:

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format

**Neil Williamson**  
**Environmental Health Team Manager, Technical Services**

T: 01903 737676



E: [neil.williamson@arun.gov.uk](mailto:neil.williamson@arun.gov.uk)

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**Our priorities...**

 <p><b>Improving the wellbeing of Arun</b></p>	 <p><b>Delivering the right homes in the right places</b></p>	 <p><b>Supporting our environment to support us</b></p>	 <p><b>Fulfilling Arun's economic potential</b></p>	 
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**Louise Dewberry**

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**From:** [redacted]  
**Sent:** 10 February 2023 08:59  
**To:** Licensing  
**Subject:** Re: Reference number: 117572

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

Good morning Sandra, my apologies, please find my address below.

[redacted] Patching

Sent from my iPhone

On 10 Feb 2023, at 08:39, Licensing <Licensing@arun.gov.uk> wrote:

Good morning, thank you for your email but in order to accept this representation we do need your full address .

**Sandra Sayers**  
**Licensing, Technical Support Assistant**  
E: [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk)

Arun District Council, Civic Centre, Maltravers Rd  
Littlehampton, West Sussex, BN17 5LF  
[www.arun.gov.uk](http://www.arun.gov.uk)  
<image001.png>

**From:** [redacted]  
**Sent:** 09 February 2023 16:38  
**To:** Licensing <Licensing@arun.gov.uk>; f [redacted]  
**Subject:** Reference number: 117572

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

FAO: Licensing team, Environmental health, Arun District Council.

Review of the Fox Inn at Patching, licence on the grounds of prevention of 'Public Nuisance'

I wish for my details to be kept private. I have been a [redacted] for the last 15 years. Prior to the new licensee taking over the pub on the 17<sup>th</sup> of January last year there has

never been any issues with excessive noise from the pub itself or during the period the events marquee has been permitted to be in use and certainly no cause for any complaints to be made.

The detailed planning document available on the South Downs National Park planning portal, Ref. No:SDNP/12/01603/FUL out lines various conditions for permission of use.

1: The marquee shall only be erected on site from the 1<sup>st</sup> April to 31<sup>st</sup> October in any given year. It was last year erected in early May and has remained so ever since.

2: The acoustic and noise mitigation measures and details agreed by Arun District Council, Under reference PA/9/11/DOC dated 25/05/2011 shall continue to be complied with in full, unless agreed in writing by the SDNPA.

Reason: In the interests of the amenity afforded to neighbouring residential properties in accordance with policy GEN32 and NPPF.

No such measures have been employed, the noise from the events can be heard from a great distance from the pub and is interfering with the enjoyment and lives of surrounding properties as well as causing distress to individuals and livestock. The marquee has also been erected out of the specific location set out in the planning document.

3: During the months of operation detailed in condition 1 above, the marquee shall not be used for functions except on Fridays, Saturdays and Sundays. On Fridays and Saturdays the use shall be restricted each day to between 1200 and 2400 and on Sundays and public holidays to between 1200 and 2230.

Reason: In the interests of the amenity afforded to the neighbouring properties.

This has not been adhered to, music has been frequently heard long after licensing hours, as well as shouting and screaming.

I believe that the environmental health as well as licensing have had numerous meetings with the pub to address and resolve this issues but no attempt to reduce the noise has been made by the licensee, who has failed repeatedly to keep the noise levels under control and continue to breach the parameters of their license. These issues are severely affecting the day to day life of all of those who live near by, so I support this review of the pub's license fully.

There have also been numerous issues with the pub cesspit leaking into the lane as well as problems with piles of commercial waste and bonfires producing noxious smoke and fly ash, again which I believe the council has spoken to the pub about with no effect.

Yours sincerely,

A resident.

Sent from Mail for Windows

<http://www.arun.gov.uk>

DX 57406 Littlehampton

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**Louise Dewberry**

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**From:** [REDACTED]  
**Sent:** 08 February 2023 19:46  
**To:** Licensing  
**Subject:** Notice of Review No 117572

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

Dear Sir

We understand that the license of the Fox Pub is under review and we would like to make comments about it.

Our comments are below and we have video and photographic evidence:

Since the change of hands of the Fox Inn there has been a dramatic change in the impact of the pub on local residents. A good pub is a great asset to a rural community, but only if it is a considerate neighbour. The pub was once a vibrant, successful business that had a large number of customers but a minimal impact on those around it. It had regular functions in its marquee that were strictly monitored for noise meaning these had little impact on the local neighbourhood and was in keeping with a business running in the South Downs National Park.

From the first function in the marquee with the new owners there has been problems, music that could be heard indoors several hundred metres away was common place, with music felt as much as heard. It has felt at times that the pub has been trying to recreate the Sterns Night Club of old. Local opinion has been disregarded and a social media vendetta has been played out against any critics. It has also been noted and reported to the Police that there has been a large rise in the apparent drug taking in Selden Lane and Arundel Road an event that had never been seen previously.

It has also been noted that the previous owner had the Cess pit emptied on a regular basis sometimes multiple time per week, the pub for some time seemed to think it acceptable to pump the liquid out onto Selden Lane often in the early hours of the morning.

Running a pub is a privilege that should only be bestowed on those that are happy to work within the law and rules applicable; the current owners seem to have a complete disregard for these and as such should not be afforded the privilege.

Yours faithfully

## Louise Dewberry

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**From:** [REDACTED]  
**Sent:** 09 February 2023 14:43  
**To:** Licensing  
**Subject:** FOA: Team Arun District Council RE: PREMISES LICENCE  
117572

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

FOA: Joanne Lewis/Licensing Team Arun District Council

RE: PREMISES LICENCE 117572

Please accept this email as my official representation regarding the Review under section 51 of the Licensing Act 2003 of the Premises Licence at The Fox Inn, Arundel Rd, Patching, Worthing, West Sussex, BN13 3UJ

As per the official notice which stated that a review of the licence has been applied for under the grounds that the Licensing Objectives of the Prevention of Public Nuisance have been seriously undermined, I wish to respond that I firmly support the need for this review and believe that the Premises Licence should be withdrawn/revoked as soon as possible due to the licensee's flagrant disregard for the Licensing Objectives and utter failure to show any respect for the local environment, neighbours, and wild-life in proximity to the establishment. This opinion is purely based on evidence of conduct and not on any personal feelings about the licensee involved.

Since being granted the Licence, the business owners/Fox Inn have consistently acted in dangerous and disrespectful manners; failed to uphold many aspects of the four main objectives of the Licensing Objectives all of which has negatively impacted and adversely affected the health and safety, not just of the surrounding neighbours and environment, but also of that of their very patrons.

The holder of the Premises Licence has failed to uphold planning permissions regarding the position, erection and permitted period of use for the massive marquee, (which can even be seen from the A27 and dominates the appearance of a rural historic public house property and is incongruous with the surroundings of the South Downs National Park) and has used the marquee as a 'party-tent' outside of permitted seasons and hours of use. Extremely loud music and shouting/'singing' have ruined the enjoyment of the quiet countryside surroundings and have been disruptive and distressing to the residents of the neighbouring properties and distressing to wildlife and livestock. The noise levels have been totally unacceptable on very many occasions, and not just in the evenings or weekends, but during the week or daytime too.

The noise level has made it impossible for neighbouring residents to maintain their right to the peaceful enjoyment of their home and such ongoing disturbances are detrimental to the mental and physical health of those subjected to it.

The flashing 'disco' lights and spotlights and the light emanating from the business have also been disruptive both to residents and particularly livestock and wildlife. This pub is situated in the South Downs National Park, which is also a designated Dark Skies zone, and the immediate surroundings are inhabited by many nocturnal species, such as Tawny Owls, Barn Owls, various species of moth and many species of Bats which have all been impacted by the sound and light disturbances. The bats and owls in particular have been adversely affected.

There have also been several/regular incidences of trade waste (not merely that generated by the establishment itself, but from outside businesses) being brought into the site and dumped regularly on the property, creating

health and safety hazards, increasing vermin populations but also, this unlicensed trade waste has been regularly burned. Large, unsupervised bonfires giving off thick, black, toxic smoke have been witnessed many times. This creates unacceptable pollution and is very worrying considering the proximity of livestock, residents and wildlife. One bonfire (constructed around Bonfire Night celebrations) was so tall it could be seen towering over the height of neighbouring properties and was an unstable construction made of unsuitable materials. To have built it and lit it showed a severe disregard for the safety of their patrons, staff and neighbours and for the local environment and wildlife of the National Park. Embers drifted into the neighbouring property almost setting fire to stables and livestock housing and bedding, and would have been disastrous if it wasn't for the prompt action by the neighbour. Lives, health and property should not have to be put at risk like this.

The staff/business owners have also exhibited threatening and abusive behaviour towards neighbours, inciting hatred with abusive comments and behaviour and acted in intimidating manners which has required police intervention.

The raucous parties and music events which are held on the property outside of permitted hours of business have consistently created many incidents of nuisance regarding noise disturbance; damage to property, blocking access routes for neighbours and emergency vehicles, created sewage problems and the it is so sad that the whole site has been turned from a well-run, well-maintained establishment into a commercial waste dump come night-club that is unsightly and both damaging to the neighbouring properties and hazardous to health.

Previously the Inn was a lovely rural pub which served locals, visitors to the area and local dog walkers such as myself who enjoy the area for the amenities of the countryside and it was run professionally and sat side by side with its neighbours and the environment harmoniously. Since its current licensee obtained the license this has all changed and the business now seems to be run more as a party venue/night club which is completely inappropriate and has been very disruptive for many reasons, some of which I have referred to above. The changes I have witnessed have all been to the detriment of the property, locality and the environment.

Numerous attempts following informal and official channels have been taken to request the licensee adheres and respects the Licensing Objectives and operates the establishment within recommended H&S guidelines etc, but they have consistently failed to cooperate and their obvious disregard for the neighbouring residents, properties, livestock, wildlife, environment, National Park, and members of the public mean I feel it would be inappropriate for the license to be continued.

Please revoke the premises licence held at the Fox Inn as I firmly feel it is only a matter of time before a tragedy occurs given the complete disregard the licensee holds for all those affected by the activities at the Fox Inn.

I would also request that due to the attitude/behaviour of the licensee, that my personal details are not made public or shared with the licence holder, for fear of repercussions at my representation on this matter. I am happy to divulge my full name and address (I am a resident of the Arun District) for council records only, but am concerned about potential backlash from the current premises licence holder if my personal details were shared with them.

Please let me know if you require this information. I believe Joanne Lewis is the investigating officer so perhaps my representation could be forwarded to her directly so that my anonymity may be preserved.

Sincerely,

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From: simon boxall [REDACTED]

APPENDIX D.

