

The Fox Inn, Patching – statement of Joanne Lewis, Environmental Health to support the application for a second review of the Premises Licence.

November 2024

I took over as case officer in October 2022.

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.

A Noise Abatement Notice was served on the licensee dated 12 September 2022. A copy of the Notice has been provided and requires the licensee to abate the nuisance from amplified music and voices and to neither cause, permit or otherwise allow its recurrence.

The complainant alleged and continues to allege that the noise abatement notice is being breached on a regular basis. Breaches of the noise abatement notice have been witnessed on numerous occasions.

As a result of these continued breaches, in March 2023 Environmental Health requested a review of the premises licence. This review resulted in the addition of a number of extra conditions on the licence as seen in Appendix A which aim to reduce the noise from the premises. The most significant initially are shown below

- 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.
- 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
- 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.

The licensee appealed the decision of the committee, the appeal was held at Brighton Magistrates Court in June 2024. The licensee did not attend the Court so the appeal was dismissed and the conditions added to the premises licence.

No acoustic report, noise management plan or details of speakers at the premises has ever been submitted to the Council. It is therefore EH's opinion that the licensee is now in breach of their Premises Licence as well as the Noise Abatement Notice.

Throughout the course of the investigation the complainant has continued to keep a record of noisy events and alleges that both the abatement notice and the licence conditions are being breached regularly.

In June 2024 the licensee was successfully prosecuted for four breaches of the abatement notice on 13 May, 28 May, 1 June and 3 June 2023. A fine and costs were awarded to the Council.

Since the prosecution and licence review appeal decision in June 2024, noisy events have continued unchanged as shown in the table below and by the submitted diary sheets and CCTV evidence from the complainant.

Breaches of the licence occur due to the playing of music in the marquee without having submitted the required acoustic report or noise management plan and/or playing music inside the main building outside of the revised hours.

The Licensee continues to organise and advertise events in the marquee as shown by the attached adverts from their Facebook page for events at Halloween and New Years Eve 2024. This indicates that despite a prosecution and a previous review of their premises licence they have no intention of complying with the law in terms of the noise abatement notice or their premises licence.

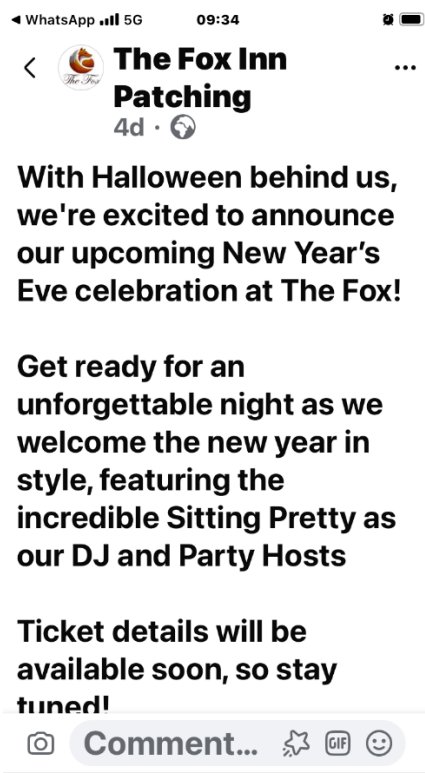
Environmental Health therefore request that their premises licence be revoked.

Date and time	Notes	Breach of Notice	Breach of licence
Friday 28 June 2024 20.05 – 21.56	Music in the marquee	✓	✓
Saturday 29 June 2024 Approx 18.10 – 22.00	<p>Music and people noise from the marquee. Music moved inside pub at 22.00 but was still audible and people shouting in the pub garden until 02.30</p> <p>JL visited site at 20.30 hrs. Arrived outside The Fox Inn Patching, bass noise could be heard at the front of the pub, louder at the rear. Music coming from the marquee, Jess Glyn track playing. Audible on Selden Lane but not as loud as on previous visits. Lots of cars in the car park and on the road side suggesting an event was taking place. Left site at 20.50 hrs, music still audible at gateway to complainants home. As I drove away I noted an ice cream van and one other food van parked along the edge of the pub land. Breach of notice and licence witnessed.</p> <p>The second complainant also logged a complaint today “Yet again</p>	✓	✓

