

To: All Members of the LICENSING SUB-COMMITTEE C  
(Other Members for Information)

When calling please ask for:

Ema Dearsley, Democratic Services Officer  
**Policy and Governance**

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Direct line: 01483 523224

Calls may be recorded for training or monitoring

Date: 29 June 2017

### **Membership of the Licensing Sub-Committee C**

Cllr Michael Goodridge  
Cllr Simon Inchbald

Cllr Carole King

Dear Councillors

A meeting of the LICENSING SUB-COMMITTEE C will be held as follows:

DATE: MONDAY, 10 JULY 2017

TIME: 10.00 AM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,  
GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance

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## NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

## AGENDA

### 1. ELECTION OF CHAIRMAN

To appoint a Chairman of this meeting of the Licensing Sub-Committee C.

### 2. MINUTES

To confirm the minutes of the meeting which took place on 21 January 2016

### 3. LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE - THE FOX, 21 FRENHAM ROAD, LOWER BOURNE, FARNHAM, SURREY, GU10 3PH. (Pages 5 - 86)

The purpose of this report is to enable the Sub-Committee to consider an application for a variation to the Premises Licence of The Fox, 21 Frensham Road, Lower Bourne, Farnham, Surrey, GU10 3PH from Westgate Brewery, the current Premises Licence Holder. The application has received 24 representations from 'other persons' and 1 from Environmental Health as a responsible authority.

#### Recommendation

**The Sub-Committee is requested to consider the application for the variation of the premises licence on its merits.**

**Section 35(3) Licensing Act 2003 provides that the Sub-Committee, having regard to the relevant representations made, must take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives:**

- **To modify the conditions of the premises licence, whether by alteration or omission of conditions or the addition of new conditions. Any conditions must be appropriate for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations**
- **To reject the application in whole or part.**

### 4. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation of the motion of the Chairman:-

#### Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of

the Local government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in paragraph 3 or the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act as follows:-

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3)

5. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone  
Ema Dearsley, Democratic Services Officer, on 01483 523224 or by  
email at [ema.dearsley@waverley.gov.uk](mailto:ema.dearsley@waverley.gov.uk)**

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## WAVERLEY BOROUGH COUNCIL

### LICENSING SUB-COMMITTEE C – 10 JULY 2017

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#### Title:

**LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE – THE FOX, 21 FRENHAM ROAD, LOWER BOURNE, FARNHAM, SURREY, GU10 3PH.**

[Ward Affected: Farnham Wards]

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#### Summary and Purpose

The purpose of this report is to enable the Sub-Committee to consider an application for a variation to the Premises Licence of The Fox, 21 Frensham Road, Lower Bourne, Farnham, Surrey, GU10 3PH from Westgate Brewery, the current Premises Licence Holder. The application has received 24 representations from 'other persons' and 1 from Environmental Health as a responsible authority.

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#### Background

1. The premises was the subject of conversion and variation in the transitional period, under the 2003 Licensing Act. Accordingly, The Fox, Farnham was granted a Premises Licence.
2. A copy of the current Premises Licence is attached at Annexe 1 and summarised below:
  - **Regulated Entertainment (Live Music Indoors)**

Monday to Saturday	1900 to 2300
Sunday	1900 to 2230
  - **Sale of Alcohol (both on and off the premises)**

Monday to Thursday	1100 to 2300
Friday & Saturday	1100 to 2330
Sunday	1200 to 2230
  - **Opening hours**

Monday to Thursday	0800 to 2330
Friday & Saturday	0800 to 0000
Sunday	0800 to 2300

#### Activities Sought under this Licence Application

3. In brief summary, the applicant seeks to amend the layout of the premises and;
  - Permit the sale of alcohol, recorded music, films and live music on New Year's Eve until 0300 on New Year's Day

- As a result of the above point, the opening hours are to be permitted on New Year's Eve until 0330 on New Year's Day
- Replace existing non-standard timings
- Recorded music (Indoors only) and Films (Indoors & Outdoors) to be added to the Premises Licence (Mon-Sat 1100 till 2300 and Sunday 12 to 2230)
- Remove some out of date conditions

All other licensable activities, times and days are to remain the same.

- A copy of the application form is attached at Annexe 2.
- A copy of the old plan of the premises is attached at Annexe 3.
- A copy of the new plan of the premises is attached at Annexe 4.

5. Attached at Annexe 5 is a plan showing the area of the premises and surrounding properties.

### **Licensing Objectives**

6. The four Licensing Objectives of the Licensing Act 2003 are set out below. Any representations for consideration must relate to one or more of these objectives, and representations must be from interested parties and/or from the responsible authorities under this legislation.

1. Prevention of Crime and Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. Protection of Children from Harm

### **Representations received**

#### Responsible Authorities

7. There has been 1 representation from Environmental Health acting as a Responsible Authority, reproduced at Annexe 6.

#### Other Persons

8. There have been 24 representations from 'Other Persons', which are reproduced at Annexe 7. 1 late representation was received. A number of pictures were also submitted with the representations and these will be circulated separately to the agenda.

### **Human Rights**

9. Under Article 8, European Convention on Human Rights, everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder

or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. In Licensing Act 2003 cases this means that the Sub-Committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.

### **What the Sub-Committee may do**

10. The Sub-Committee, after hearing from the applicant and having considered the representations, must take such of the steps listed below (if any) as it considers appropriate for the promotion of the licensing objectives. Reasons must be given by the Sub-Committee for any decision made, since there is an opportunity for any applicant or any person making representations to appeal to the Magistrates' Court against the Licensing Sub-Committee decision.

The steps are:

- To modify the conditions of the licence;
- To reject the whole or part of the application.

11. Revised Guidance issued under Section 182 of the Licensing Act 2003, available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/607237/182Guidance\\_05\\_04\\_17.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607237/182Guidance_05_04_17.pdf)

It will be available for reference purposes at the meeting.\* Particular attention is drawn to:

- Hearings - paragraphs 9.31 to 9.44
- Conditions – paragraphs 1.16-1.17 and 10.1 to 10.66
- The Licensing Objectives – paragraphs 2.1–2.31
- Live Music – paragraphs 16.26 to 16.32
- Recorded Music – paragraphs 16.33
- Licence conditions re Music – paragraphs 16.36 to 16.41
- Beer Gardens – paragraphs – 16.42 to 16.44

### **Recommendation**

The Sub-Committee is requested to consider the application for the variation of the premises licence on its merits.

Section 35(3) Licensing Act 2003 provides that the Sub-Committee, having regard to the relevant representations made, must take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives:

- To modify the conditions of the premises licence, whether by alteration or omission of conditions or the addition of new conditions. Any conditions must be appropriate for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations

- To reject the application in whole or part.

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Background Papers

Application referred to above, representations and pictures referred to above.

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**CONTACT OFFICER:**

**Name:** Paul Hughes

**Telephone:** 01483 523189

**E-mail:** [paul.hughes@waverley.gov.uk](mailto:paul.hughes@waverley.gov.uk)

\*Those without access to the Internet should contact Paul Hughes in order to access the Guidance.



Licensing Act 2003  
 Premises Licence - Summary

<b>The Fox</b> 21 Frensham Road Lower Bourne Farnham Surrey GU10 3PH	<b>Licence number:</b>	<b>LN/00000200</b>	
	<b>Valid from:</b>	<b>28th March 2017</b>	
	<b>Valid until:</b>		
	<b>Telephone:</b>	<b>01252 716395</b>	
<b>Licensable Activities Authorised by the Licence and times these activities may be carried on</b>			
<b>Activity (and area if applicable)</b>	<b>Description</b>	<b>Time From:</b>	<b>Time To:</b>
<b>Provision of regulated entertainment:-</b>			
<b>Live Music</b>	<b>Monday - Saturday</b> <b>Sunday</b>	<b>19:00</b> <b>19:00</b>	<b>23:00</b> <b>22:30</b>
<b>Sale by Retail of Alcohol</b>	<b>Monday – Thursday</b> <b>Friday and Saturday</b> <b>Sunday</b>	<b>11:00</b> <b>11:00</b> <b>12:00</b>	<b>23:00</b> <b>23:30</b> <b>22:30</b>
<b>Non-standard Timings:</b>	Christmas Eve; Christmas Day; Boxing Day; Spring and August Bank Holidays; Good Friday; Easter Saturday, Sunday and Monday; and any other bank holidays - 11:00 to 23:30.		