Sent: 04 February 2023 19:42

To: Andrew Burrows <Andrew.Burrows@arun.gov.uk>; Neil Williamson <Neil.Williamson@arun.gov.uk>

Subject: The fox

**CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.**

Hi Andy and Neil ,

I have now cancelled all events at the fox out of planning allowance apart from two which I was not able to do and had to honour ,I fully understand we are breaking planning and license laws. But remain defiant I am just trying to make ends meet the pub is in major debt due to the energy crisis and 25 or so staff rely on this business to pay mortgages and rent etc we just can't live without the income we and would expect the council to back us not serve us notices in these troubled times, our electric and gas bills for 7 days are £2120 and want to make this clear at the hearing,music has been played here for years and considering we only get one person who has a major vendetta against us complaining we find it very hard to understand how awkward this has become,please come back to me with any comments you may wish to make ,kind regards Simon at the fox

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Arun District Council  
Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

S&S @ The Fox Patching Ltd  
The Fox Inn Arundel Road  
Patching  
Worthing  
West Sussex  
BN13 3UJ

Tel: 01903 737755  
Fax: 01903 723936  
Web: [www.arun.gov.uk](http://www.arun.gov.uk)  
email: [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk)

25 April 2022

Please ask for:  
Licensing Team

Our Ref: Licence 6672

Dear S&S @ The Fox Patching Ltd

**Licensing Act 2003 – Premises Licence Granted**

Thank you for applying to Arun District Council to vary your Premises Licence under the Licensing Act 2003. Your application has now been granted. The licence takes the form of a Premises Licence, Summary, and a copy of the plan. The Summary must be displayed in a prominent position at the premises to which it relates. The Premises Licence must also be kept at the premises. Failure to produce licences when requested by an authorised person may result in a fine of up to £500. Please ensure all relevant persons are aware of the conditions attached to the licence.

The licence details which activities your premises are now licensed for, and any conditions, please keep this document safe on the premises. The holder of the premises licence must ensure that the summary of the licence is prominently displayed and clearly visible to members of the public at the premises.

If you have any questions or queries regarding your new licence, please do not hesitate to contact the licensing team.

Yours sincerely

Joshua Marsh  
Technical Support Assistant



**Licensing Act 2003**  
**Premises Licence**

**Part A**

**Arun District Council**  
**Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF**

Premises Licence Number: **6672**  
 Grant Date: **25/04/2022**

**Premises name and address**  
 The Fox Inn, Arundel Road, Patching, Worthing, West Sussex, BN13 3UJ

<b>The Opening Hours of the Premise</b>		
<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	10:00	00:30
Tuesday	10:00	00:30
Wednesday	10:00	00:30
Thursday	10:00	00:30
Friday	10:00	01:30
Saturday	10:00	01:30
Sunday	09:30	00:30

**Seasonal Variations & Non-standard times:**  
 30 minutes after the supply of alcohol times for non-standard times listed in section M.

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

Provision of Late-Night Refreshments: Outdoors  
 Sale or Supply of Alcohol: For consumption on and off the premises  
 Live music: Indoors and Outdoors  
 Recorded music: Indoors and Outdoors  
 Performances of dance: Indoors and Outdoors

<b>The times the licence authorises the carrying out of licensable activities:</b>		
<b>Late Night Refreshment times:</b>		
<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	23:00	00:00
Tuesday	23:00	00:00
Wednesday	23:00	00:00
Thursday	23:00	00:00
Friday	23:00	01:00
Saturday	23:00	01:00
Sunday	23:00	00:00

**Seasonal Variations: Non-standard times:** Provision of hot food for pub customers. When

hours for the supply of alcohol are extended on Bank Holidays and events days these hours are also extended. The provision of late-night refreshment in the marquee to cease at 00.00 hours.

**Alcohol times: For consumption on and off the premises**

Day	Start Time	End Time
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	01:00
Saturday	10:00	01:00
Sunday	09:30	00:00

**Seasonal Variations: Non-standard times:** 10:00 to 00:00 Christmas Day. 10:00 to 0100 the following morning on all Bank Holidays, Christmas Eve, Good Friday and the Thursday before Good Friday. The sale, supply of alcohol conducted outside to cease at 23.30 hours.

**Live music: Indoors and Outdoors**

Day	Start Time	End Time
Monday	12:00	23:30
Tuesday	12:00	23:30
Wednesday	12:00	23:30
Thursday	12:00	23:30
Friday	12:00	00:30
Saturday	12:00	00:30
Sunday	12:00	23:30

**Seasonal Variations: Non-standard times:** Live acoustic/amplified music and amplified voice. All performances will finish at least half hour before the supply of alcohol finish time to minimise nuisance. When hours for the supply of alcohol are extended on Bank Holidays and events days these hours are also extended. Regulated music activities held outside to cease at 23.30 hours on Friday and Saturday.

**Recorded music: Indoors and Outdoors**

Day	Start Time	End Time
Monday	12:00	23:30
Tuesday	12:00	23:30
Wednesday	12:00	23:30
Thursday	12:00	23:30
Friday	12:00	00:30
Saturday	12:00	00:30
Sunday	12:00	23:30

**Seasonal Variations: Non-standard times:** Live acoustic/amplified music and amplified voice. All performances will finish at least half hour before the supply of alcohol finish time to minimise nuisance. When hours for the supply of alcohol are extended on Bank Holidays and events days these hours are also extended. Regulated music activities held outside to cease at 23.30 hours on Friday and Saturday.

**Performances of dance: Indoors and Outdoors**

Day	Start Time	End Time
Monday	12:00	23:30
Tuesday	12:00	23:30
Wednesday	12:00	23:30
Thursday	12:00	23:30
Friday	12:00	00:30
Saturday	12:00	00:30
Sunday	12:00	23:30

**Seasonal Variations: Non-standard times:** Dancing throughout premises for pub customers during play of recorded/live music. All performances will finish at least half hour before the supply of alcohol finish time. When hours for the supply of alcohol are extended on Bank Holidays and events days these hours are also extended. Regulated music activities held outside to cease at 23.30 hours on Friday and Saturday.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

For consumption on and off the premises

**Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence**

S&S @ The Fox Patching Ltd  
The Fox Inn Arundel Road, Patching, Worthing, West Sussex, BN13 3UJ

**Registered number of holder, for example company number, charity number (where applicable):****Name, address and telephone number of Designated Premises Supervisor where the Premises Licence authorises the supply of alcohol**

SIOBHAN ANNE MURPHY  
THE FOX INN, ARUNDEL ROAD, PATCHING, WORTHING, WEST SUSSEX, BN13 3UK

**Personal licence number and issuing authority of Personal Licence held by Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol**

115851  
Arun District Council

## **Mandatory conditions**

### **Section 19: Where the licence authorises the supply of alcohol**

The licence is granted subject to the mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence -
  - (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
  - (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence, or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
- 3.(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
  - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5.(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The Designated Premises Supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
  - (a) a holographic mark or
  - (b) an ultraviolet feature.
6. The responsible person shall ensure that -
  - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
    - (i) beer or cider: ½ pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and
- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Minimum Drinks Pricing**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) 'permitted price' is the price found by applying the formula -  $P = D + (D \times V)$

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence;

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax. (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Conditions consistent with the Operating Schedule**

**General Objectives:**

Any condition or restriction referring to Licensable Activities outside includes the marquee All outside Licensable Activities to encompass a marquee erected for the period 01 April to 31 October annually, for pre booked functions only.



**Prevention of Crime and Disorder:**

Providing a 30-minute extension of opening hours after the end of the supply of alcohol will promote this objective as the last drink will be consumed less quickly, with access to the pubs toilet facilities. Not less than 5 working days written notice will be provided to police when events days are planned. Regular liaison with police. Proof of age verification to be used. Zero policy on the supply or use of drugs.

**Public Safety:**

(Annual Corgi testing on appliances and PAT as required). Fire exits kept clear.

**Prevention of Public Nuisance:**

All regulated entertainment will end before we cease to supply alcohol - see operating schedule. Regular noise checks during performances or regulated entertainment and appropriate action taken. Customer notices re leaving the premises quietly. Outside areas kept clean and tidy. Bins emptied regularly. No drinks taken off site apart from off-sales. Regulated entertainment activities held outside to cease at 23.30 hours Friday, Saturday and Sunday. The sale, supply of alcohol conducted outside to cease at 23.30 hours The provision of late-night refreshment outside to cease at 00.00 hours Noise Management plan in place for the occasional, and seasonal only, use of a marquee in the gardens of the Fox Inn for pre booked functions and wedding receptions.

**Protection of Children from Harm:**

Proof of age system operated. Children under the age of 16 years will not be permitted on the premises after 23.00 hours unless attending a pre booked private function and accompanied by an adult.

**Conditions attached after a hearing by the licensing authority****Plans**

See separate Sheet.

**This Licence has been authorised by:**

**Sarah L Meeten**  
**Authorised Signatory**

**Issue Date:**



**Licensing Act 2003**  
**Premises Licence**

**Part B - Summary**

**Arun District Council**  
**Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF**

Premises Licence Number: **6672**  
 Grant Date: **25/04/2022**

**Premises name and address**  
 The Fox Inn, Arundel Road, Patching, Worthing, West Sussex, BN13 3UJ

<b>The Opening Hours of the Premise</b>		
<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	10:00	00:30
Tuesday	10:00	00:30
Wednesday	10:00	00:30
Thursday	10:00	00:30
Friday	10:00	01:30
Saturday	10:00	01:30
Sunday	09:30	00:30
<b>30 minutes after the supply of alcohol times for non-standard times listed in section M.</b>		

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

Provision of Late-Night Refreshments:( Outdoors)  
 Sale or Supply of Alcohol: For consumption on and off the premises  
 Live music: Indoors and Outdoors  
 Recorded music: Indoors and Outdoors  
 Performances of dance: Indoors and Outdoors

<b>The times the licence authorises the carrying out of licensable activities:</b>		
<b>Late Night Refreshment times:</b>		
<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	23:00	00:00
Tuesday	23:00	00:00
Wednesday	23:00	00:00
Thursday	23:00	00:00
Friday	23:00	01:00
Saturday	23:00	01:00
Sunday	23:00	00:00
<b>Seasonal Variations: Non-standard times:</b> Provision of hot food for pub customers. When hours for the supply of alcohol are extended on Bank Holidays and events days these hours are also extended. The provision of late-night refreshment in the marquee to cease at 00.00 hours.		

<b>Alcohol times: For consumption on and off the premises</b>		
<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	01:00
Saturday	10:00	01:00
Sunday	09:30	00:00

**Seasonal Variations: Non-standard times:** 10:00 to 00:00 Christmas Day. 10:00 to 0100 the following morning on all Bank Holidays, Christmas Eve, Good Friday and the Thursday before Good Friday. The sale, supply of alcohol conducted outside to cease at 23.30 hours.

<b>Live music: Indoors and Outdoors</b>		
<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	12:00	23:30
Tuesday	12:00	23:30
Wednesday	12:00	23:30
Thursday	12:00	23:30
Friday	12:00	00:30
Saturday	12:00	00:30
Sunday	12:00	23:30

**Seasonal Variations: Non-standard times:** Live acoustic/amplified music and amplified voice. All performances will finish at least half hour before the supply of alcohol finish time to minimise nuisance. When hours for the supply of alcohol are extended on Bank Holidays and events days these hours are also extended. Regulated music activities held outside to cease at 23.30 hours on Friday and Saturday.

<b>Recorded music: Indoors and Outdoors</b>		
<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	12:00	23:30
Tuesday	12:00	23:30
Wednesday	12:00	23:30
Thursday	12:00	23:30
Friday	12:00	00:30
Saturday	12:00	00:30
Sunday	12:00	23:30

**Seasonal Variations: Non-standard times:** Live acoustic/amplified music and amplified voice. All performances will finish at least half hour before the supply of alcohol finish time to minimise nuisance. When hours for the supply of alcohol are extended on Bank Holidays and events days these hours are also extended. Regulated music activities held outside to cease at 23.30 hours on Friday and Saturday.