	music in the marquee that we can hear.”		
Wednesday 10 July 2024 19.00 – 22.00	Football coverage from marquee, some shouting and music also.	✓	✓
Saturday 13 July 2024 17.00 – 22.00	<p>Music in garden and marquee and then from the pub at 22.00.</p> <p>JL arrived 20.05 and parked in driveway north of complainants home, bass clearly audible inside my car with windows closed. Stood in field behind complainants home, music clearly audible, especially the bass, intrusive and breach of notice and licence, could also be heard at entrance to Merrivale Farm, further North. Lots of cars parked along Arundel Road suggesting an event at the pub. Music also audible at the front of the premises, bass particularly. An extra marquee has been set up close to northern boundary of the pub. Lots of people in the garden, probably a wedding reception. left site at 20.21 hrs.</p> <p>The second complainant also logged a complaint today “Noise yet again from a wedding in the marquee that is</p>	✓	✓

	audible at the front and rear of our house despite being a considerable distance.”		
Sunday 14 July 2024 13.40 – 22.00	Football coverage as well as music and shouting.	✓	✓ Music and outside hours
Friday 19 July 2024	Music from marquee	✓	✓
Saturday 20 July 2024 18.00 – 22.00	Music and shouting from marquee, then moves into the pub but still audible until 00.23.	✓	✓
Saturday 27 July 2024 18.00 – 22.00	Music from marquee	✓	✓
Sunday 28 July 2024 14.00 – 21.15	Second complainant logged complaint about noise today “There is music being played in the marquee, sounds like a very poor Elvis impersonator, it is that loud I can here it at the back of the house as well as the front”	✓	✓
Saturday 24 August 2024 13.40 - 22.00	Music from marquee	✓	✓
Sunday 1 September 2024 All day	Music from outdoor speakers	✓	✓ Outside hours
Friday 6 September 2024 15:00 – 22.00	Music from marquee	✓	✓
Sunday 8 September 2024 13.22 - 14.00	Music from marquee	✓	✓
Saturday 21 September 2024 15.19 - 23.34	Music from marquee and later from the pub building.	✓	✓ Outside hours
Friday 4 October 2024 14.10	Music started in the marquee	✓	✓
Sunday 6 October 2024 13:15	Music started in the marquee	✓	✓
Saturday 12 October 19:07 – 22:07	Music from marquee, particularly the bass	✓	✓

Saturday 19 October 15:54 – 22:27	Pounding heavy bass music from marquee.	✓	✓ Outside hours
Sunday 20 October 16:24 – 17:00	Music started in marquee.	✓	✓
Thursday 24 October 16.00	Music started in marquee		
Friday 25 October 10.00 - until gone midnight	Heavy bass music coming from the pub	✓	✓ No NMP submitted
Saturday 26 October 2024 15.50 – 02.00	Halloween event, shouting, screaming and music. Music from outside initially and then moved to pub.	✓	✓ No NMP submitted





East Preston, West Sussex Co...



The Fox Inn Patching · 24m · 🌐

What a fantastic Halloween we had at The Fox! 🎉

A massive shoutout to our amazing staff for their hard work in making it all happen

You will be pleased to know that 2025 is going to happen, however for the event to go ahead we are going to need to introduce ticket entry for next year, This will include a small donation to help cover Halloween decoration costs, more toilets etc and of course all the cleanup afterwards - the Fox looked like Glastonbury the next day!

Thanks for all your support, and get ready for an even spookier celebration next year



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Appendix A

Conditions attached after a hearing by the licensing authority on 6 March 2023

1. The Designated Premises Supervisor be removed; (DPS Variation occurred 4 April 2023)

2. The conditions of the licence be modified as proposed by Environmental Health, as follows:

2.1 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.

2.2 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.
- i. 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.

- ii. The noise limiter shall be installed using a dedicated tamper proof socket or be wired in directly.
- iii. 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.
- iv. 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.

- v. 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

- vi. 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.

- vii. 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 i - vi are complied with and to take action to resolve any non-compliances with conditions i - vi. If there is no personal licence holder at the premises then no music or amplified speech shall be played in the premises.