**The opening hours of the premises:** 08:00-23:30 Monday to Thursday  
 08:00-00:00 Friday and Saturday  
 08:00-23:00 Sunday

**Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises:** On and off the premises

**Name & (registered) address of holder of premises licence:** Greene King Retailing Ltd  
 Westgate Brewery  
 Bury St Edmunds  
 Suffolk  
 IP33 1QT

**Registered number of holder, for example company number, charity number (where applicable):** 5265451

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:** Mr Matthew James Eaton

**Whether access to the premises by children is restricted or prohibited:** Children shall only be allowed on the premises with a responsible adult in dining room until 21:00

Licensing Act 2003  
Premises Licence - Detail

<b>The Fox</b> 21 Frensham Road Lower Bourne Farnham Surrey GU10 3PH	<b>Licence number:</b>	<b>LN/000000200</b>	
	<b>Valid from:</b>	<b>28th March 2017</b>	
	<b>Valid until:</b>		
	<b>Telephone:</b>	<b>01252 716395</b>	
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<b>Activity (and area if applicable)</b>	<b>Description</b>	<b>Time From:</b>	<b>Time To:</b>
<b>Provision of regulated entertainment:-</b>			
<b>Live Music</b>	<b>Monday - Saturday</b> <b>Sunday</b>	<b>19:00</b> <b>19:00</b>	<b>23:00</b> <b>22:30</b>
<b>Sale by Retail of Alcohol</b>	<b>Monday – Thursday</b> <b>Friday and Saturday</b> <b>Sunday</b>	<b>11:00</b> <b>11:00</b> <b>12:00</b>	<b>23:00</b> <b>23:30</b> <b>22:30</b>
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**The opening hours of the premises:** 08:00-23:30 Monday to Thursday  
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**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:** Mr Matthew James Eaton

**Whether access to the premises by children is restricted or prohibited:** Children shall only be allowed on the premises with a responsible adult in dining room until 21:00

# Annexe 1 – Mandatory Conditions

## Alcohol

No supply of alcohol may be made under the premises licence:

- At a time when there is no designated premises supervisor in respect of the premises licence.
- At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- (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).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3.
  - (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 licence 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.
4. The responsible person must 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;
  - (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.”
5. 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.
6. For the purposes of the condition set out in paragraph 5—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
  - (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(b).
7. Where the permitted price given by Paragraph (b) of paragraph 6 would (apart from this 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.
8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 6 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.

## Annexe 2 – Conditions consistent with the operating schedule

<b>Live Music</b>	<b>Monday</b>	19:00 hours to 23:00 hours
	<b>Tuesday</b>	19:00 hours to 23:00 hours
	<b>Wednesday</b>	19:00 hours to 23:00 hours
	<b>Thursday</b>	19:00 hours to 23:00 hours
	<b>Friday</b>	19:00 hours to 23:00 hours
	<b>Saturday</b>	19:00 hours to 23:00 hours
	<b>Sunday</b>	19:00 hours to 22:30 hours

### Further Detail

One or two piece bands only on a maximum of 12 occasions per year, with windows and doors kept closed.

Non-Standard Timing

New Year's Eve 19:00-02:00.

Limited by condition at hearing to 12 occasions per year, subject to 10 working days notice (minimum) to Surrey Police, with the Police having absolute right to veto.

Location of activity : Indoors

<b>Alcohol BOTH ON/OFF premises</b>	<b>Monday</b>	11:00 hours to 23:00 hours
	<b>Tuesday</b>	11:00 hours to 23:00 hours
	<b>Wednesday</b>	11:00 hours to 23:00 hours
	<b>Thursday</b>	11:00 hours to 23:00 hours
	<b>Friday</b>	11:00 hours to 23:30 hours
	<b>Saturday</b>	11:00 hours to 23:30 hours
	<b>Sunday</b>	12:00 hours to 22:30 hours

Further Detail

N/A

Non-Standard Timing

Christmas Eve; Christmas Day; Boxing Day; Spring and August Bank Holidays; Good Friday; Easter Saturday, Sunday and Monday; and any other bank holidays - 11:00 to 23:30.

Sale of alcohol to be for consumption : On and off the premises

**Designated Premises Supervisor**

**Name:** Mr Matthew James Eaton

**Address:** Thackwood Cottage  
Hookley Lane  
Elstead  
Godalming  
Surrey  
GU8 6JB

**Personal Licence Number (If known):** LN/000005766

**Issuing Licence authority (If known):** Waverley Borough Council

<b>Opening Hours</b>	<b>Monday</b>	08:00 hours to 23:30 hours
	<b>Tuesday</b>	08:00 hours to 23:30 hours
	<b>Wednesday</b>	08:00 hours to 23:30 hours
	<b>Thursday</b>	08:00 hours to 23:30 hours
	<b>Friday</b>	08:00 hours to 00:00 hours
	<b>Saturday</b>	08:00 hours to 00:00 hours
	<b>Sunday</b>	08:00 hours to 23:00 hours

Further Detail

N/A

Non-Standard Timing

Christmas Eve; Christmas Day; Boxing Day; Spring and August Bank Holidays; Good Friday; Easter Saturday, Sunday and Monday; and any other bank holidays - 11:00 to 00:00.

**Any adult entertainment or services, activities, other entertainments or matters ancillary to the use of premises that may give rise to concern in respect of children**

Hot food, supply of alcohol, open fires and cigarette vending machine.

**ELEMENTS OF OPERATING SCHEDULE TO ADDRESS LICENSING OBJECTIVES:**

**a) General - all four licensing objectives (b,c,d,e)**

Training of all staff shall be undertaken so that they are fully aware of the 4 key licensing objectives.

No under age drinking, drunkenness and/or use of drugs and anti-social behaviour shall be tolerated.

**b) The prevention of crime and disorder**

Responsible management of the premises shall be undertaken at all times.

There shall be comprehensive training and supervision of all staff.

Adoption of best practises including BBPA, Portman Group on drinks strategy, national alcohol harm reduction strategy, house care policy shall be observed and undertaken.

There shall be adequate provision of litter bins and security lighting shall be maintained in good working order.

**c) Public Safety**

The premises risk management assessment shall be checked daily, for internal and external purposes.

Responsible management shall be in place.

Regular testing and certification shall be undertaken of all procedures, appliances and systems pertinent to safety.

**d) The prevention of public nuisance**

Responsible management of the premises shall be in place at all times to ensure no incidents of public nuisance occur.

Management of customers, staff and deliveries shall be undertaken by adoption of house policy.

There shall be ample provision of litter bins, lighting and effective ventilation systems shall be in place to prevent any nuisances to the public.

**e) The protection of children from harm**

Children shall only be allowed on the premises with a responsible adult in dining room until 21:00.

Proof of age scheme shall be in place with photographic ID only.

**Embedded Restrictions**

**1. Restrictions**

The above restrictions do not prohibit:

a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;

b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied ; or
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

**The licensee may also provide and permit:**

- **Entertainment by way of music and singing but only by the reproduction of recorded sound (this does not permit the use of karaoke, disk jockeys, comperes, etc.).**
- **The consumption of late night refreshment for a period of 30 minutes after the permitted hours set out below.**

**2. Children in Bar (No Children's Certificate)**

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals.

## **Annexe 3 – Conditions attached after a hearing by the Licensing Authority**

1. No recorded music shall be permitted, including karaoke and disco.
2. Live music events shall be limited to 12 occasions per year subject to 10 working days notice to Surrey Police and giving Police absolute veto on all occasions.
3. All music events (with the exception of the annual music festival) shall be held indoors only, during which time all windows and doors to be kept closed.
4. Risk management:-
  - internal and external safety checks shall be carried out daily and recorded in a register;
  - responsible management shall be maintained at all times;
  - fire and other safety checks shall be carried out in accordance with current legislation.

## **Annexe 4 – Plans**

Attached

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WK/201701360  
16/6/17

ANNEXE 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We Greene King Retailing Ltd

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> LN/000000200
--

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
The Fox 21 Frensham Road Lower Bourne Farnham			
Post town	Surrey	Postcode	GU10 3PH

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£70,700

**Part 2 – Applicant details**

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Westgate Brewery Bury St Edmunds		
Post town	Suffolk	Postcode	IP33 1QT

### Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect?

DD MM YYYY  
| | | | | | | | | |

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

This is an application to change the layout of the premises in accordance with the submitted plan.

The main change is the addition of an external bar and extension to the premises to relocate the kitchen and therefore add more dining areas to the premises.

The application also seeks to permit licensable activities on the first floor as outlined on the plan.