**Performances of dance: Indoors and Outdoors**

Day	Start Time	End Time
Monday	12:00	23:30
Tuesday	12:00	23:30
Wednesday	12:00	23:30
Thursday	12:00	23:30
Friday	12:00	00:30
Saturday	12:00	00:30
Sunday	12:00	23:30

**Seasonal Variations: Non-standard times:** Dancing throughout premises for pub customers during play of recorded/live music. All performances will finish at least half hour before the supply of alcohol finish time. When hours for the supply of alcohol are extended on Bank Holidays and events days these hours are also extended. Regulated music activities held outside to cease at 23.30 hours on Friday and Saturday.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

For consumption on and off the premises

**Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence**

S&S @ The Fox Patching Ltd  
The Fox Inn Arundel Road, Patching, Worthing, West Sussex, BN13 3UJ

**Registered number of holder, for example company number, charity number (where applicable):**

**Name, Personal licence number and issuing authority of Personal Licence held by Designated Premises Supervisor where the Premises Licence authorises the supply of alcohol**

SIOBHAN ANNE MURPHY  
115851  
Arun District Council

**State whether access to the premises by children is restricted or prohibited:**

Proof of age system operated. Children under the age of 16 years will not be permitted on the premises after 23.00 hours unless attending a pre booked private function and accompanied by an adult.

**This Licence has been authorised by:**



Sarah L Meeten  
Authorised Signatory

Issue Date: 24/04/2022



Arun District Council  
Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

S&S @ The Fox Patching LTD  
The Fox Inn  
Arundel Road  
Patching  
Worthing  
West Sussex  
BN13 3UJ

Tel: 01903 737755  
Fax: 01903 723936

Web: [www.arun.gov.uk](http://www.arun.gov.uk)  
Email: [pollution@arun.gov.uk](mailto:pollution@arun.gov.uk)

05 January 2023

Our Ref: SR/246448

Please ask for:  
Joanne Lewis  
01903737666

Dear Siobhan Murphy and Simon Boxall,

**Environmental Protection Act 1990, sections 79-82.**

I am writing further to the Noise Abatement Notice served on you on the 12 September 2022 (copy enclosed) requiring you to abate the nuisance caused by noise from amplified music and voices emitted from your premises, particularly from within the marquee.

This department has continued to receive complaints alleging that noise from your premises is causing a nuisance and is in breach of the Abatement Notice. Investigations have been carried out and the following observations made:

- 2 December 2022 – an officer visited and noted loud recorded music in the marquee at a level to be a nuisance. Additionally, recordings made on Council noise equipment also showed loud music.
- 9 December 2022 - an officer visited and noted loud recorded music in the marquee at a level to be a nuisance. Additionally, recordings made on Council noise equipment also showed loud music.
- 10 December 2022 - recordings made on Council noise equipment showed amplified voices in the form of football commentary and shouting and cheering by customers as well as loud amplified music at a level to be a nuisance.
- 15 December 2022 – recordings made on Council noise equipment showed amplified voices in the form of announcements by the host of the event and a

raffle as well as loud amplified music at a level to be a nuisance. The announcements in these recordings were so clear that the local cancer charity hosting their Christmas event could be identified.

As a result of these investigations, it is my belief that you have committed an offence – namely breaching the terms of the Noise Abatement Notice and as such I must caution you as follows:

*“You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.”* (para 10.4 Code of Practice C, Police and Criminal Evidence Act 1984 a.a.)

The Council is now considering further enforcement action. This might include some or all of the following:

1. Prosecution in the Magistrates Court where an unlimited fine could be imposed.
2. Calling for a review of your Premises Licence. This may result in conditions being removed from your licence, additional conditions being added to your licence or your premises licence being revoked.
3. Seizure of all noise making equipment held on your premises to include speakers, mixing decks, TV, radio etc.

I would therefore urge you to ensure compliance with the noise abatement notice with immediate effect.

Yours sincerely



Joanne Lewis  
Senior Environmental Health Officer



## Report on noise from the marquee at The Fox Public House, Patching, West Sussex. 9<sup>th</sup> December 2022

I arrived at Selden Lane adjacent to the Fox Public House, Patching at 21:27 hours on Friday 9<sup>th</sup> December 2022. There is a gateway from Selden Lane onto the rear garden of the Public House where a large marquee was clearly visible (Position A on attached Map). I opened the car window and could clearly hear the lyrics of loud music emanating from the marquee. The music was 'Wake me Up before You Go-Go' by the band, 'Wham.'

I parked further down the lane (Position B on the attached Map). I got out of the car and stood by the gate and the same recorded music remained clearly audible. The music changed to 'Stand By Me,' by Ben E. King. People noise was clearly audible from inside the marquee. There were whooping shouts and people were singing along to the tune. I sat in the car with the windows shut and the music was still audible (although not as individual words) with the bass somewhat reverberating in the car.

I got out of the car to take a sound recording on my iPad (standing by gate B). The music changed at 21:35hrs to 'I Wanna Dance with Somebody' (Witney Houston). I walked back to the pub rear garden gate A. Music coming from the large cream coloured marquee was very loud, with a strong bass. Individual words were easily recognisable, although I did not know the song. I finished recording at 21:51, when I left the site.

As far as I could see the sides of the marquee were rolled down and in place.

In my opinion, at this time and date, noise from the playing of recorded loud music in the marquee constituted a nuisance to any sensitive receptor at either of the above locations. The level of music was louder than witnessed by me at approximately the same time and locations on Friday 2<sup>nd</sup> December 2022.

Signed by



Carol Reynolds

Senior Environmental Health Officer

Arun District Council

12 December 2022



Report on noise from the marquee at The Fox Public House, Patching, West Sussex. 2 December 2022.

I arrived at Selden Lane, west and adjacent to the Fox Public House, Patching at 21:30 hours on Friday 2nd December 2022. I got out of the car at a gap/gateway from Selden Lane into the rear garden of the Public House where a large marquee was clearly visible, approximately 30 to 40 feet away (position A on attached Map) An event was taking place in the marquee and it was easy to hear the individual words of recorded music being played inside this structure with bass notes strongly evident. The music was 'Blue (Da Ba Dee)'. 'People noise,' was also evident.

I parked further down the lane adjacent to a field (position B on the map). I got out of the car and stood by the gate and the same recorded music remained clearly audible.

I took a sound recording on my iPad (standing by gate B) and as I walked back to the pub rear garden gate (A). Loud, 'fun' type recorded music was playing in the large cream coloured marquee, all sides of which were rolled down in place (as far as I could see). I could hear shouting and women's voices from inside the marquee. 'Whoops Upside your Head' was played and partygoers appeared to be joining in in traditional manner by sitting on the floor, since I could hear the banging of hands on a wooden floor or similar, in time with the music. Persons were clapping their hands as instructed by another recorded tune.

I walked back to the field by which time the music had changed to was 'The Hokey Cokey.' Persons in the marquee were singing along with the chorus and individual words and the loud bass were clearly audible. I finished recording at 22:01 hours.

During my time on-site the weather was overcast with drizzle when I arrived, progressing to heavier bouts of rain. When I left the site at 22:10 hours the music was still audible in the car with the buzz of the bass was continuing.

In my opinion, at this time and date, noise from the playing of loud recorded music in the marquee was at such a level as to be a nuisance. There was little difference in the type or loudness of the music and voices from my previous visit, Saturday, 27<sup>th</sup> August 2022.

Signed by



Carol Reynolds

Senior Environmental Health Officer.

Arun District Council

13 December 2022.



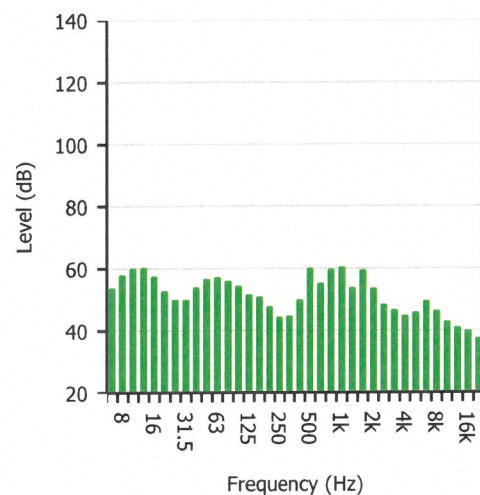
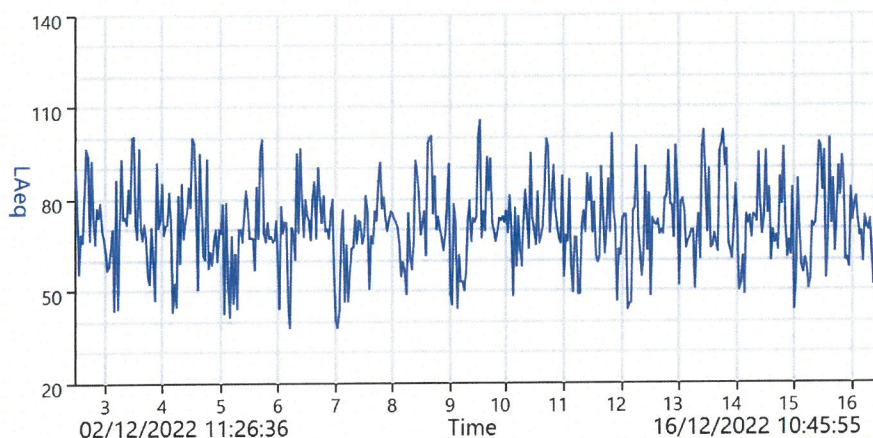
# Measurement Summary Report

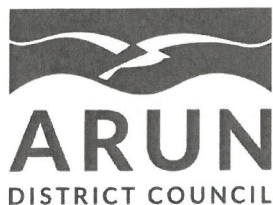
**Name** 5  
**Time** 02/12/2022 11:26:36 **Person** **Place** **Project**  
**Duration** 13.23:19:19 SR246448 The Fox The Fox Inn  
**Instrument** G079602, CR:199B

### Calibration

**Before** 02/12/2022 11:26 Offset -0.03 dB **After** 16/12/2022 10:47 Offset 0.22 dB

Basic Values		Statistical Levels (Ln)	
L <sub>Aeq</sub>	62.6 dB	LAF1	64.2 dB
L <sub>AE</sub>	123.4 dB	LAF5	55.8 dB
L <sub>AFMax</sub>	113.0 dB	LAF10	49.4 dB
		LAF50	32.6 dB
		LAF90	24.8 dB
		LAF95	22.4 dB
		LAF99	20.0 dB





Arun District Council  
Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

S&S @ The Fox Patching LTD  
The Fox Inn  
Arundel Road  
Patching  
Worthing  
West Sussex  
BN13 3UJ

Tel: 01903 737755  
Fax: 01903 723936

Web: [www.arun.gov.uk](http://www.arun.gov.uk)  
Email: [pollution@arun.gov.uk](mailto:pollution@arun.gov.uk)

25 August 2022

Our Ref: SR/246448

Please ask for:  
Craig Milligan  
01903 737670

### **Environmental Protection Act 1990, sections 79-82.**

Dear Ms Murphy and Mr Boxall,

Following visits made to a neighbouring property, an officer duly authorised by Arun District Council has witnessed noise impacts resulting from loud music being played in the Marquee at The Fox Inn, Patching. The officer was satisfied that the noise impact witnessed was of a level to cause material interference with the use or enjoyment of another premises. Further evidence including noise diary log sheets and noise recordings have been collated, and Arun District Council is satisfied that a noise nuisance resulting from amplified music emitted from The Fox Inn has been in effect and is likely to recur.

