

# Arun District Council

<b>REPORT TO:</b>	<b>Licensing Sub Committee on 13<sup>th</sup> January 2025</b>
<b>SUBJECT:</b>	<b>Review of a Premises Licence; The Fox Inn 145 Arundel Road Patching Worthing BN13 3UJ Application Number 120357</b>
<b>CONTACT OFFICER:</b>	<b>David Franklin – Senior Licensing Officer</b>
<b>DIRECTORATE:</b>	<b>GROWTH</b>
<b>WARD MEMBERS:</b>	<b>Councillors Paul Bicknell, Andy Cooper and Amelia Worne</b>
<b>WARD(S):</b>	<b>Angmering and Findon</b>

## 1. Purpose

- 1.1. An application has been received for a review of a premises licence and is being presented to the Licensing Sub-Committee for determination.

## 2. Recommendations

- 2.1. That the Sub-Committee should make an evidence-based determination, justified as being appropriate for the promotion of the licensing objectives.
- 2.2. The Sub-Committee may only consider matters referred to in the 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.

## 3. Background

- 3.1. The Licensing Authority received an application on 24 October 2024 from two responsible authorities, the Arun Council's Environmental Health Team and the Arun Licensing Authority ('the Applicants'), who seek a licence review of the premises licence under Licensing Act 2003 in relation to The Fox Inn, 145 Arundel Road, Patching, Worthing BN13 3UJ.
- 3.2. This application has been recorded under reference number 119872 dated 24 October 2024 ('the Application').
- 3.3. The Sub-Committee is asked to determine the application for review as the applicant contends that the licensing objectives have been seriously undermined for:
  - The prevention of public nuisance and
  - The prevention of Crime and Disorder.

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3.4. The Licensing Authority may only consider matters referred to in representations relevant to the promotion of one or more of the four licensing objectives. These are.

The Prevention of Crime and Disorder  
The Prevention of Public Nuisance  
Public Safety  
The Prevention of Harm to Children

3.5. The Sub-Committee are requested to determine the application having regard to the information in the application and supporting evidence, representations received, the Council's Statement of Licensing Policy, the revised Section 182 guidance of the Licensing Act 2003 and the four licensing objectives

## 4. Summary of Application

4.1. The Licensing Authority received an application on 24th October 2024 from the Applicant, who seeks to review the premises licence in relation to The Fox Inn, 145 Arundel Road, Patching, Worthing BN13 3UJ. The application is supported by additional evidence consisting of documents and videos.

4.2. Environmental Health are concerned that, despite the service of a noise abatement notice and conditions and restrictions on the use of the marque imposed on the previous review of the premises licence on 6 March 2023, there has been a continuation of the persistent and ongoing public nuisance resulting in further noise complaints to the Council. The licence holder The Fox Patching Ltd. was found guilty at Brighton Magistrates Court on 26 June 2024 of four breaches of a noise abatement notice which occurred on 13 May, 28 May, 1 June and 3 June 2023. Supporting evidence of diary sheets, witness statement and video footage is provided to show that the licensing objective for the prevention of public nuisance is still being undermined by the premises operators.

4.3. The four guilty verdicts for the criminal offences of the breach of the noise abatement notice also show that the premises operators are undermining the licensing objective for the prevention of crime and disorder.

4.4. Additionally, the applicant is concerned that evidence in the diary sheets show that the conditions imposed by the licensing sub-committee at the previous premises licence review hearing, and ratified by appeal hearing at the Magistrates' Court, have been breached by the premises licence holder and is potentially a criminal offence that can be prosecuted in the Magistrates' Courts. This again is undermining the licensing objective for the prevention of crime and disorder.

4.5. A copy of the Review Application is attached at **Appendix A**

4.6. A copy of the additional information in support of review application attached at **Appendix B**

4.7. The additional information in Appendix B contains the following documents:

Additional evidence in support of review application  
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

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- 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 (Note video files will be played at the meeting)
- 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 premises licence The Fox Inn

## 5. Background information

5.1. The Fox Inn is a public house situated at 145 Arundel Road, Patching, Worthing BN13 3UJ

5.2. The Premises Licence Holder for The Fox Inn is S&S@The Fox, Patching Ltd. Mr Simon Boxall is the sole director of the company and Mrs Pamela Seymour is the Designated Premises Supervisor for the premises.

5.3. The premises is licensed under the Licensing Act 2003 for the following activities and times:

- Supply of Alcohol (on and off sales)
  - Monday to Thursday 10:00 to 00:00hrs (midnight)
  - Friday and Saturday 10:00 to 01:00hrs
  - Sunday 09:30 to 00:00hrs
- Late Night Refreshment 2300hrs
  - Sunday to Thursday 23:00 to 00:00hrs
  - Friday and Saturday 23:00 to 01:00hrs
- Live and recorded music indoors and performances of dance:
  - Sunday to Thursday 12:00 to 23:30hrs
  - Friday and Saturday 12:00 to 00:30hrs
- Amplified live and recorded music outdoors (including a marquee)
  - Monday to Saturday 12.00 to 22.00hrs
  - Sundays and bank holidays.12.00 to 21.30hrs
- All outside licensable activities to encompass a marquee erected for the period 01 April to 31 October annually.