In addition to the above changes to the layout, the application seeks to make the following changes:

1. Permit the sale of alcohol, recorded music, films and live music on New Year's Eve until 03:00h on New Year's Day.
2. As a result of point 1, the opening hours are to be permitted on New Year's Eve until 03:30h on New Year's Day.
3. Remove the existing nonstandard timings and replace them with the below:
  - An additional hour from the end of permitted hours will be allowed on every Christmas Eve, Christmas Day, Boxing Day and New Year's Day. An additional hour from the end of permitted hours will be allowed on every Friday, Saturday, Sunday and Monday for each Bank Holiday weekend (Easter, May, Whitsun and August). An additional hour is also permitted on the day preceding a Friday Bank Holiday or Public Holiday.
4. Recorded music and the provision of films are to be added to the premises licence as follows:
  - Monday to Saturday from 11:00h until 23:00h
  - Sunday from 12:00h until 22:30h

Additionally, the application seeks to remove the following conditions as they are out of date, and no longer appropriate for the intended operation of the premises.

1. "One or two piece bands only on a maximum of 12 occasions per year" under Annex 2
2. "Limited by condition at hearing to 12 occasions per year, subject to 10 working days' notice (minimum) to Surrey Police, with Police having absolute right to veto" under Annex 2
3. All conditions under "Embedded Restrictions" under Annex 2
4. "No recorded music shall be permitted, including karaoke and disco" under Annex 3
5. "Live music events shall be limited to 12 occasions per year subject to 10 working

days' notice to Surrey Police and giving Police an absolute veto on all occasions" under Annex 3

All other hours, licensable activities and conditions authorised by the premises licence are to remain unaltered.

Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed.

Locations of any fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plan regulations is indicative only and subject to change.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment (Please see guidance note 3)**

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)  Provision of films (e.g. Disney films)		
Mon	11:00	23:00			
Tue	11:00	23:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed	11:00	23:00			
Thur	11:00	23:00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	12:00	22:30	<ul style="list-style-type: none"> <li>An additional hour from the end of permitted hours will be allowed on every Christmas Eve, Christmas Day, Boxing Day and New Year's Day. An additional hour from the end of permitted hours will be allowed on every Friday, Saturday, Sunday and Monday for each Bank Holiday weekend (Easter, May, Whitsun and August). An additional hour is also permitted on the day preceding a Friday Bank Holiday or Public Holiday.</li> <li>Permit films on New Year's Eve until 03:00h on New Year's Day</li> </ul>		

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					



## E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)  Provision of amplified and unamplified live music.	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)  <ul style="list-style-type: none"> <li>An additional hour from the end of permitted hours will be allowed on every Christmas Eve, Christmas Day, Boxing Day and New Year's Day. An additional hour from the end of permitted hours will be allowed on every Friday, Saturday, Sunday and Monday for each Bank Holiday weekend (Easter, May, Whitsun and August). An additional hour is also permitted on the day preceding a Friday Bank Holiday or Public Holiday.</li> <li>Permit live music on New Year's Eve until 03:00h on New Year's Day</li> </ul>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)  Provision of amplified and unamplified recorded music.		
Mon	11:00	23:00			
Tue	11:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed	11:00	23:00			
Thur	11:00	23:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	11:00	23:00			
Sat	11:00	23:00	<ul style="list-style-type: none"> <li>An additional hour from the end of permitted hours will be allowed on every Christmas Eve, Christmas Day, Boxing Day and New Year's Day. An additional hour from the end of permitted hours will be allowed on every Friday, Saturday, Sunday and Monday for each Bank Holiday weekend (Easter, May, Whitsun and August). An additional hour is also permitted on the day preceding a Friday Bank Holiday or Public Holiday.</li> <li>Permit recorded music on New Year's Eve until 03:00h on New Year's Day</li> </ul>		
Sun	12:00	22:30			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 6)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sun					

1

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
Day	Start	Finish			Both	<input checked="" type="checkbox"/>
Mon			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)			
Tue						
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)			
Wed						
Thur			<ul style="list-style-type: none"> <li>• An additional hour from the end of permitted hours will be allowed on every Christmas Eve, Christmas Day, Boxing Day and New Year's Day. An additional hour from the end of permitted hours will be allowed on every Friday, Saturday, Sunday and Monday for each Bank Holiday weekend (Easter, May, Whitsun and August). An additional hour is also permitted on the day preceding a Friday Bank Holiday or Public Holiday.</li> <li>• Permit the sale of alcohol on New Year's Eve until 03:00h on New Year's Day</li> </ul>			
Fri						
Sat						
Sun						

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).**

None

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)		
<ul style="list-style-type: none"> <li>• An additional hour from the end of permitted hours will be allowed on every Christmas Eve, Christmas Day, Boxing Day and New Year's Day. An additional hour from the end of permitted hours will be allowed on every Friday, Saturday, Sunday and Monday for each Bank Holiday weekend (Easter, May, Whitsun and August). An additional hour is also permitted on the day preceding a Friday Bank Holiday or Public Holiday.</li> <li>• The opening hours are to be permitted on New Year's Eve until 03:30h on New Year's Day</li> </ul>		



Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

1. "One or two piece bands only on a maximum of 12 occasions per year" under Annex 2
2. "Limited by condition at hearing to 12 occasions per year, subject to 10 working days' notice (minimum) to Surrey Police, with Police having absolute right to veto" under Annex 2
3. All conditions under "Embedded Restrictions" under Annex 2
4. "No recorded music shall be permitted, including karaoke and disco" under Annex 3
5. "Live music events shall be limited to 12 occasions per year subject to 10 working days' notice to Surrey Police and giving Police an absolute veto on all occasions" under Annex 3

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

As per the existing premises licence permissions.

**b) The prevention of crime and disorder**

As per the existing premises licence permissions.

**c) Public safety**

As per the existing premises licence permissions.

**d) The prevention of public nuisance**

As per the existing premises licence permissions.

**e) The protection of children from harm**

As per the existing premises licence permissions.

**Checklist:**

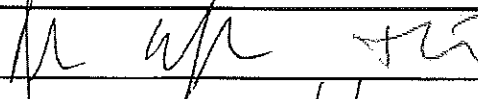
**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	11/5/17
Capacity	Solicitor to applicant

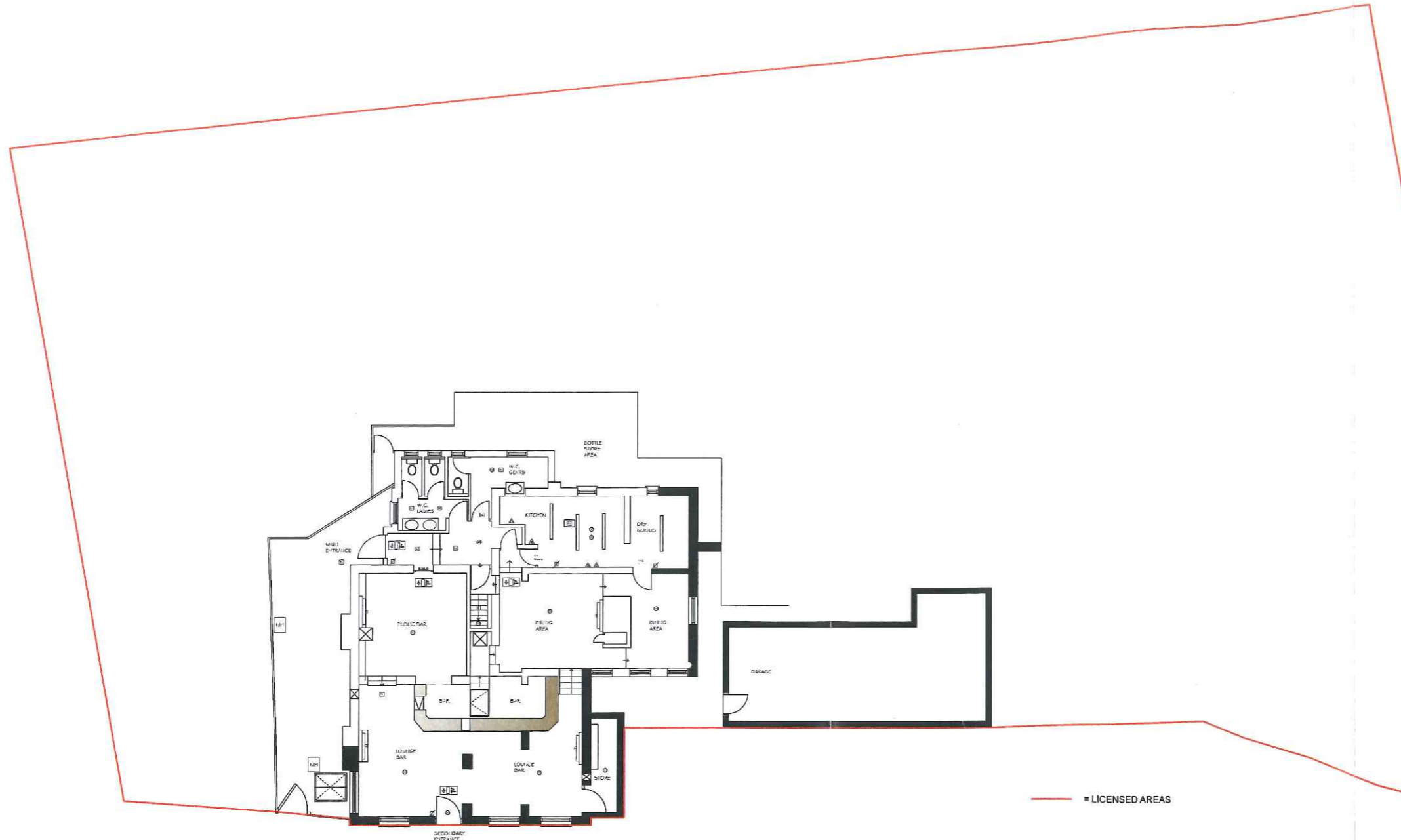
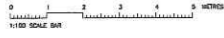
**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 14)			
Rachel Kelly TLT Solicitors One Redcliff Street			
<b>Post town</b>	Bristol	<b>Post code</b>	BS1 6TP
<b>Telephone number (if any)</b>	0333 00 60283		
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b> Rachel.kelly@tltsolicitors.com			