The Local Authority has a duty prescribed by the above legislation to serve an abatement notice when a statutory nuisance is deemed to be in effect. Commercial premises' have a legal defence versus causing a statutory noise nuisance if it can be demonstrated beyond reasonable doubt that best practicable means are in place to control the noise nuisance.

I therefore invite you to provide comment and information to demonstrate that best practicable means were implemented on 13<sup>th</sup> and 20<sup>th</sup> August 2022, and remain implemented to prevent noise nuisance to other premises. Your representations should include technical literature and examples of best practice effectively employed elsewhere which shows that you are adopting best practicable means.

Please provide this information within 7 days from the date of this letter (that is on or before **1<sup>st</sup> September 2022**).

If no representations are received before the prescribed date, or if the representations fail to satisfactorily demonstrate that best practicable means have been implemented, an abatement notice shall be served on the legal occupier of The Fox Inn.

Yours sincerely



Craig Milligan  
Environmental Health Officer



Arun District Council  
Arun Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

Tel: 01903 737755  
Fax: 01903 723936

Web: [www.arun.gov.uk](http://www.arun.gov.uk)  
Email: [pollution@arun.gov.uk](mailto:pollution@arun.gov.uk)

S&S @ The Fox Patching LTD  
The Fox Inn  
Arundel Road  
Patching  
Worthing  
West Sussex  
BN13 3UJ

07 September 2022

Please ask for:  
Carol Reynolds  
Environmental Health  
Direct Line: 01903 737678  
Email:  
[carol.reynolds@arun.gov.uk](mailto:carol.reynolds@arun.gov.uk)

Our Ref: 4962

Dear Siobhan Murphy and Simon Boxall,

**Environmental Protection Act 1990 Section 79-82  
Statutory Nuisance (Appeals) Regulations 1995  
Regulation of Investigatory Powers Act 2000  
Re: The Fox Inn, Arundel Road, Patching, Worthing, West Sussex, BN13 3UJ**

Arun District Council has received complaints regarding the aforementioned premises.

Visits have been made by a duly authorised officer of the Council on 13<sup>th</sup> and 20<sup>th</sup> August 2022, which have witnessed noise from amplified music and voices emitted from the Fox Inn, Patching that amounted to a statutory nuisance.

Enclosed is an abatement notice (reference N4962) issued under the provisions of the Environmental Protection Act 1990 which requires you to abate the nuisance and prevent any recurrence of that nuisance

You may appeal against the enclosed notice to a Magistrates' Court within 21 days, beginning on the date of the service of the notice, however the notice will not be suspended pending determination of an appeal. Please refer to the relevant regulations, which are reproduced at the end of the enclosed notice.

The Environmental Health department will continue to monitor the site to ensure compliance with the notice. The complainants have also been asked to keep a record of when they are disturbed by nuisance.

Yours sincerely

Carol Reynolds  
Senior Environmental Health Officer



Arun District Council  
Arun Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

Tel: 01903 737755  
Fax: 01903 723936

Web: [www.arun.gov.uk](http://www.arun.gov.uk)  
Email: [pollution@arun.gov.uk](mailto:pollution@arun.gov.uk)

**ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80**

**Abatement notice in respect of a statutory nuisance**

Dated:12/09/2022 Notice Reference:4962

To: S&S @ The Fox Patching Ltd

Of: The Fox Inn, 145 Arundel Road, Patching, West Sussex, United Kingdom, BN13 3UJ

**Take Notice That**

1. The Arun District Council (“the Council”) is satisfied that a statutory nuisance has occurred and is likely to recur under Section 79(1)(g) of the Environmental Protection Act 1990 at the premises known as:

The Fox Inn, 145 Arundel Road, Patching, within the district of the Council.

The nuisance is:

noise from amplified music and voices emitted from the premises.

2. This Abatement Notice is served on you because you are the owner of the premises.

**What you are required to do**

3. You are required to abate the nuisance and thereafter neither to cause, permit nor otherwise allow its recurrence.

**The following steps are required**

- Implement measures or take action to prevent noise emitted from the premises causing an impact which results in the material interference of an occupier’s use or enjoyment of any neighbouring premises or property.

4. You are required to comply with the requirements of this notice within 14 days from the date of the service of this notice. The recurrence of the said nuisance is prohibited.

### **What happens if you fail to comply with this Notice**

5. If, without reasonable excuse, you contravene or fail to comply with any requirement or prohibition imposed by this notice, you will be guilty of a criminal offence under Section 80(4) of the Environmental Protection Act 1990. On summary conviction fines on level 5 may be imposed. Further fines up to one tenth of that level may be imposed for each day on which the offence continues after the conviction.
6. If the Council considers that these criminal proceedings would afford an inadequate remedy, it may take proceedings against you in the High Court for securing the abatement, prohibition or restriction of the nuisance.
7. Whether or not the Council takes proceedings for this offence under Section 80(4) of the Environmental Protection Act 1990, it may abate the nuisance itself and do whatever is required to achieve compliance with this notice. Any expenses incurred in doing so may be recovered by the Council from you.

### **Your right to appeal**

8. You may appeal against this notice to a Magistrates' Court within 21 days, beginning with the date of the service of this notice. Please refer to the relevant regulations, which are reproduced at the end of this notice.

### **The effect of this notice if you appeal**

9. This notice will not be suspended in the event of an appeal being brought. Regulation 3(2) of the Statutory Nuisance (Appeals) Regulations 1995 applies to this notice as the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

Signed

Date 12/09/2022



Carol Reynolds  
Authorised Officer

## THE STATUTORY NUISANCE (APPEALS) REGULATIONS 1995 provide as follows:

### Appeals under Section 80(3) of the Environmental Protection Act 1990 ("the 1990 Act")

- 2.(1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
  - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
  - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
  - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
  - (e) where the nuisance to which the notice relates -
    - (i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
    - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
    - (iii) is a nuisance falling within section 79(1)(ga)(a) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes
- that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
- (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
    - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 (the 1974 Act) (control of noise on construction sites and from certain premises), or
    - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
    - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
  - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
  - (h) that the abatement notice should have been served on some person instead of the appellant, being -
    - (i) the person responsible for the nuisance, or
    - (ii) the person responsible for the vehicle, machinery or equipment, or
    - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
    - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
  - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
    - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
    - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,and that it would have been equitable for it to have been so served;
  - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
    - (i) a person also responsible for the nuisance, or
    - (ii) a person who is also owner of the premises, or
    - (iii) a person who is also an occupier of the premises, or
    - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may -
- (a) quash the abatement notice to which the appeal relates, or
  - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or,
  - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
  - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
  - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

### Suspension of notice

- 3.(1) Where -
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
  - (b) either -
    - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
    - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
  - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,
- the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates -
    - (i) is injurious to health, or
    - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
  - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
  - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



### What is meant by Enforcement?

In the context of this leaflet, the term enforcement is used to describe two of the functions which the Environmental Health Service or Private Sector Housing and Public Health Team of the Council may carry out. These are:

- (a) making sure that the various laws relating to Environmental Health, Private Sector Housing and Public Health are being complied with, and
- (b) taking appropriate action against businesses or individuals, when those laws are being broken or ignored.

### What is covered by the Laws?

A very wide range of issues, all of which are designed to protect people, the environment, or both.

Examples range from inspecting food premises or bedsits to licensing taxis, and from ensuring the safety of those at work to preventing nuisance from noise, dust, smoke or the fly tipping of rubbish.

Much of the enforcement work concerned with checking compliance is a legal duty for the Council and may be carried out to a risk based programme of inspections.

### What action can be taken for breaches?

Again, there is quite a variety, ranging from a warning letter right through to prosecution, with several stages in between. Action taken depends upon the nature of the offence and the powers given to the Council by the relevant legislation.

The actions which may be taken are described in more detail in the section of this leaflet entitled **'What are the Enforcement Options?'**

### How is Enforcement carried out?

Arun District Council is committed to carrying out its enforcement duties in accordance with guidelines issued

by the Government in its publication **'Regulators Code'**.

### What does the Regulators Code say?

This obliges the Council to:

1. carry out their activities in a way that supports those they regulate to comply and grow
2. provide simple and straightforward ways to engage with those they regulate and hear their views
3. base their regulatory activities on risk
4. share information about compliance and risk
5. ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
6. ensure that their approach to their regulatory activities is transparent

### What are the Enforcement options?

When circumstances indicate that the law may have been broken, there may be options open to the Council as to the actions available.

The following describes these actions, but not all of them will be available in all circumstances. Anyone who is in doubt as to the actions open to the Council can contact our officers for advice.

- a) **Prosecution** - This is reserved for the more serious or repeated offences. In some cases, prosecution action can be taken straight away while, in others, it can only be taken if a formal Notice has been served and the Conditions ignored or breached.
- b) **Simple Caution** - This is a course of action which may be offered as an alternative to prosecution. The offender admits guilt and, if further offences are committed, the Caution may be taken into account by a Court if prosecution action is then taken.

c) **Formal Notice** - A Notice may be served requiring specified actions to be taken, usually within a time limit. In most cases, there is the right of Appeal against a Notice. Subject to any Appeal decision, it is an offence to fail to comply with a Notice.

d) **Works in Default** - In some cases, if the business or individual fails to carry out required works, the Council may do the work itself and raise a reasonable charge for doing so. Works in Default may include the confiscation of equipment causing noise or other nuisance, after a Notice had been served and ignored. If the Council has undertaken the works, then doing so does not preclude prosecution in suitable circumstances.

e) **Revocation, Variation or Suspension** - If a Licence or Permit is needed to operate a business, this may be revoked, suspended or varied if the conditions are breached. There is usually a right of Appeal.

f) **Written Warning** - Minor breaches may be dealt with by no more than a warning, which will be retained on file for future reference.

g) **Fixed Penalty** - A Notice may be issued requiring payment of a fixed sum for offences such as dog fouling.

### Before Prosecuting

The decision to prosecute is not taken lightly and involves a number of stages, following a detailed Procedure.

Firstly, the Investigating Officer will assemble the evidence and examine the results in the light of two Tests, these being:

- a) **the Evidential Test** - The strength of the evidence will be tested. Prosecution will not take place unless there is a reasonable prospect of success.
- b) **the Public Interest Test** - A large number of factors will be weighed to determine whether or not prosecution would be in the public interest.

These factors include the number of people affected or potentially affected by the offence, the degree of damage, risk or harm, the attitude and history of the alleged offender, the likelihood of the offence being repeated, whether there may have been malice or harassment, and many more.

If the case passes both tests, the investigating officer must satisfy an Enforcement Review Panel consisting of at least two managers from Environmental Health, Private Sector Housing or Environmental Amenities and a solicitor that prosecution is the appropriate option. There will also be close and regular liaison with the Council's Solicitor during the preparation of the case. At each of these stages, the alternatives to prosecution will be discussed. Even when the decision to prosecute has been made, it is kept under review and may be changed right up until the hearing.

