

## **Additional information in support of Review Application for The Fox Inn**

### Key Dates

15/3/2022 - Application made for Transfer of Licence to current licence holder (granted 25/4/2022)

23/3/2022 - First noise complaint received

12/9/2022- Noise Abatement Notice served

13/1/23 – Application for Review of Licence – Prevention of Public Nuisance (Environmental Health) – Hearing Date 6/3/2023

10/6/2024 - Appeal to decision of the licensing sub-committee – dismissed. Premises reverted to conditions as amended by the Licensing sub-committee

26/6/2024 - Prosecution for four breaches of the Noise Abatement Notice (13 May 2023, 28 May 2023, 1 June 2023 and 3 June 2023) – found Guilty

Noise impacts from the premises have been ongoing since the current operator took over the pub in March 2022 and led to a Noise Abatement Notice (see Appendix 6) being served on the premises in September 2022, and an application for Review of the licence by Environmental Health on Public Nuisance grounds in March 2023. Papers from the previous review are provided at Appendix 1 and 2.

Principally these disturbances have come from activities outside in the garden of the premises, including within a marquee situated there.

Unfortunately noise disturbances have continued since the previous Licence Review in March 2023, and despite the Noise Abatement Notice remaining in force requiring the premises to prevent noise nuisance from amplified music and voices, and the obligation to promote the licensing objective of prevention of public nuisance.

Due to an Appeal by the premises to the decision of the licensing sub-committee in March 2023, its determination and the additional conditions (see Appendix 3) placed on the premises licence did not come into force until the Appeal was dismissed by the court on 10 June 2024.

The effect being from this date that the premises is not permitted to have any live music or amplified speech in the marquee or outside areas until an independent acoustic report has been submitted to and approved by Environmental Health, and the noise control measures fully implemented. They also restrict, in outside areas, (including the marquee) amplified music and amplified voices to 10 pm Monday to Saturday and to 9.30 pm on Sundays and Bank Holidays.

To date no acoustic report has been submitted, and yet the venue has continued to use the outside area and marquee for events which still causes regular noise disturbance and on occasion have operated outside of the revised finish times.

A statement (see Appendix 4) has been provided by Senior Environmental Health Officer Joanne Lewis who leads the Environmental Health investigation. This outlines the evidence obtained in relation to noise disturbances, and includes two tables summarising the noise incidents, one showing incidents since June 2024 the other incidents since the noise abatement notice was served in September 2022. There are 22 noise incidents listed since the prosecution and appeal were finalised in June 2024 and 36 incidents between the last Review in March 2023 and June 2024.

A statement (see Appendix 5), and a sample of noise diary sheets (see Appendices 7-10) and videos (see Appendices 11-14) have been provided by the main complainant Mrs Norrington and illustrate the impact of noise from her perspective. Noise complaints have also been received from two other people.

Evidence of proposed events, including New Years Eve included in the Senior Environmental Health Officer's statement, suggests the licence holder intends to continue to operate in the same manner.

Environmental Health and Licensing do not believe further modification of the licence would be applicable, due to the disregard already shown by the licence holder to the modified licence conditions applied at the last Review, and their continued non-compliance with the Noise Abatement Notice, despite prosecution and criminal conviction. Prior removal of the DPS has resulted in no notable change in behaviour by the premises and therefore removal of the current DPS is also unlikely on its own to result in any change.

It is our view that only revocation of the licence would be sufficient to prevent public nuisance, and further breaches of the licence and abatement notice, both of which are criminal offences.

### **List of Appendices**

Appendix 1 Public Documentation Pack - Licensing Sub-Committee 6 March 2024 (previous Review)

Appendix 2 - Minutes Licensing Sub-Committee 6 March 24 (previous Review)

Appendix 3 - Notice of Determination

Appendix 4 - Statement of Senior Environmental Health Officer Joanne Lewis

Appendix 5 Statement from Mrs Norrington 14 November 2024

Appendix 6 - Abatement Notice

Appendix 7 - Noise Diary 28 June 2024

Appendix 8 - Noise Diary 13 July 2024

Appendix 9 - Noise Diary 21 September 2024

Appendix 10 - Noise Diary 12 October 2024

Appendix 11 - Video 29 June 2024

Appendix 12 - Video 13 July 2024  
Appendix 13 - Video 24 August 2024  
Appendix 14 - Video 26 October 2024

Appendix 15 – Letter of determination following appeal

Appendix 16 – Current Licence Fox Inn