ALL DIMENSIONS TO BE CHECKED & VERIFIED ON SITE



EXISTING SITE PLAN 1:100

NOTES

Floor Plans have been prepared for 'Licensing' purpose only and not intended for use under Planning or Building Control Applications

Drawings produced using third party & basic survey notes - all dimensions to be checked verified on site.

Project  
**The Fox Inn Public House**  
 21 Frensham Road  
 Lower Bourne Road, Farnham  
 Surrey, GU10 3PH

Client  
 Marshall Eaton

Title  
**Existing Site Plan**

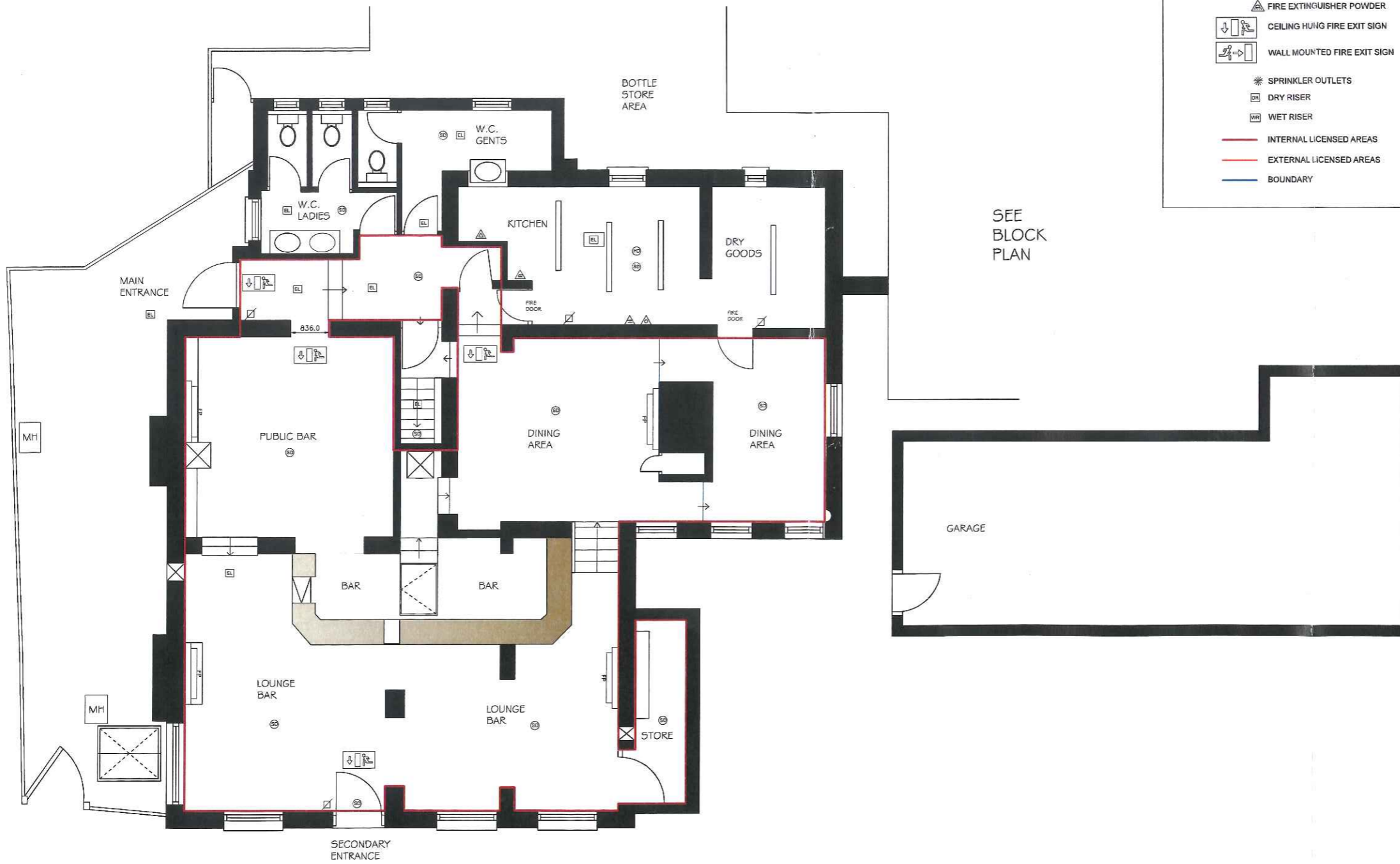
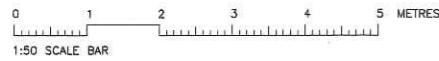


Little London  
 Willey, Surrey  
 GU8 5QY  
 T: 01428 684170  
 M: 07795 483448

Scale	as noted @ A1 Paper Size
Date	November 2016
Drawn	RF/JS
Checked	js
Status	Existing
Drawing No 2016-11-200-04	Status Revision E

Existing

ALL DIMENSIONS TO BE CHECKED & VERIFIED ON SITE



EXISTING GROUND FLOOR PLAN 1:50

KEY

- FIRE PLACE
- BOILER
- EMERGENCY LIGHT
- DISTRIBUTION BOARD
- LINKED SMOKE DETECTOR
- LINKED HEAT DETECTOR
- FIRE ALARM SOUNDER
- BREAK GLASS CALL POINT
- INTRUDER DETECTOR
- WATER FIRE EXTINGUISHER
- FIRE BLANKET IN CONTAINER
- FOAM EXTINGUISHER
- CARBON DIOXIDE FIRE EXTINGUISHER
- FIRE EXTINGUISHER POWDER
- CEILING HUNG FIRE EXIT SIGN
- WALL MOUNTED FIRE EXIT SIGN
- SPRINKLER OUTLETS
- DRY RISER
- WET RISER
- INTERNAL LICENSED AREAS
- EXTERNAL LICENSED AREAS
- BOUNDARY

SEE BLOCK PLAN

NOTES

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Drawings produced using third party & basic survey notes - all dimensions to be checked verified on site.

Project  
The Fox Inn Public House  
21 Frensham Road  
Lower Bourne Road, Farnham  
Surrey, GU10 3PH

Client  
Marshall Eaton

Title  
Existing Ground Floor Plan

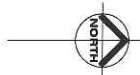


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Status	Existing
Drawing No 2016-11-200-01	Status E
	Revision

Existing

**DRAFT**



BLOCK PLAN 1:200

NB: Please note the accuracy and position of any boundary or public sewer lines services within this extract cannot be guaranteed. No liability of any kind is accepted by W&S Design for any error or omission.

**NOTES**

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 Drawings produced using third party & basic survey notes - all dimensions to be checked verified on site.