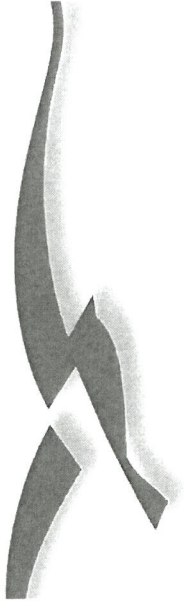
### Who can we go to for more advice?

Any of the staff within Environmental Health or Private Sector Housing and Public Health will be happy to help you. If they cannot give the advice you need themselves, they will put you in touch with a colleague who can. A copy of the more detailed Enforcement Policy is available on the Council's website at [www.arun.gov.uk/eh](http://www.arun.gov.uk/eh)

Some useful contact details for our Service areas are given below, all of which are **prefix 01903** numbers:

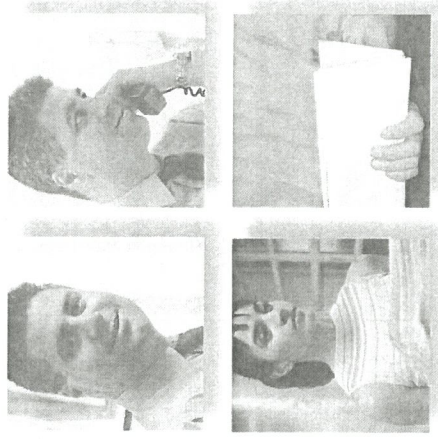
<b>Environmental Health</b>	737683
<b>Nat Slade</b>	
<b>Housing Standards, Public Health and Pest Control</b>	
<b>Louise Crane</b>	737669
<b>Fax (all service areas):</b>	723936
<b>Contact Centre:</b>	737755

**Email:** [env.health@arun.gov.uk](mailto:env.health@arun.gov.uk)  
**Post:** Environmental Health Services  
**or** Private Sector Housing & Public Health Team  
 Arun District Council  
 Civic Centre  
 Maltravers Road  
 Littlehampton  
 West Sussex  
 BN17 5LF



## Environmental Health Services and Private Sector Housing

## Enforcement Policy and its delivery



**The Fox Inn, Patching – documents from Environmental Health to support the application for the review of the Premises Licence.**

1. Environmental Health report
2. Best Practicable Means Request letter. 25 August 2022
3. Abatement Notice. 12 September 2022 NR: 4962
4. Officer report 2 December 2022
5. Officer report 9 December 2022
6. Warning letter 6 January 2023
7. Audio file 2 December 2022
8. Audio file 9 December 2022
9. Audio file 10 December 2022
10. Audio file 15 December 19.50hrs
11. Audio file 15 December 20.29hrs
12. Audio file 15 December 20.50hrs
13. Diary sheets
14. Measurement summary report

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Arun District Council  
Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex. BN17 5LF

Tel: (01903) 737755

Fax: (01903) 723936  
DX: 57406 Littlehampton  
Minicom: (01903) 732765  
web: www.arun.gov.uk/eh  
email: licensing@arun.gov.uk



7<sup>th</sup> December 2022.

Please ask for:  
Andy Burrows  
Environmental Health  
Direct Line: (01903)737749

S & S @ the Fox Patching Ltd  
The Fox Inn  
Arundel Road  
Patching  
Worthing  
West Sussex  
BN13 3UJ

Your Ref:

Our Ref: EH/AB/PL6672

Dear S % S @ the Fox Patching Ltd

**Licensing Act 2003.**

**Re: Alleged breach of premises licence 6672. Use of Marquee.**

The purpose of this letter is to advise you that it has come to the Authority's notice that the Marquee erected at your premises is being used contrary to the conditions of your premises licence.

The premises licence permits the use of the marquee between the 1<sup>st</sup> of April and the 31<sup>st</sup> of October and for pre-booked functions only. Use outside of these dates, without authorisation, would be a breach of your premises licence. The penalty for breaching a premises licence is 6 Months imprisonment, an unlimited fine or both.

The use of the marquee, should you be using it for licensable activities, is to cease immediately. Failure to comply could result in enforcement action being taken against you, the designated premises supervisor or staff operating within the marquee. Enforcement action could include a review of your premises licence and, or prosecution.

A copy of this letter has also been mailed to the designated premises supervisor.

If you wish to discuss the contents of this letter, or if there is anything you do not understand, please contact me.

Yours Sincerely

Andy Burrows  
Licensing Officer



Arun District Council  
Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex. BN17 5LF

Tel: (01903) 737755

Siobhan Anne Murphy  
The Fox Inn  
Arundel Road  
Patching  
Worthing  
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email: [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk)



7<sup>th</sup> December 2022.

Your Ref:

Please ask for:  
Andy Burrows  
Environmental Health  
Direct Line: (01903)737749

Our Ref: EH/AB/PL6672

Dear Ms Murphy

**Licensing Act 2003.**

**Re: Alleged breach of premises licence 6672. Use of Marquee.**

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The use of the marquee, should you be using it for licensable activities, is to cease immediately. Failure to comply could result in enforcement action being taken against you, the designated premises supervisor or staff operating within the marquee. Enforcement action could include a review of your premises licence and, or prosecution.

A copy of this letter has also been mailed to the premises licence holder.

If you wish to discuss the contents of this letter, or if there is anything you do not understand, please contact me.

Yours Sincerely

Andy Burrows  
Licensing Officer

## **The Fox Inn, Patching – report from Environmental Health to support the application for the review of the Premises Licence.**

Environmental Health, as a Responsible Authority is of the opinion that the licensee of the Fox Inn, Patching is failing to promote the licensing objective of preventing public nuisance due to excessively loud events being held in the marquee at the premises on a regular basis. The complainant is unable to use or enjoy their home as they wish to whilst these events take place. Our investigation began in March 2022 and culminated in breaches of a noise abatement notice with ongoing reports of further potential breaches.

### **Background**

A statutory nuisance is something which is causing unacceptable interference with the personal comfort or amenity of neighbours or the nearby community. The definition of what is unacceptable is that which ordinary decent people would consider unreasonable. It takes into account factors such as the location, time, duration, frequency, nature of the area and necessity of the activity.

The Environmental Protection Act 1990 designates a number of issues as statutory nuisances, one of which is noise and the Act requires the Council to take action when it is satisfied that a statutory nuisance exists or is likely to occur or recur by serving an abatement notice requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence.

Failure to comply with such a notice is an offence and could result in prosecution and an unlimited fine in a Magistrates Court.

Living with excessive noise can cause and/or exacerbate a number of short- and long-term health problems, such as sleep disturbance, mental health issues, cardiovascular effects, poorer work and school performance and hearing impairment.

### **Case history**

The allegation in this case is that parties and events were taking place in the marquee at the Fox Inn on a regular basis with music so loud that the complainant could not use certain parts of their home and could not watch their own television or sleep in their home due to the noise.

It is worth noting that in March 2022 the current licensee applied to transfer the licence into their name, a few days later environmental health received a complaint alleging that noise from events in the marquee was interfering with their use of their home. No complaints about noise at the premises prior to this have been received.

The complainant kept records of the disturbance over the summer. Council noise recording equipment was installed in their home and Environmental Health Officer's (EHO's) visited the area to assess the noise on more than one occasion.

An EHO and a Licensing Officer also visited the premises and met with the licence holder who was notified that a noise nuisance investigation was in effect and they were advised to implement measures to mitigate noise impacts to nearby residential premises.

On the basis of the evidence gathered and in particular visits by EHO's on the 13 and 20 August, Environmental Health has concluded that a statutory noise nuisance existed and a Noise Abatement Notice was served on the licensee dated the 12 September 2022. A copy of the Notice is attached and requires the licensee to abate the nuisance from amplified music and voices and to neither cause, permit or otherwise allow its recurrence.

Throughout this time the complainant has kept records of the disturbance that they are being subjected to. The impact includes the complainant being unable to sleep or relax in their own home or watch television as the noise from the Fox Inn drowns out their TV.

The complainant alleged and continues to allege that the noise abatement notice is being breached on a regular basis. The noise abatement notice was witnessed being breached on four separate occasions.

An officer visited and noted loud recorded music coming from the marquee at a level which was considered to be a statutory nuisance on the 2nd and 9th December 2022. Their reports are attached. Additionally, recordings made on Council noise equipment also showed loud music which constituted a statutory nuisance on those dates.

On the 10th December 2022 recordings made on Council noise equipment showed amplified voices in the form of football commentary and shouting and cheering by customers as well as loud amplified music at a level to be a statutory nuisance and therefore a breach of the abatement notice.

On the 15<sup>th</sup> December 2022 recordings made on Council noise equipment showed amplified voices in the form of announcements by the host of the event and a raffle as well as loud amplified music at a level to be a statutory nuisance and therefore a breach of the abatement notice. In this instance the recordings made were so loud and clear that it was possible to identify the charity speaker who was hosting a Christmas celebration in the Marquee.

I have included some samples of these recordings but it should be noted that they must be listened to on good quality head phones or speakers. Standard laptop speakers and head phones will not replicate the noise accurately.



Repeated breaches of an abatement notice are a serious matter which warrants further enforcement action and are evidence that the licence holder at the Fox Inn is not upholding the licensing objective of prevention of public nuisance.

Analysis of the recordings showed average sound levels in excess of 60dB on a frequent basis and individual peaks of up to 73dB inside the complainant's home.

As a guide, the World Health Organisation recommends that noise levels in bedrooms should be less than 30dB during the night and less than 45dB outside of bedrooms to prevent adverse health effects from night noise (allowing for residents to have an open window for ventilation.)

In outdoor living areas noise should be below 50dB during the day and evening in order to avoid moderate annoyance and below 55dB to avoid serious annoyance.

It is therefore clear that noise from the Fox Inn would cause serious annoyance in outdoor living areas at 60dB and is far in excess of the recommended 45dB outside the complainant's home to allow for sleep inside. The measured background noise (L90) throughout the period that the equipment was installed was 24.8dB which shows the significant difference between background noise levels and levels with events in the marquee.

The complainants dairy sheets show that noisy events are a regular occurrence and visits by EHO's and the recordings made on Council equipment demonstrate that events held in the marquee at the Fox Inn are causing a statutory nuisance and breaching the noise abatement notice.

## **Conclusion**

Environmental Health is therefore satisfied that the licensee of the Fox Inn, Patching has failed in their responsibility to promote the licensing objective of preventing public nuisance based on the frequent loud events held in the marquee in 2022 and the repeated breaches of the noise abatement notice.

It should be noted that there are a number of conditions already on the licence which are designed to prevent public nuisance which have not been complied with i.e.:

- "All outside Licensable Activities to encompass a marquee erected for the period 01 April to 31 October annually, for pre booked functions only." – *events have continued after 31<sup>st</sup> October and breaches of the abatement notice were witnessed in December 2022.*
- "Noise Management plan in place for the occasional, and seasonal only, use of a marquee in the gardens of the Fox Inn for pre booked functions and wedding receptions." - *the licensee was asked to submit evidence that showed they were using*

*best practicable means to prevent causing a nuisance but no information such as a noise management plan was received.*

The licensee has failed to respond to informal requests and a formal notice from Environmental Health requiring action to prevent noise disturbance and it has been necessary to seek remedy via the Licensing Act Review process. Given the lack of response by the licensee to date to the actions of the council it is considered that merely issuing a further warning is unlikely to be effective and more significant actions should be considered by committee

Should the committee be minded not to revoke or suspend the premises licence, Environmental Health have submitted (Appendix 1.) a number of conditions which it is recommended be attached to the licence. These are deemed to be the minimum necessary to achieve sufficient control of noise at the premises.