Appendix B

List of breaches of the abatement notice which have occurred since its service in 2022 until the prosecution. Dates in **Bold were witnessed and/or recorded.**

Date	Approximate start and stop time of event
2022	
Sunday 25 September 2022	14.00 – 20.15
Thursday 13 October 2022	12.00 – 17.00
Friday 21 October 2022	19.30 – 00.00
Saturday 29 October 2022	15.30 – 02.30
Friday 18 November 2022	22.00 – 23.00
Thursday 24 November 2022	15.30 – 22.00
Friday 25 November 2022	17.30 – 22.30
Thursday 1 December 2022	13.15 – 15.20
Friday 2 December 2022 recorded and witnessed	18.30 – 22.20
Friday 9 December 2022 recorded and witnessed	18.00 – 23.30
Saturday 10 December 2022 recorded	19.00 – 22.45
Thursday 15 December 2022 recorded	19.00 – 22.45
Saturday 17 December 2022	15.00 – 16.30
Tuesday 20 December 2022	14.00 – unknown Arrived on site at 15.45 at the Fox Inn Patching. No music audible at front of premises, traffic is dominant noise source here. Drove down Seleden Lane, bassy music audible from marquee outside gate and outside gate to complainants homes. I drove down to Fox Wood campsite but music not audible here. Drove back up Selden Lane and parked at the front of the pub. I then walked down Selden Lane and again witnessed loud music from the marquee which was clearly audible outside the complainants home. I then sat back in the car to record my notes and with the window open I could hear music from the premises. I then drove down selden lane again and parked briefly outside the complainants home where I could again hear music from the marquee. i then left site at

	16.15 hrs. Marquee clearly in use and music audible outside complainants home.
Thursday 29 December 2022	14.45 – 20.00
Tuesday 3 January 2023	16.00 – 20.00
2023	
Wednesday 4 January 2023	12.00 – 14.15
Monday 6 March 2023	Licence Review Hearing
Friday 7 April 2023 recorded	19.00 – 22.25
Saturday 22 April 2023	19.14 - 22.15
Sunday 7 May 2023	07.00 – approx. 12.00
Saturday 13 May 2023 Prosecuted	19.00 – 22.00 – see report
Sunday 28 th May 2023 Prosecuted	12.00 – 12.45
Sunday 28 th May 2023	21.00 – 23.19
Thursday 1 st June 2023 Prosecuted	13.30 – 13.34
Saturday 3 rd June 2023 Prosecuted	Approx 19.30 - 23.00
Saturday 17 June 2023	16.40-17.15 19.00-22.00
Saturday 24 June 2023	16.30- 23.00
Saturday 1 July 2023	10:15 – 14:27 18:15 -
Sunday 2 July 2023	11.36 -
Tuesday 4 July 2023	21.13 -
Sat 8 July 2023	14.18 – 22.00
Saturday 15 July 2023	18.00 – 23.00
Sunday 16 July 2023	12.25
Sunday 23 July 2023	13.43 – 16.00
Sunday 6 August 2023	12.24 – 17.08
Saturday 19 August 2023	18:12 – 22:00
Saturday 2 Sept 2023	18.15
Saturday 9 Sept 2023	21.11 – 22.45
Saturday 16 Sept 2023	14.30 – 21.30
Friday 22 Sept 2023	18.55
Saturday 30 Sept 2023	18.21 – 23.10 Visited site at 21.00 hours. Breach of notice witnessed.
Saturday 14 October 2023	Visited at 20.30hrs Breach of notice witnessed
Friday 20 October 2023	19.30 – 21.49
Saturday 21 October 2023	11.32 – 21.50
Sunday 22 October 2023	12.15 – 18.34
Wednesday 25 October 2023	18.44 -
Friday 27 October 2023	15.55 – 20.29
Saturday 28 October 2023	15.00 – 19.14 Visited site 20.40hrs, loud music from front of pub but not from marquee. Bass audible

	in complainants home, not a breach of notice at time of visit.
Wednesday 1 November 2023	19.27 – 19.43
2024	
Saturday 20 April 2024	15.46 – 22.00 Breach of notice recorded
Wednesday 15 May 2024	
Thursday 30 May 2024	18.00 – 22.00
Saturday 1 June 2024	13.30 - 22.19 Breach of notice recorded
Monday 10 June 2024	Appeal against Licence Review decision dismissed at Brighton Magistrates Court
Wednesday 26 June 2024	Successful prosecution for four breaches of noise abatement notice at Brighton Magistrates Court.