**Project**  
 The Fox Inn Public House  
 21 Frensham Road  
 Lower Bourne Road, Farnham  
 Surrey, GU10 3PH  
**Client**  
 Marshall Eaton  
**Title**  
 Existing Block Plan



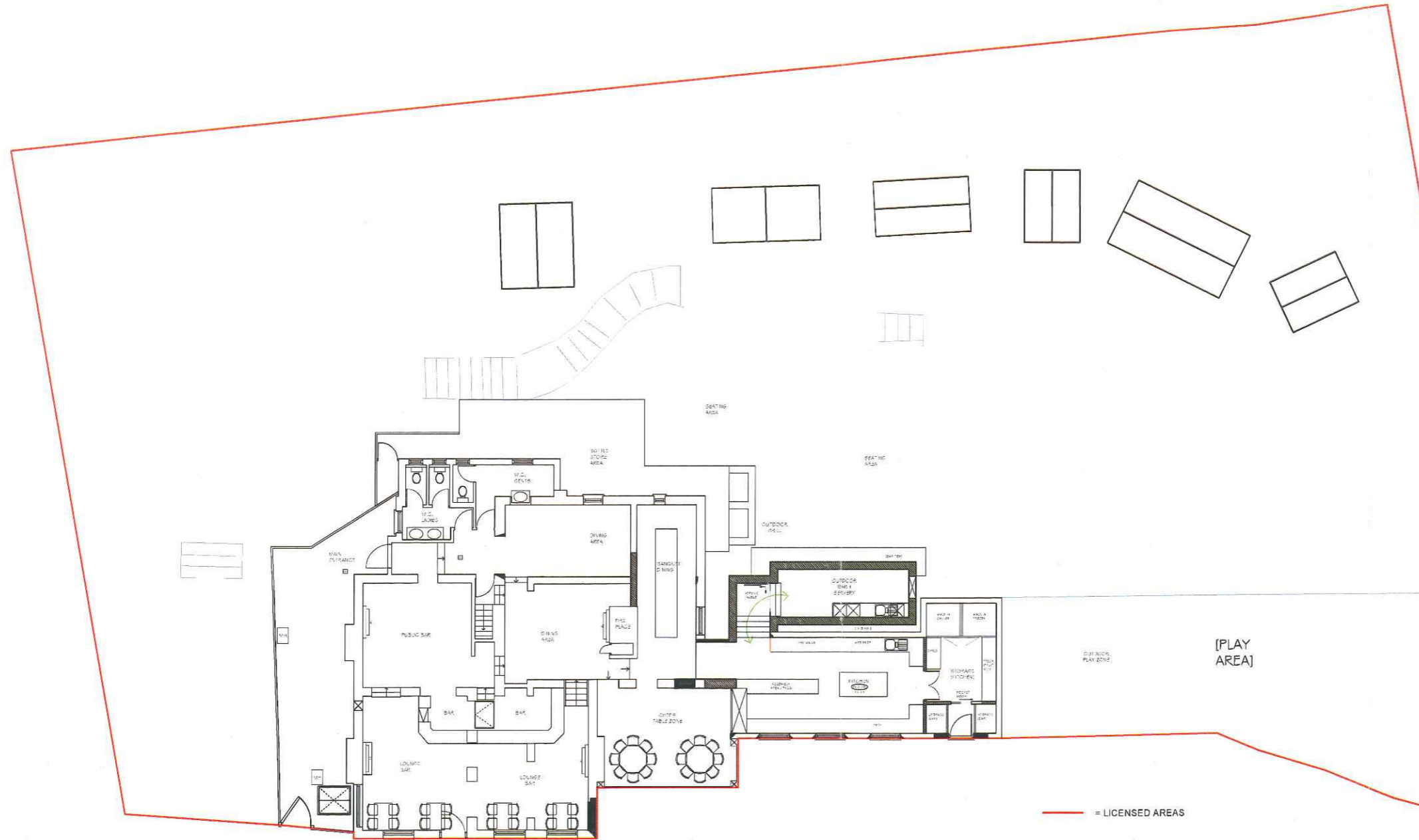
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 M. 0775 85449

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Date	November 2016
Drawn	RF/JS
Checked	js
Status	Existing
Drawing No	2016-11-200-03
	E Status Revision

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ALL DIMENSIONS TO BE CHECKED & VERIFIED ON SITE



PROPOSED SITE PLAN 1:100

NOTES

Floor Plans have been prepared for 'Licensing' purpose only and not intended for use under Planning or Building Control Applications

Drawings produced using third party & basic survey notes - all dimensions to be checked verified on site.

Amendments  
 REV E 09.05.17 as per client comments  
 REV D 09.05.17 as per client comments  
 REV C 08.05.17 as per client comments

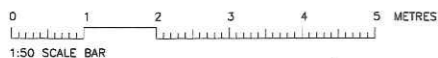
Project  
 The Fox Inn Public House  
 21 Frensham Road  
 Lower Bourne Road, Farnham  
 Surrey, GU10 3PH  
 Client  
 Marshall Eaton  
 Title  
 Proposed Site Plan



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 Witley, Surrey  
 GU8 5QY  
 T: 01428 684170  
 M: 07795 483448

Scale	as noted @ A1 Paper Size	
Date	November 2016	
Drawn	RF/JS	
Checked	js	
Status	Proposed	
Drawing No	Status	Revision
2016-11-200-07	P	E

ALL DIMENSIONS TO BE CHECKED & VERIFIED ON SITE



KEY

- FIRE PLACE
- BOILER
- EMERGENCY LIGHT
- DISTRIBUTION BOARD
- LINKED SMOKE DETECTOR
- LINKED HEAT DETECTOR
- FIRE ALARM SOUNDER
- BREAK GLASS CALL POINT
- INTRUDER DETECTOR
- WATER FIRE EXTINGUISHER
- FIRE BLANKET IN CONTAINER
- FOAM EXTINGUISHER
- CARBON DIOXIDE FIRE EXTINGUISHER
- FIRE EXTINGUISHER POWDER
- CEILING HUNG FIRE EXIT SIGN
- WALL MOUNTED FIRE EXIT SIGN
- SPRINKLER OUTLETS
- DRY RISER
- WET RISER
- LICENSED AREAS
- BOUNDARY

NOTES

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Drawings produced using third party & basic survey notes - all dimensions to be checked verified on site.

Amendments

- REV C 09.05.17 as per client comments
- REV B 08.05.17 as per client comments

Project

The Fox Inn Public House  
21 Frensham Road  
Lower Bourne Road, Farnham  
Surrey, GU10 3PH