## Appendix 1. Potential Licence Conditions

1. No live or recorded music or amplified speech shall take place in the marquee or other outside areas until an independent acoustic report has been submitted to and agreed in writing with Arun District Council's Environmental Health Team and the mitigation measures detailed in the acoustic report have been fully implemented.

The acoustic report must include:

- reference to BS 8223:2014 Table 2;
  - the noise transmission paths from the marquee;
  - the breakout of noise from the marquee via the door(s);
  - details of the amplification system and speakers;
  - noise insulation measures to be installed in the marquee to prevent noise transmission
  - Specific details of the siting of the marquee, including minimum distances from boundaries
    - details of an in-line noise limiter to be installed in the premises which will automatically cut out once the agreed noise level is exceeded.
    - before first use of the noise limiter, the system shall be set with a tamper proof seal in the presence of an officer of the Council.
2. The noise limiter shall be serviced regularly. A log shall be kept of times when it is tripped, reason for trip and corrective action taken. Records shall be kept for a year. The records must be available at the premises when the premises is open to the public.
  3. The noise limiter shall be installed using a dedicated tamper proof socket or be wired in directly.
  4. Once operational the site (and any visiting DJs/bands/musicians) shall only use the amplification system that forms part of the acoustic report and no other. Use of the system will cease by 22.00hrs each day or 21.30hrs on Sundays and bank holidays.
  5. Amplified music and any amplified voices in outdoor areas (including a marquee) shall only take place during the following hours:  
  
12.00 – 22.00hrs Monday to Saturday  
12.00 – 21.30hrs on Sundays and bank holidays.
  6. No live or recorded music shall take place at the premises until a Noise Management Plan has been submitted in writing to, and been agreed in writing by, Arun District Council's Environmental Health Team. Once agreed it shall be fully implemented thereafter. The Noise Management Plan shall include:
    - supervision and management of the noise limiter

- control of patron noise outside
  - procedure for dealing with complaints of noise and corrective action taken
  - procedure for proactive monitoring
7. The details of all the locations, directions and sizes of the speakers on the premises must be submitted in writing for written approval by Arun District Council's Environmental Health Team, no speakers will be permitted outside other than those forming part of the approved system. No alterations to the location, direction or type of speaker shall occur, until written approval has been submitted and agreed by Arun District Council's Environmental Health Team.
8. A Designated Premises Supervisor or nominated representative shall be on the premises at all times the premises is open to the public to ensure conditions 1 – 6 are complied with and to take action to resolve any non-compliances with conditions 1 – 6. If there is no personal licence holder at the premises then no music or amplified speech shall be played in the premises.

## **Appendix 2. General information on noise recordings**

It should be noted that the noise recordings referred to were made on the Councils Trojan noise nuisance recorder. This equipment records both the noise levels and audio recordings. The user has no control over the operation of the sound level meter (it is in a locked box) and their only interaction with the equipment is to start and stop the audio recordings using the remote control. The equipment is calibrated when it is installed and again before it is removed from the complainant's home to ensure it is operating correctly.

The equipment records all noise that it detects, not specifically that from the premises in question so recordings will include noise from within the complainant's home and traffic noise as an example. Analysis of the recordings is based on the levels recorded and officer experience in listening to the recordings. It would be possible for example to tell if the microphone had been hung outside of a window or if the sounds were coming from inside the complainants home rather than neighbouring premises as they sound very different. Sound coming through a wall sounds very different to that which is in the same room. The clarity deteriorates if the noise travels through buildings and it is possible to assess the noise based on what can be heard i.e. only the bass beat, songs can be identified, words and speech can be identified and understood.

**Appendix 3. Summary of noisy events.**

<b>Date</b>	<b>Approximate start and stop time of event</b>
Sunday 25 September	14.00 – 20.15
Thursday 13 October	12.00 – 17.00
Friday 21 October	19.30 – 00.00
Saturday 29 October	15.30 – 02.30
Friday 18 November	22.00 – 23.00
Thursday 24 November	15.30 – 22.00
Friday 25 November	17.30 – 22.30
Thursday 1 December	13.15 – 15.20
<b>Friday 2 December</b>	<b>18.30 – 22.20</b>
<b>Friday 9 December</b>	<b>18.00 – 23.30</b>
<b>Saturday 10 December</b>	<b>19.00 – 22.45</b>
<b>Thursday 15 December</b>	<b>19.00 – 22.45</b>
Saturday 17 December	15.00 – 16.30
Tuesday 20 December	14.00 - unknown
Thursday 29 December	14.45 – 20.00
Tuesday 3 January	16.00 – 20.00
Wednesday 4 January	12.00 – 14.15

Dates highlighted in bold were witnessed and deemed to be at nuisance levels and in breach of the noise abatement notice.

## Appendix 4. World Health Organisation Community Noise Guideline values

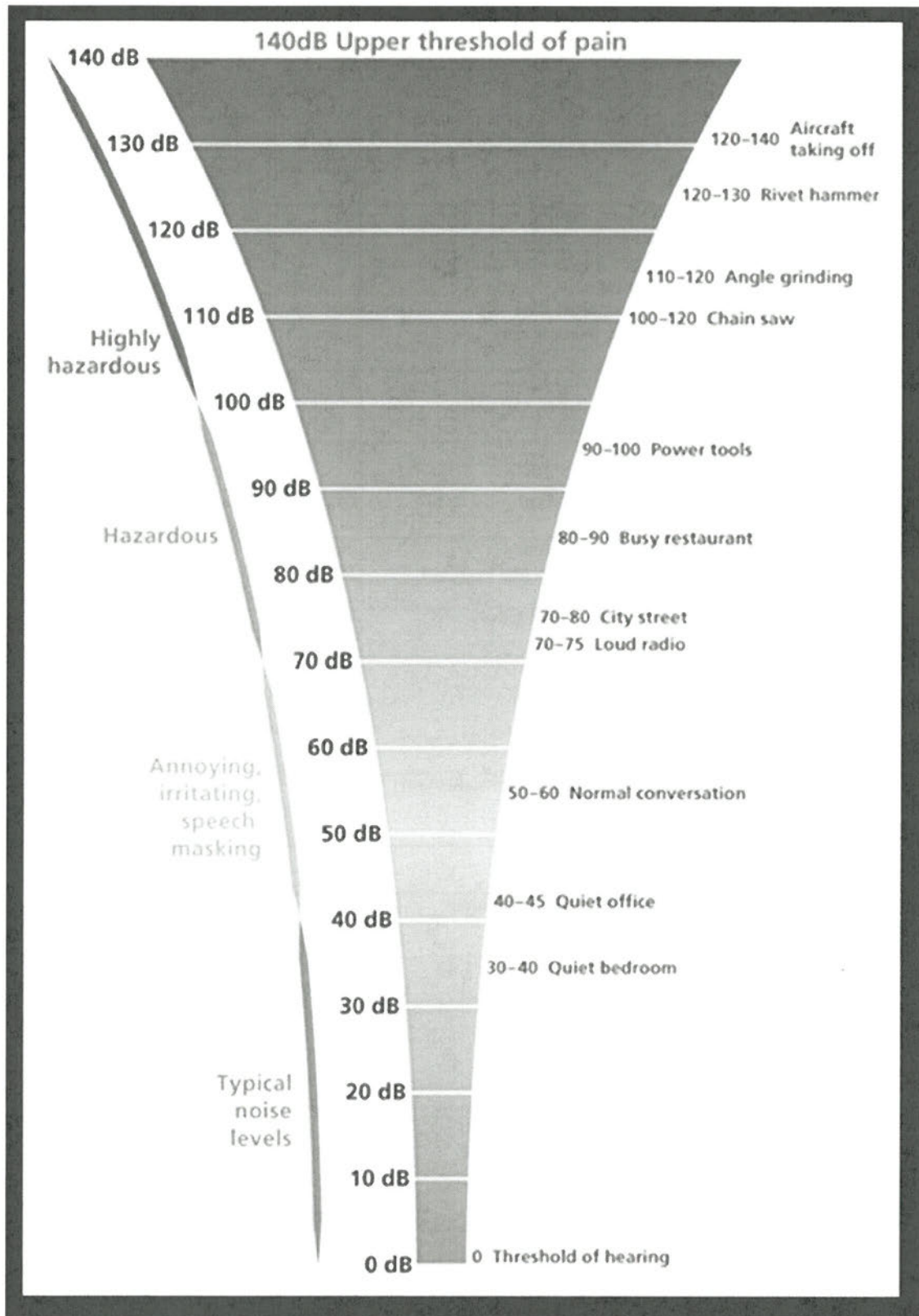
**Table 1: Guideline values for community noise in specific environments.**

Specific environment	Critical health effect(s)	$L_{Aeq}$ [dB(A)]	Time base [hours]	$L_{Amax}$ fast [dB]
Outdoor living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Dwelling, indoors	Speech intelligibility & moderate annoyance, daytime & evening	35	16	
Inside bedrooms	Sleep disturbance, night-time	30	8	45
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60
School class rooms & pre-schools, indoors	Speech intelligibility, disturbance of information extraction, message communication	35	during class	-
Pre-school bedrooms, indoor	Sleep disturbance	30	sleeping-time	45
School, playground outdoor	Annoyance (external source)	55	during play	-
Hospital, ward rooms, indoors	Sleep disturbance, night-time	30	8	40
	Sleep disturbance, daytime and evenings	30	16	-
Hospitals, treatment rooms, indoors	Interference with rest and recovery	#1		
Industrial, commercial shopping and traffic areas, indoors and outdoors	Hearing impairment	70	24	110
Ceremonies, festivals and entertainment events	Hearing impairment (patrons:<5 times/year)	100	4	110
Public addresses, indoors and outdoors	Hearing impairment	85	1	110
Music and other sounds through headphones/ carphones	Hearing impairment (free-field value)	85 #4	1	110
Impulse sounds from toys, fireworks and firearms	Hearing impairment (adults)	-	-	140 #2
	Hearing impairment (children)	-	-	120 #2
Outdoors in parkland and conservations areas	Disruption of tranquillity	#3		

#1: As low as possible.

#2: Peak sound pressure (not LAF, max) measured 100 mm from the ear.

Appendix 5. Guide to decibels. The Institution of Occupational Safety and Health





Date  
&  
Time

The Fox Public house.

Sunday  
25th  
Sept.

14.00

16.00

19.37

19.46

20.15

Fri  
30th  
Sept.

7.02

22.00

Marquee is heaving with people, lots of  
singing and raised voices.  
loud voices & thudding music  
music louder marquee is empty.  
57 decibels & lots of banging & crashing.  
60 decibels in my bedroom with  
windows & doors closed.  
my TV is at 100% volume and I can't  
still hear it, music over the top of it.  
I absolutely froze in the base box last  
night, I don't want to have to be that  
cold again.  
music has stopped.

huge wash from bins, at back of pub  
w/oloe me up, didn't sound like bottles.

Hammering in marquee for past  
1/2 hour, its stopping me sleeping.

Thursday 13th October. Ref: 247746.

12.00

Event in marquee, lots of loud voices audible in every room of my home, no attempts have been made to soundproof the marquee whatsoever.