5.4. The premises has been licensed with Arun DC since November 2005, the current licence holder is a limited company, S&S @ The Fox Patching Ltd, who have held the licence since 15 March 2022. A copy of the licence is in **Appendix B sub-Appendix 14**.

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## 6. Consultation

6.1. The 28-day representation period ran from 24<sup>th</sup> October 2024 to 21<sup>st</sup> November 2024. Responsible Authorities were advised of the review on the 24<sup>th</sup> October 2024. The Application was advertised in accordance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, with the required blue notices at the premises from 25<sup>th</sup> October 2024 and a copy of the application was handed to the premises licence holder by licensing officers. The Application was also published on the public licensing register.

## 7. Responses Received and Consultation

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (as below)	X	
All responsible Authorities under the Act		

### Valid representations received

Three

## 8. Summary of relevant representations

8.1. Two responses were received from responsible authorities, the first was from the West Sussex Fire and Rescue Service who have stated:

“The Fire Authority have carried out a Fire Safety Audit in March 2023, with a Notice of Deficiencies submitted to the Responsible Person, and a revisit carried out in September 2023 where it was found most items had been cleared with some deficiencies still to clear. Our next Fire Safety Audit is due in 2027. Current fire legislation requires an employer or other responsible person to carry out, record and regularly review their fire risk assessment. As a result of identified changes to the workplace, fire safety arrangements should be revised to reduce any increased risk. The Fire Authority have no further comment regarding Fire Safety to the application for a Licence review in respect of the above premises.”

8.2. The second response to the consultation for the Fox Inn Patching was from the South Downs National Park Authority Planning Services who stated:

“The National Park’s comments on this Licensed premises application are as follows:

The Authority naturally have concerns about non-adherence to Licensing permission conditions that lead to an adverse impact on the tranquillity of the National Park and the amenity of nearby residential properties. The Authority would add that we have issued an Enforcement Notice in regard to a breach of Planning concerning the unlawful siting of a marquee within the grounds of the public house.

The Authority would wish to be kept informed of the outcome of the Licence Review.”

8.3. Further information relating to their representation is available in appendix D

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8.4. Three representations have been received in support of the review from “other persons”, local residents, relating to licensing objective for the prevention of public nuisance. A summary of the first representation is that the events marquee is less than five meters from their home. That they have been subjected to excessive levels of music and other noise so severe that they are unable to entertain friends or family at their home and the bass is so heavy it vibrates the floor, walls and everything in the cupboards. It is impossible to read or watch television. The music often stops at 10:00 pm but on occasions has continued long past this time along with shouting, screaming and the noise of equipment being dragged about which can go on as late as midnight.

8.5. The other two “other persons” have requested that their personal details are not revealed and have similar concerns under the objective for the prevention of public nuisance from loud music and additionally from cars parking and blocking Arundel Road and Selden roads during events.

8.6. A copy of the representations are found in **Appendix C**.

## 9. Arun District Council Policy Considerations

9.1. The Licensing Authority introduced the current Licensing Act 2003 Statement of Licensing Policy (version 4.3 on 1 January 2020).

9.2. Annex 3 to the policy, lists the considerations to be given to a review request and weight to be given to the evidence supplied with the application.

## 10. Options

10.1. The Sub-Committee must have regard to the Home Office’s revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023) and the Arun Statement of Licensing Policy 2020 must be considered when determining this Application. Members may depart from the Policy if the evidence gives good reason to do so.

10.2. The Sub-Committee is asked to consider the application and any additional supporting representation and having due regard to the licensing objectives.

10.3. The Sub-Committee will need to consider what action is deemed appropriate, they will need to provide their reasons for doing so in the decision notice. The options open to the committee are as follows;

- Take no further action.
- Modify conditions on the licence, this includes the activity and opening times.
- Exclude a licensable activity from the licence.
- Remove the DPS on the Licence.
- Suspend the licence for a period not exceeding 3 months.
- Revoke the licence.

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## 11. Implications in relation to the following Council policies:

(Explain in more detail at 12 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

## 12. Implications

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

## 13. Reasons for the decision

13.1. The Licensing Sub-Committee must provide full reasons for their decision in writing.

## 14. Background Documents

14.1. The Licensing Act 2003 <https://www.legislation.gov.uk/ukpga/2003/17/contents>

14.2. Home Office Statutory Guidance issued under Section 182 of the Licensing Act 2003 (December 2023)

[https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_-\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf)

14.3. Arun District Council Statement of Licensing Policy <https://www.arun.gov.uk/alcohol-licensing-statement-and-policy/>

14.4. Licensing Act 2003 Review Hearing Procedures <https://www.arun.gov.uk/licensing-subcommittee-procedure/>

## 15. Appendices

Appendix A – Application for the review.

Appendix B – Supplementary documents in support of the review

Appendix C – Other person representation

Appendix D – South Downs National Park Authority Planning Services additional information

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