Client

Marshall Eaton

Title

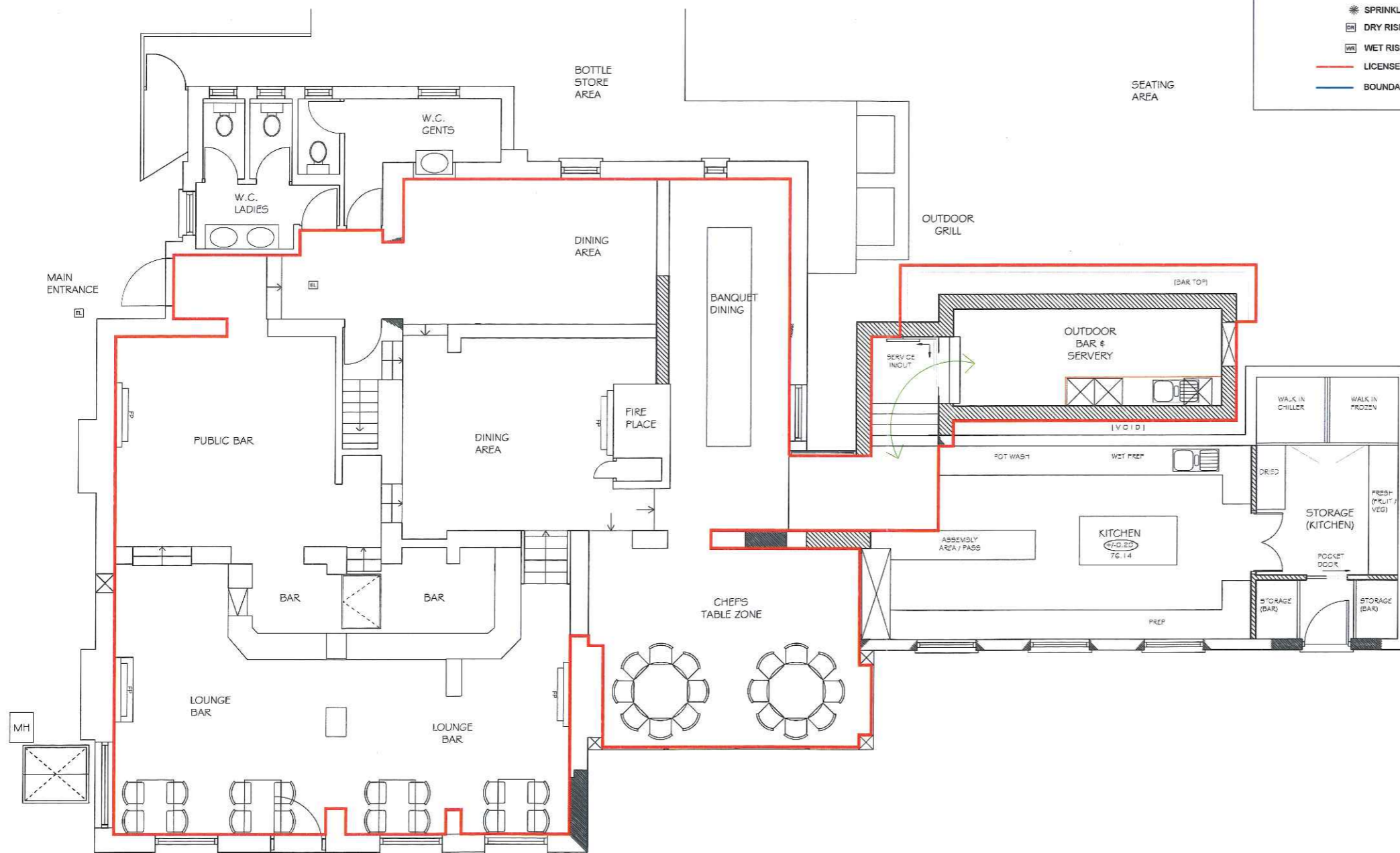
Proposed Ground Floor Plan



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Witley, Surrey  
GU8 5QY  
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M: 07795 483448

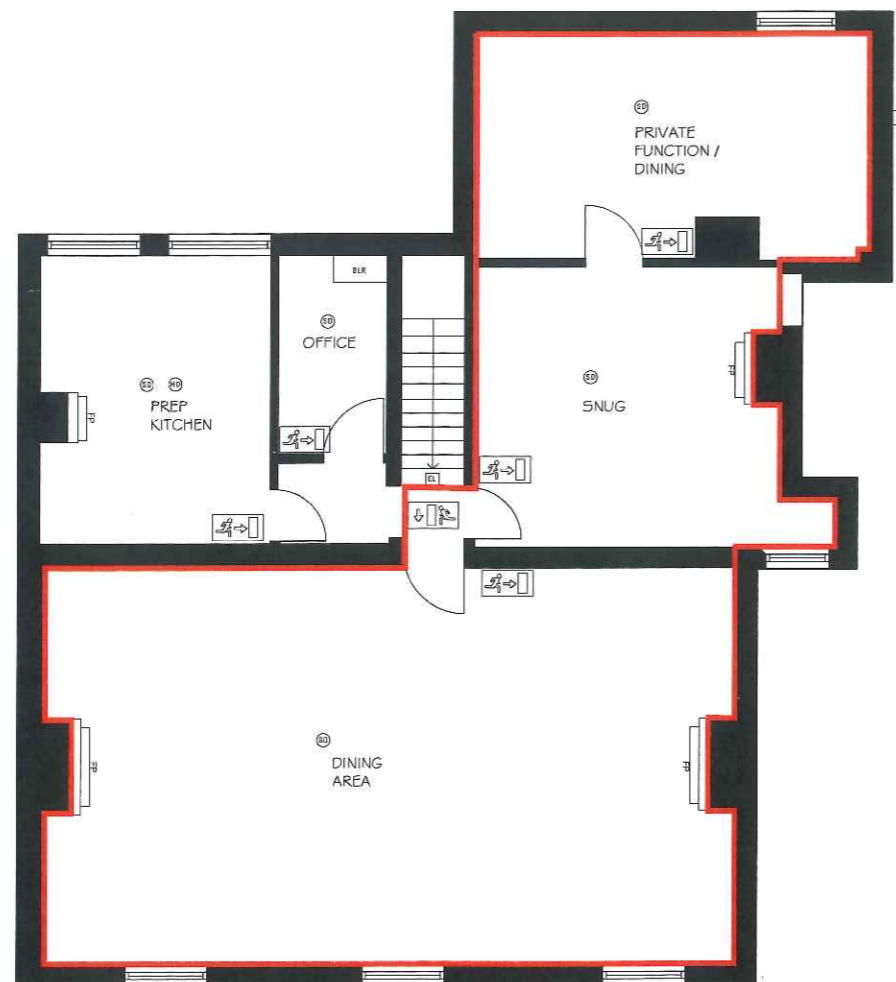
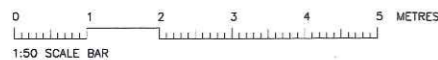
Scale	as noted @ A1 Paper Size
Date	November 2016
Drawn	RF/JS
Checked	js
Status	Proposed

Drawing No 2016-11-200-05	Status P	Revision C
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PROPOSED GROUND FLOOR PLAN 1:50

ALL DIMENSIONS TO BE CHECKED & VERIFIED ON SITE



PROPOSED FIRST FLOOR PLAN 1:50

KEY	
	FIRE PLACE
	BOILER
	EMERGENCY LIGHT
	DISTRIBUTION BOARD
	LINKED SMOKE DETECTOR
	LINKED HEAT DETECTOR
	FIRE ALARM SOUNDER
	BREAK GLASS CALL POINT
	INTRUDER DETECTOR
	WATER FIRE EXTINGUISHER
	FIRE BLANKET IN CONTAINER
	FOAM EXTINGUISHER
	CARBON DIOXIDE FIRE EXTINGUISHER
	FIRE EXTINGUISHER POWDER
	CEILING HUNG FIRE EXIT SIGN
	WALL MOUNTED FIRE EXIT SIGN
	SPRINKLER OUTLETS
	DRY RISER
	WET RISER
	LICENSED AREAS
	BOUNDARY

NOTES

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Drawings produced using third party & basic survey notes - all dimensions to be checked verified on site.

Amendments  
REV B 08.05.17 as per client comments

Project  
The Fox Inn Public House  
21 Frensham Road  
Lower Bourne Road, Farnham  
Surrey, GU10 3PH

Client  
Marshall Eaton

Title  
Proposed First Floor Plan



Little London  
Witley, Surrey  
GU8 5QY  
T: 01428 684170  
M: 07795 483448

Scale	as noted @ A1 Paper Size
Date	November 2016
Drawn	RF/JS
Checked	js
Status	Proposed

Drawing No 2016-11-200-06	Status P	Revision B
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22

**Memorandum****Licensing Act 2003****DATE:** 15TH JUNE 2017

**TO:** Paul Hughes                                      Licensing Authority  
**FROM:** Julie Gregory                                      Environmental Health Officer

**TELEPHONE NUMBER:** 01483 523393

**Location: The Fox Public House, 21 Frensham Road, Lower Bourne, Farnham, Surrey, GU10 3PH – LN/00000200**

This department wishes to make a representation with regards to the above application in respect of the prevention of public nuisance as follows:

The applicant is proposing to implement a number of changes which will include amplified music and films outside in the new garden area. The applicant has provided information relating to how noise will be mitigated.

There are many nearby residents surrounding this public house, some which border directly onto the premise. These residents may be prejudicially affected by noise nuisance caused by the activities that are proposed in the submitted variation.

Additionally, Environmental Health has already received complaints from a number of local residents since 29<sup>th</sup> May 2017 and these have been ongoing due to loud music and patrons outside in the garden area.

It is therefore considered that these requested variations will have the potential to cause further disturbance to local residents from noise nuisance. Suitable controls need to be in place to protect local resident from excessive noise from such licensable activities. If statutory nuisance was to occur at this location as a direct result of the premise operating procedures it may require controls under other legislation, however, it is recognised that the licensing approach is one of prevention.

I am concerned that granting of the requested variations may lead to public nuisance being caused, and therefore, I wish to make a representation to this effect.

Please do not hesitate to contact me if you require further information or would like to discuss the above comments.