15.15

Music is much louder I have recorded 62 decibels and have just called the E.H. line to report as this is now a disturbance in my home I've had to turn my TV. up to full.

15.40

I have made 3 decibel recordings in my phone in my bedroom which are saved on my phone

15.52

Bass thumping.

15.58

Music has stopped but loads of shaking and swearing by my fence, I have a video from inside my home.

16.20

Quiet now

16.22

more shouting.

17.00

Quiet.

Saturday 15th Sept.

22.00

hammering and banging in marquee until gone 11.00 kept me awake.

Sunday 16th Sept.

12.36

Noise starting in marquee, not too bad at the moment. There is music pounding from the outdoor speakers and they are making the fire for Halloween even bigger.

Friday 2 1st Oct.	
19.30	Event starting in marquee.
19.45	music getting louder having to turn my tv up I had surgery yesterday and feel very exhausted, I need to rest and relax, now feeling anxious about how loud this is going to get. There was a low band which peaked at 86 decibels I have a recording.
20.56	it has hit 94 decibels now I can't hear my T.V. at full volume. my home is vibrating again, there is no quiet any where in my home and I am in no fit state to pack everything to go and spend the night in a cold horse box.
21.35	music has stopped, loads of shouting.
21.48	music but quieter, but can still hear it over my tv at full volume.
21.52	Band is playing it is <del>at</del> peaking at 84 decibels again. 75 decibels
22.17	Peaked at 94 decibels again.
22.36	I can't even focus on the program I watching because all I can hear is the racket from the marquee.
22.59	87 decibels
23.00	music stopped but still levels up to 63 decibels in my home.
	down in my stable's 11.11.11

Friday 21st October.

- 23.14 Still shouting from marquee decibel  
levels of 67 inside my home, I have  
multiple recording of the entire evening.
- 23.24 Still shouting and general noise from  
marquee as well as loud banging noise.
- 23.30 Taking diary sheet to bed with me as sure  
the noise will continue
- 23.37 reset recorder, loud voices stopping in fear  
sleeping even with my medication.  
I can hear it now the rain on my roof.
- 23.45 Shouting and cheering.
- 23.52 Woman shouting & more cheering. reset recorder.
- 23.59 laughing & banging. rain has stopped.
- 00.05 laughing, voices & doors banging (reset)
- 00.08 sound table equipment being moved more  
shouting.
- 00.14 I think its finally over stopping recording.
- 00.19 (was) woman shouting & more banging
- 00.20 bottle clatter in metal wheelbarrow put.
- 4.00 Wake from night noise.
- (apologies for bad writing, I was in bed  
trying to sleep!)

The Fox pub patching. 29/10/22.

Oct 15.30  
29th  
Oct.

Marquee is packed the side doors that face me are wide open. The noise inside my home from people talking and shouting and kids screaming is at 60 decibels without any music. The marquee is too close to my home, the noise levels are the same in every room, even the furthest from the marquee. I would not be able to entertain my family or friends with this level of noise in my home.

29th 16.00

went up to the horsebox at the far end of my property for some peace but the noise blaring from the out door speakers in the patio area of the pub is just as bad as the noise in my home. Came back to my home & set up decibel meter in my bedroom going back to the horse box with some headphones to try to do some on line lectures.

29th 18.00

my guests are starting to arrive the noise from next door is awful & has peaked at 68 decibels while I'm feeding my animals in my home.

29th 18.29

Called the fire brigade as the pub lit the fire they said was for display purposes. I had sparks falling down on my stable & hay/straw store

The Fox public house patching!

<p>Sat 29th Cont. ued.</p>	<p>1830</p>	<p>* Sparks and embers raining down on my stable which has hay, straw and shavings stored inside. I have a lot of witnesses to this and multiple videos. The fire brigade (East Preston Unit) attended but by the time they got here it had died down a bit the fireman I spoke to was called Darren, I showed him photos he agreed that this was dangerous and totally irresponsible, the pub was told the fire must be out by 10pm.</p>
<p>29th.</p>	<p>22.12  23.46 1:01  1:21  2:30</p>	<p>The noise inside my home has exceeded 72 decibels, I left the recorder on and went back up to my guests. Music is still pumping from the pub. a guest leaving mine recorded a load of videos of music still pumping from the pub. was his last recording before driving home. music still pumping from the pub, I'm not sure how much longer it went on as I had been drinking to calm my nerves after the fire and fell asleep sometime after that.</p>

# The Fox

Date Day	Time Started	Time Stopped	
18 Nov Frid.	5.00		(day of visit to pub by SDNPA enforcement). Event starting in marquee. 7 videos recorded, event appears to be a wake with a sit down meal live singer/guitarist. Chewing. loud PA voices. loud talking & shouting event finished banging on microphone, shouting heavy banging and crashing about. still noise and disturbance stopping me sleeping I could still hear noise as I drifted off to sleep I had nightmares all night <u>again!</u> Car doors slamming.
	10.00		
	10.09		
	10.10		
	10.33		
	11.00		
	11.23		
	11.35		
	12.00		
	1.30		
Thurs 24th Nov.	3.30		music, p/a noise coming from marquee. music is getting louder, I took video they appear to be setting up for an event. there is no justification for music being blasted to set up an event, the marquee is empty except a couple of staff and there are no cows in the compound as pub is closed. I can hear every song word for word inside my home with all doors windows & skylights closed and every word spoken over the P/A. The marquee should not even be erected it was supposed to be taken down on 31st October. I wanted to study tonight but can't focus because of their noise.
	4.30		
	5.42		

Thurs  
24th  
Nov.

6.00

Music has stopped.

7.00

lots of P/A voices & music.

10.00

P/A voices & music but not as loud as their parties. I can hear every word from P/A but my phone isn't picking it up one more video to try. If the marquee was in its correct place with the restrictions in place this level of noise wouldn't be an issue in my home I am very tired since my biopsy <sup>result is</sup> cancer pre assessment for surgery and haven't slept well since.

10.45

I'm going to try sleeping with ear plugs to see if I can stop the night moves.

11.09

P/A system still in use but much quieter, (took sleeping pills)

Friday  
25th  
Nov.

5.23

loud male and female voices over P/A system in marquee.

6.00

Constant P/A chatter mans voice.

6.20

Sounds like they are watching a football match?

6.55

Shouting.

7.18

Music thumping heavy bass & P/A.

Marquee full of people, video taken

E.H. at A.D.C. phoned.

7.43

Now a full blown party, P/A even louder than DJ.

8.00

I'm trying to watch my TV & ignore it but can still hear it over my TV on full volume.

8.41

66 decibels in my bedroom.

8.49

71 decibels. (more videos showing decibels)



\* Even at the far end of my property it is still too noisy.

Friday  
25th  
Nov.

9.00  
11.20

resetting decibel meter and going up to the top end of my land with my covers to get away from the terribly christmas music that blasting. I have come back to my home after being driven out of it yet again. I have loads of videos no 60ply left the marquee after 11.00pm there is still loads of noise & shouting the marquee & all lights at door lights are on despite the National park. Telling them the marquee should not be in use after 31st october and them being told it is a dark skies zone. See videos. I am in my home there is loads of shouting still coming from marquee.

11.26

Environmental health and you going to take action ??? They are still under a noise abatement order the last decibel reading is 72 inside my bedroom. restarted decibel recorder...

11.38

\* note in my final recording's name leaves the marquee though the front ??? where have they gone ??

11.57

Can't still hear from marquee, I am in bed trying to sleep. I am having to put ear plugs in again. I have taken sleeping pills again, this is wrong!

11.58

Thurs  
1st Dec.

1.15

Marquee is full of people, very obviously an event is in progress, which it is not permitted to be without a special event's license as the marquee should not even be erected at this time (see SDNPA planning permission.) lots of shouting and general noise. It seems a bit quieter now.

3.29

When complete, return to:

Environmental Health, Arun District Council, Civic Centre, Littlehampton, West Sussex BN17 5LF

**Important notes:**

This Log Sheet can be used to record incidents of problems such as noise, smoke or odour that cause unreasonable disturbance. Your record will help us to decide if there is any action we can take. Please return it to us after 2 to 3 weeks, or sooner if the problem is frequent. Please:

- Ensure handwriting is legible
- Record incidents immediately they occur, so you can recall the exact details
- Show times in 24hr clock format or indicate am. or pm.

If you are keeping similar records for another Service let us know, as we can use a copy of them, provided they include the information shown below.

**DATA PROTECTION.** The information contained in this form will be used by Arun District Council for the purposes indicated and will be further used or transferred to other organisations or individuals, only as the law permits

Day & Date	Time Started	Time Finished	Description of the incident and how it affected you e.g. "Loud music playing, could not listen to television at normal volume" e.g. "Smoke and fly-ash coming from bonfire. Unable to enjoy garden"
Friday 2nd Dec.	18.25		noise of activities in the manor kids running about & shouting recorded on
	18.40 18.47		music has started (recording) this is not as loud as usual yet. (recording) heavy bass.
	19.16		recording, bass is heavier; but not as loud as normal but can still hear it and my T.V. making it impossible to relax in my home
	19.54		singing & shouting (recording) screaming & stamping.
			The noise from stamping on the hollow floor is really noticeable today. If they sound pipe drums and out of control than usual. 61 decibels peak noise
	20.11.		recording as bass is heavier & now vibrating my home tonight. Not even an event if the adult, friend & and their children, the music is disjointed.
			and not professional, kids are running around the whole garden screaming.

Sign

Dated... 02/12/22



# NUISANCE COMPLAINT

## RECORD OF EVENT

### Important notes:

This Log Sheet can be used to record incidents of problems such as noise, smoke or odour that cause unreasonable disturbance. Your record will help us to decide if there is any action we can take. Please return it to us after 2 to 3 weeks, or sooner if the problem is frequent. Please:

- Ensure handwriting is legible
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Day & Date	Time Started	Time Finished	Description of the incident and how it affected you e.g. "Loud music playing, could not listen to television at normal volume" e.g. "Smoke and fly-ash coming from bonfire. Unable to enjoy garden"
02/12/22 Friday	21.00		kids screaming and shouting by my face like music while this is too loud is not as loud as inside the noise from children screaming is so loud
	21.32		it is impossible to watch TV or read or study really heavy bass like (recording) 73 decibels
	21.48		recording.
	22.53		Stomping "oops upside ya head" recording (follow recording) I am exhausted & would like to go to sleep I haven't slept well since my dingy was, but no chance of sleep
	22.11		
		22.20	I think it might have stopped;
Friday 9th Decemb	16.00	16.30	Marquee has started getting noisy - marquee filling up...
	18.12		MUSIC just starting.
	18.51		Shouting & loud voices *
	18.56		music with heavy bass *
	19.05		MUSIC " " " *

Day & Date	Time Started	Time Finished	Description of the incident and how it affected you e.g. "Loud music playing, could not listen to television at normal volume"
Friday 9th December	19.22*		Really bassy music, I can feel the reverb through my floor and over my TV. can't concentrate on film.
	19.35*		music louder, there is no getting away from it I can hear it booming through every room in my home even with headphones on.
	19.44*		louder, I can feel my table vibrating as I
	20.00*		writing this.
	20.16*		Rang emergency line to log nuisance.
	20.20*		Bass even heavier. I'm feeling sick with anxiety and worry I have surgery on Monday and need my home to be a stress free environment to convalesce. Phone is registering decibel levels
			of up to 66 in my bedroom.
	20.40*		The marquee is also blocking winter sun from my home and stopping my solar panels charging properly.
	21.00*		
	21.13*		the constant booming has given me a massive headache.
	21.45*		
	22.00*		Still thumping bass but now with shouting cheering and singing, very loud!
			Drinking now as well.
	22.11*		Awful really really heavy bass music making my glasses rattle in my cupboard, my floor is vibrating as is the rest of my home.
	22.35*		
	22.44*		
	22.53*		
	22.57*		Shouting & Singing over the music
	23.00*		Singing, shouting still music pumping.
	23.04*		music still playing
	23.09*		another track just started.
	23.14*		well past licensing time now!!! it is quieter but it's still disturbing me and too loud.
	23.17*		another track started.
	23.22*		music has just stopped but noise from marquee has not, more music.
	23.25*		23.24. Still playing music & shouting
	23.28*		music has stopped loads of shouting.
	23.37*		Shouting still coming from marquee
		23.43	finally quiet, but I know I will have neighbours again tonight.
	12.03		Can still hear p.