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**Kate Halsall**

**From:** Carole Cockburn  
**Sent:** Sunday 21 May 2017 11:16  
**To:** Licensing Policy  
**Subject:** RE: Licensing Act 2003 - Application

Dear Kate

Please may I register a formal objection to this application on behalf of local residents on the grounds of noise nuisance and possible light pollution.

With best regards

Carole Cockburn

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**From:** Kate Halsall on behalf of Licensing Policy  
**Sent:** 11 May 2017 15:43  
**To:** All Councillors Email Group  
**Subject:** Licensing Act 2003 - Application

Dear Sir/Madam

An application has been received for a variation of premises licence. The application is for Films 11:00-23:00 Monday to Saturday and 12:22:30 Sunday and addition of New Year's Eve until 03:00 on New Year's Day; Live music – addition of New Year's Eve until 03:00 on New Year's Day; Recorded music 11:00-23:00 Monday to Saturday and 12:00-22:30 Sunday and addition of New Year's Eve until 03:00 on New Year's Day; On and off sales of alcohol – addition of New Year's Eve until 03:00 on New Year's Day and Opening hours – addition of New Year's Eve until 03:30 on New Year's Day. All the above to have - An additional hour from the end of permitted hours on Christmas Eve, Christmas Day, Boxing Day and New Year's Day. An additional hour from the end of permitted hours on every Friday, Saturday, Sunday and Monday for each Bank Holiday weekend (Easter, May, Whitsun and August). An additional hour to be permitted on the day preceding a Friday Bank Holiday or Public Holiday. Removal of conditions "One or two piece bands only on a maximum of 12 occasions per year."; "Limited by condition at hearing to 12 occasions per year, subject to 10 working days notice (minimum) to Surrey Police, with the Police having absolute right to veto."; "No recorded music shall be permitted, including karaoke and disco."; "Live music events shall be limited to 12 occasions per year subject to 10 working days notice to Surrey Police and giving Police absolute veto on all occasions." and all Embedded Restrictions under Annexe 2. If you would like to make comment or representation on this application, the last date for representations is 8th June 2017. All correspondence in relation to this application or if you have any queries in respect of this application, please do not hesitate to contact this office via email to [licensing@waverley.gov.uk](mailto:licensing@waverley.gov.uk)<<mailto:licensing@waverley.gov.uk>>.

Premises	Application Type	Address	Applicant
The Fox Greene King Retailing Ltd	Variation	21 Frensham Road, Lower Bourne, Farnham	

Please note that the Monday to Sunday hours for Live music, On and off sales of alcohol and Opening hours remain as on the current licence.

**Paul Hughes**

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**From:**  
**Sent:** Wednesday 24 May 2017 22:28  
**To:** Paul Hughes  
**Cc:** Carole Cockburn; Martin Lear  
**Subject:** The Fox - Farnham - Licencing application  
**Attachments:** IMG\_20170524\_2034167.jpg  
**Importance:** High

2

Dear Paul,

I understand that you are the manager of the licensing section at Waverley and the appropriate person to contact in respect of the Fox.

As I am sure you know there is a planning application in process but when the Fox owners held two public meetings they assured all the locals present that there was NOT going to be any change to the licence and definitely not going to be any live music.

Today however I have returned from overseas and note a flyer publicising the Fox through my door stating "look out for live music events in the evening throughout the summer" and I have also now seen the attached posted on the pub windows.

I must confess to feeling betrayed by the owners when they gave us their word in a public meeting that this was not going to happen and as a result many locals (who would otherwise have lodged objections) have not.

As no doubt you are aware several years ago the Fox was the subject of ongoing complaints over noise and nuisance and as a result the current restrictions were put in place. It would be a total travesty if these current restrictions were relaxed in any way especially since the owners gave public undertakings that they would not be altered.

I urge that no permission is granted for either music nor any outside activity after 9pm each evening (as per the original comments from your own Environmental team) and that the current restrictions on operating hours be fully maintained since these were put in place following a long period of complaints, since when (apart from car parking issues) there have been no complaints at all. The Bourn is a quiet village location with families and elderly people living in close proximity to what has been until now a quiet local pub. No-one wants to return to the time when there are almost weekly complaints about the premise. The current plans are turning it into somewhere more suited to a town centre / night life area and completely contrary to the "family friendly neighbourhood pub" the owners promised us.

Kind regards,

Kate Halsall

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**From:** Paul Hughes  
**Sent:** Tuesday 30 May 2017 10:20  
**To:** Kate Halsall  
**Subject:** FW: The Fox - serious incidents - request for Temporary Stop Order  
**Attachments:** May 26 2017 - Blocked pavement 1.jpg; May 26 - Blocked pavement 2.jpg; May 29 2017 - Car parking 1.jpg; May 29 2017 - Car parking 2.jpg; May 29 2017 - Car Parking 3.jpg; May 29 2017 - Car Parking 4.jpg; May 29 2017 - Car Parking 6.jpg; May 29 2017 - Car Parking 7.jpg; Fw: FOX LICENCE APPLICATION; May 29 - Live music outdoors 2.jpg; May 29 2017 - Building Materials in active childrens play area - Copy.jpg

Sent with Good (www.good.com)

-----Original Message-----

**From:** \_\_\_\_\_  
**Sent:** Tuesday, May 30, 2017 01:18 AM GMT Standard Time  
**To:** Planning Enforcement; highways@surreycc.gov.uk; Paul Hughes  
**Cc:** \_\_\_\_\_  
**Subject:** The Fox - serious incidents - request for Temporary Stop Order

2

Dear all,

I am writing following a series of incidents over the last few days which I believe need addressing URGENTLY.

As you are no doubt aware the owners and developers of the Fox have gone ahead with significant construction and landscaping work without awaiting the results of planning approval. Over the last few days much hard landscaping has now been completed and most of the "cabanas" have been erected as I say without awaiting the planning permission and without awaiting any conditions or issues associated with Flood Risk Assessment which might require the hard landscaping or buildings to be reduced or eliminated from the plan. On this while the Fox has previously denied that there has ever been a build-up of surface water run off in the Car Park there was on one day in the last few weeks when a significant build up of water in precisely the place I have previously advised happened. This has actually been advised to me by Marshall Eaton this weekend so they can no longer deny that this occurs nor can they continue to maintain that what they have already done eliminates it and that there is no risk. Fortunately on this occasion the rain storm was not severe so the water did not overflow the site boundaries and Stream Farm Close and neighbouring properties were, on this occasion, not affected but this just shows that this CAN and DOES happen so I remain convinced (as do my ex colleagues from the EA and Met Office) that a full Sustainable Drainage System assessment needs to be completed and a SUDS system installed in the car park and that NO hard landscaping or buildings should be allowed on what was the original garden since this INCREASES the impermeable surface and INCREASES surface water run off.

Incidents:

1. Construction and hard landscaping on the site has continued including the installation of new buildings (the cabanas). While the Fox denies that these "cabanas" require planning permission as they are simple "sheds" since they are outbuildings within the curtilage of a listed building and are now being used for commercial purposes then I believe that they do. They are also clearly visible from the public highway and out of keeping with the Bourne "village" style and some at least appear to be within 2 metres of the curtilage and yet in excess of 2.5 metres high (although I have not personally measured them) which I understand is another occasion when planning permission is required. In addition these buildings INCREASE the impermeable area of the site so INCREASE the flood risk from site water run off (see above).
2. The pavement and bus stop have been blocked on several occasions with building materials and construction vehicles (see photos) and one local resident who is wheelchair bound was told to go into the road by construction workers who would not remove building materials which were blocking the pavement (I attach an email from her which she copied to me as evidence of said). This is specifically placing the life of a disabled person at risk and is surely totally unacceptable. Several others including myself (and I am the holder of a disabled bus pass) have been unable to use the bus stop now for several weeks.
3. The police have been called on more than one occasion and attended the site on 25<sup>th</sup> to deal with obstructing construction vehicles on the highway (bus stop).
4. On Monday 29<sup>th</sup> a "launch event" was held in the garden and the cabanas despite there being no planning permission for these. Live music was also played outdoors in direct contravention of their extant licence which allows live music INDOORS ONLY and limited to 12 occasions per annum and only with prior police permission. (I have a video recording of this but the file is too large for me to email but Carole has seen it.) The garden is also still in part a construction site with construction equipment and materials around yet children and families were being allowed on Monday to play next to building materials which remained within the designated children's play area (see photo). The local residential roads were full to overflowing with customer vehicles and there was no sign of the Fox much vaunted "parking plan" in action with vehicles parked on the roadside verges and blocking site lines for the entrance and exit from Stream Farm Close and Fox Road. The access to my own property was obstructed for several hours. These events were witnessed by a number of persons including some by Carole Cockburn. At one stage one of the Directors even came up to us when we were in the street and asked us to stop making so much noise (we were only talking) – and this when they were the ones playing live music without a licence!! In addition earlier this month a film was shown at the Fox once again without a licence – this was openly stated by one for the directors in front of Carole, myself and others. I believe that these are all significant breaches of either planning and / or licence conditions. In addition in my opinion this not only shows the owners clear contempt for due process but also the law and I ask that enforcement action is taken as well the tightest possible constraints being placed on any planning permission and /or licence which may eventually be granted.