## NUISANCE COMPLAINT RECORD OF EVENTS

This Log Sheet can be used to record incidents of problems such as noise, smoke or odour that cause unreasonable disturbance. Your record will help us to decide if there is any action we can take. Please return it to us after 2 to 3 weeks, or sooner if the problem is frequent. Please:

- Ensure handwriting is legible
- Record incidents immediately they occur, so you can recall the exact details
- Show times in 24hr clock format or indicate am. or pm.

If you are keeping similar records for another Service let us know, as we can use a copy of them, provided they include the information shown below.

**DATA PROTECTION.** The information contained in this form will be used by Arun District Council for the purposes indicated and will be further used or transferred to other organisations or individuals, only as the law permits

Day & Date	Time Started	Time Finished	Description of the incident and how it affected you e.g. "Loud music playing, could not listen to television at normal volume" e.g. "Smoke and fly-ash coming from bonfire. Unable to enjoy garden"
Sat 10th Decemb-	12.41*		I'm listening to the drone of their hoover in the marquee but as well as banging and dragging noises from moving tables around. I should not be able to hear this again marquee is too close to my home I never heard this noise when marquee was in its correct position.
	12.52*		
	13.05*		Shouting and raised voices this is making me anxious and shabby thinking there will be another event today.
	13.20*		Still hovering, banging now birds running about screaming, I am exhausted and need to try to catch up on my sleep today. I wanted to read and study for my course today but can't concentrate with the hovering & noise so going to try to watch some T.V. to dampen the hoover noise & banging.
	13.43		
	15.39	14.42	Quiet now.
	17.22		noise from marquee again. banging and shouting from marquee.
	18.45*		although nowhere near as noisy as last night the voices & shouting from the marquee is fully disturbing my evening.

\* recording

NUISANCE LOG SHEET (continuation)

Our Reference: EH/

5

Day & Date	Time Started	Time Finished	Description of the incident and how it affected you e.g. "Loud music playing, could not listen to television at normal volume"
Sat 10th Dec.	18.52*		amplified voices from marquee through P/A system sound like football. can't listen my audio books, study, read or watch my T.V. at a normal volume. The marquee is supposed to be a <u>wedding</u> venue.
	19.11*		more of the same.
	19.27*		" " " "
	19.42*		Shouting out front of marquee right beside my living room making me anxious as its the land lord who has bullied and intimidated me (police records)
	19.55*		music & P/A system.
	20.07*		Football again.
	20.14*		loads of very loud shouting.
	20.44*		loud shouting.
	20.59*		bellawing & shouting.
	21.03*		Thumping music. Not as loud as last night, yet... TV adverts now
	21.13*		Music.
	21.26*		bassy music, different music system to what was in use last night, still too loud can hear nothing but their music even with my TV on full volume.
	21.43*		I really don't want to be in my home with this noise but I can't go to the hospital as I will freeze.
			I feel practically suicidal tonight, this should not be happening to anyone let alone someone who is ill, disabled and in chronic pain!!!
			no one should have to endure this for as long as I have, or be repeatedly driven out of their homes.
	22.00*	22.06	music still thumping music seems to have stopped.
	22.10*		music started again. I have another splitting headache & know I will have bad sleep & nightmares again.
	22.19		music stopped again.
	22.28*		Shouting from marquee.
	22.30*		more music.
	22.47		music seems to have stopped but still noise from marquee
	22.53		music but much quieter.
	23.12		Noise still coming from marquee banging & voices. music is coming from the pub itself.
	23.15*		& other noises from marquee more banging and shouting from front of marquee.

\* Recording. Continued Sat 10th december The Fox Inn. (6)

Sat 10th dec.	23.21*	earplugs do not block out hoover noise so no sleep for me
	23.28	I'm going to try to sleep, I can't see to write in my bedroom without getting out of bed to turn the light on but I will continue to hit record as long as I am disturbed.
	24.00*	I have just woken from a nightmare I have logged on your machine this shows the effect this is having on my health & my mental health.
Sun 11th December	12.05	Banging and crashing from the marquee, my anxiety is rising again.
	13.50*	Still a lot of noise & raised voices coming from the marquee, there is heavy sleet which makes a lot of noise on my roof & may negate the pickup from the equipment but I will try to record it.
	14.46*	Have given up trying to sleep
	14.56*	} Noise, shouting and banging.
	15.28*	
	16.01*	
	16.40*	Crashing, banging, shouting & heavy footfall amplified by the non-permitted holdover floor.
17.30	It is starting to finally become quieter.	
18.00	It's finally quiet.	
Wed 14 dec.	13.56*	Crashing & banging from marquee, raised voices. I was in bed trying to recover from my surgery but have got up & gone to my living area so I can try to watch tv. & not hear the banging.
	14.12*	more banging. Thankfully it never came to anything.
Thurs 15th December	17.00	loud voices and banging coming from marquee.
	17.16*	There is definitely an event in the marquee it's not as loud as usual, <del>yet</del> . I have a zoom meeting scheduled tonight which now I will be unable to attend (this is for course work). I also underwent major surgery on Monday and am supposed to be resting quietly.
	18.27*	I've had to cancel my Zoom meeting, which I have proof of I can't concentrate on anything & have to make these notes & press the record.

\* Recording.

Thurs 15<sup>th</sup> 18.27\*  
December, Cont.

Button, so this is now interfering in me furthering my education as well. When I am no doubt driven out of my home over the weekend when the noise levels make my whole home rattle how am I expected to care for myself, wash & manage toilet problems post surgery?

19.02\*

Again not as loud as usual as not a party but it is still disturbing my peace & rest, I am in a lot of pain and need to be in bed resting. I've just noticed the tube to my catheter bag is red & most likely because I'm out of my bed & have to keep pressing the button.

19.57\*

P.A. systeme blasting man's voice. it's a raffle.

20.02\*

" "

20.38\*

20.53\*

music

21.12\*

"

22.00

The event is over, I heard all the people leaving.

22.00\*

22.08\*

Shouting & music from marquee } This is not event  
louder shouting & harder music } music it the repetitive  
I have ear plugs in but can still hear it, I need to rest! } best house music of a man

22.41\*

More music & P.A.

15/12/22.



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Day & Date	Time Started	Time Finished	Description of the incident and how it affected you <small>e.g. "loud music playing, could not listen to television at normal volume"</small> <small>e.g. "smells and fly-ash coming from bonfire. Starting to irritate"</small>
Sat 17 Dec.	15.00		music started in my house, heavy thudding noise, not as loud as usual yet. music sound of car playing whole tracks so not in great noise playing properly not super loud, yet music not playing with a heavy beat & new Hi-Fi system but annoying with a heavy beat & new Hi-Fi system. Slightly louder than my old system. I have set up phone decoder meter.
	16.11		Evening off.
	16.24		Phone charging.
	18.11		Quiet
	19.50		Evening better, being dragged about. Chilled of bottles. and beds
Sunday 17.17.			379 lights of my house 3 times 3 rows. Vibration my whole house.
Tuesday 20th Dec.	14.05		Music has started in Marquee not as loud as usual, yet... Cant listen to my TV. ok normal volume.

Dated

NUISANCE LOG SHEET (continuation)

Our Reference: E3V

Day & Date	Time Started	Time Finished	Description of the incident and how it affected you <small>e.g. loud music playing could not hear tv broadcasting at normal volume</small>
Thurs 29th Dec	14.43		Sound music is getting louder & louder Shouting & loud noise of people outside.
"	14.48		61 decibels in my bedroom.
"	16.59		it's been up to 73 decibels recording on screening & singing at top of voices deliberate because of the words. can hear in every room in my house no peace anywhere
"	15.17		it seems a little bit quieter
"	15.24		loud rap music volume up again heavy bass
"	16.12		Nirvana new rocky bassy peaked @ 74 decibels
"	16.41		music stopped briefly loads of shouting deliberate from stamping 28 decibels
"	17.00		music is quieter.
"	17.17		Track called "Dirty striking bass" while it's quieter the bass line is really heavy.
"	17.43		repetitive thudding I wouldn't describe as music.
"	17.56		Screaming & shouting, music is background now.
"	18.21		still young music still quieter than earlier shouting & cheering. must seem to have stopped
"	19.09		more music heavy thumping house music
"	19.14		still much quieter than before
"	19.44		seems to have stopped but can still hear people around marquee.
"	<del>19.50</del>	19.58	all quiet.
Thurs 31st dec	12.23		crashing & banging coming from marquee. this being dragged about
31st dec.	21.00		heavy thudding bass of music from the pub itself, not too disturbing I can actually leave my evening for a change but have had to turn off my t.v. to try to ignore it
	22.36		thudding sound has become louder. I can hear music now but just to keep low
Tues 3rd Jan.	15.55		music thudding from the marquee it's loud enough to be a disturbance, but not as loud as it has been yet music currently around 50 decibels in my home.

Signer

Dated 3/1/23

Wed 3rd Jan.	17.00		Now there is the constant drone of a hoover, the marquee is not permitted to even be up let alone this close to my home just that noise is registering at 49 decibels its like having tinnitus! Ive had to stop my study work and put the TV on to try to drown out the noise.
	17.50	17.50	Still have drone noise. Stopped.
	18.00		Music is back on but very quiet at the moment.
	18.46		Music is going up in volume, still not excessively loud but has a heavy bass line.
	19.30		Noise from marquee has stopped.
	19.40		Some other noisy machinery running.
	8.00		All quiet.
Wed 4th Jan.	12.12		Music from marquee not particularly loud but thudding beat.
	13.01		Music is louder now, 56 decibels inside my home.
	14.18		It seems quiet again now.
Friday 6th Jan.	23.17		Shouting male voices coming from marquee.
Sunday 8th Jan.	12.00		A mini digger is digging a trench parallel to my fence line it is very noisy, I was trying to study, I wonder if they are burying what the town stuff that was burnt yesterday?
	13.10		Digger has stopped.
Wed 25th Jan.	14.30		Machinery noises, sounds like some kind of water heater and floor polisher, I know the marquee has been flooding so I assume they are trying to repair the damage to the floor machinery is registering at over 50 decibels inside my home. The droning is continuous and akin to having tinnitus Ive had to stop my studying for today I put the TV on to drown the noise out, recording on voice recorder with today's date, marked with *
	15.50	13.40	Stopped.
	17.00		Machines again.
		17.15	Still running
			stopped.

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