It appears that the developers are simply ignoring everything and everyone and are even now commercially utilising a partially finished the site before planning approval and before the licencing has been determined.

Please register this as yet another formal complaint with both enforcement and highways and I beg that some action is taken this time which has teeth. I would ask that you issue a "Temporary Stop Notice" since this does not require an enforcement notice and within 28 days the planning application will have then been determined and conditions set but it is unfair and unreasonable that work that is destroying the amenity of the area should continue in advance of this and that buildings (the cabanas) which require planning permission are now already in use. I believe that this is proportionate as 1) Given the pavement and bus stop (highway) blockages are continuing then highway safety is being compromised and lives especially of handicapped residents are

being placed at risk, 2) The cabanas are now in use when they require planning permission which has not been granted and 3) the Flood risk has been shown to still exist and any further construction work prior to a further assessment can only increase the risk to neighbours' properties and the highway. I would also ask that no activities which are not permitted under the extant licence are allowed – eg NO outdoor music which was present on Monday 29<sup>th</sup> and NO films which were also shown earlier this month (the Fox does NOT have a licence for films at present). Lastly given that the Fox is still an "active building site" I would have thought that it should be subject to an HSE inspection (or Local Authority Equivalent) before the public are allowed to access and use it (particularly the garden area). As stated above on Monday children could be seen playing adjacent to building materials.

Regards,

Encl:

Blocked pavement photos

Various parking photos

Copy of wheelchair user email ← Representation ③

Photo of live outdoor music (I also have a video recording but the file is too large to email)

Building materials in "in use" children's play area

**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Tuesday 30 May 2017 10:17  
**To:** Kate Halsall  
**Subject:** FW: FOX LICENCE APPLICATION

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** \_\_\_\_\_  
**Sent:** Saturday, May 27, 2017 11:04 AM GMT Standard Time  
**To:** Paul Hughes  
**Subject:** FOX LICENCE APPLICATION

3

I am a Waverley tenent I hve lived in Fox road or several years, now I am a wear of the planning application that the fox pub have asked for I totaly disagree with all the alteration. These are my concerns plus as I am registered disabled how these are afecting me and will affect. They are consistently blocking the foot path with turf or sleepers or other things like a four by four and trailer. If this planning goeas a head it will meen more traffic and cars being parked in fox road and surrounding areas. We all ready have issues with that . We all so have noise from costumers when they leave the pub late at night this will increase. I had an issue the other day when I went to go to our local shop in the bourne the path was blocked when I asked them to move the stuff I was told to go on the road being in a powerchair I would have had to go all the way up on the road which is a very busy road and I would not feel safe doing this I dont have lights or indicators im not insured to go on the road now if this planning goes ahead mine and other disabled or elderly s access to our local shops will be non exsistant because of danger to people. Also the noise levels from the pub have gone up considerably since we move to the area the last two yrs we are able to hear the music when they have dos on . And they do not respect any residents in the area. We should be able to sit in our gardens or homes with windows open and still be able to hear our music or tv on alot of acations we cant do this as there music is so loud. I dont think it is right they have already started to the work. Also can I say we had an issue yesturday 26/6 when customers for the pub parked so close to our motabilty motor which has stickers on saying allow wheelchair access pluss they were in the disabled bay when there was no need to park in fox road as pub car park had parking spaces. So if this goes ahead. The noise levels will rise. More cars and no spaces so park in near by streets. Plus more drink drives. Please take this in to consideration thank you yours sincerely

Sent from Huawei MediaPad

**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Tuesday 30 May 2017 10:17  
**To:** Kate Halsall  
**Subject:** FW: Fox licence application objection. Prevention of public nuisance

Sent with Good ([www.good.com](http://www.good.com))

(4)

-----Original Message-----

**From:**  
**Sent:** Saturday, May 27, 2017 03:40 PM GMT Standard Time  
**To:** Paul Hughes  
**Cc:**  
**Subject:** Fox licence application objection. Prevention of public nuisance

Sent from my iPad

Kate Halsall

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**From:** Paul Hughes  
**Sent:** Tuesday 30 May 2017 10:18  
**To:** Kate Halsall  
**Subject:** FW: Licencing Application for The Fox Pub

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:**  
**Sent:** Sunday, May 28, 2017 05:58 PM GMT Standard Time  
**To:** Paul Hughes  
**Cc:** [carole.cockburn@waverley.gov.uk](mailto:carole.cockburn@waverley.gov.uk); [martin.beard@waverley.gov.uk](mailto:martin.beard@waverley.gov.uk); [wytatramsdale21@aol.com](mailto:wytatramsdale21@aol.com)  
**Subject:** Licencing Application for The Fox Pub



The Licencing Authority, Waverley Borough Council

I wish to object in the strongest possible terms to the new Licence applied for by the owners of The Fox Pub in Lower Bourne, Farnham. This is a residential area and the proposal will inevitably cause a considerable public nuisance to people living in Lower Bourne.

I am no killjoy and the new owners have my best wishes for running a successful pub business. However, plonking a 'mini-disneyland' in Lower Bourne is totally unacceptable.

All noise activity generated – whether live or recorded, be it music or film or tv – should be allowed ONLY indoors as the noise pollution from ANY outside broadcasting thrust upon the community will constitute a continual, constant public nuisance. I also believe that any extensions to the opening hours as applied for will exacerbate that nuisance.

I trust that the Licencing Authority will see sense in this matter and tone down the new proposals in a sensible manner to an acceptable level .... and thereafter see that the terms and conditions are enforced to the letter.

Regards



**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Tuesday 30 May 2017 10:18  
**To:** Kate Halsall  
**Subject:** FW: The Fox Pub - licence application OBJECTION

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:**  
**Sent:** Sunday, May 28, 2017 11:07 PM GMT Standard Time  
**To:** Paul Hughes  
**Subject:** The Fox Pub - licence application OBJECTION

6

Dear Mr Hughes,

I am writing to object, in the strongest possible way, to the application by the new owners of The Fox Pub in Lower Bourne, Farnham, to change the current Licencing conditions. I am objecting on the grounds of **Public Nuisance and Public Safety.**

I live at number ... - which directly next to the pub - sharing a border with it's car park and gardens. I am filled with horror at the thought of potentially having music and films EVERY night of the year until 11pm both inside and OUTSIDE the pub - and possibly later on many nights when they have extensions. Since the new owners have taken over the pub earlier this year I have already had to complain to them on three occasions about noise nuisance.

As I'm sure you are aware, the pub has previously only been permitted to have 12 live music events per year, and then with only one or two players and this had to take indoors. The new application to allow live music on ANY day up till 11pm would be totally intolerable for me and my family.

There is also a particular quirk of the land contours in this area which means that noise seems to be funnelled along this valley causing a disturbance not just to me but to many others in the surrounding area. (This was very noticeable when The Bourne School created a new playground further down the valley). Any outside music, film sounds or outside events at The Fox will affect many homes in the area - which has always prided itself on being on a tranquil and gentle environment for all.

My concerns about public safety in relation to the proposed new applications are that turning the pub into a regular party venue will increase the numbers of customers, which in turn will increase the numbers of cars in the area - with a greater risk of accidents. The turning into Stream Farm Close is already a tricky one. I myself was rear-ended in November 2015 when waiting on the main road to turn into the Close. My car was a right-off. The pub car park is already insufficient for the numbers of customers. More cars will mean more frustrated drivers, more inconsiderate (and possibly illegal) parking and a greater risk of accidents.

I am appealing to you to keep the Licencing conditions as they are - which seemed to suit everyone. The pub were able to hold events and to attract customers and the local residents continued to have the peace and quiet that they have enjoyed for many years.



**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Tuesday 30 May 2017 10:19  
**To:** Kate Halsall  
**Subject:** FW: Fox Pub Licence - potential breach of existing licence and Objection to new licence application  
**Attachments:** IMG\_2050.jpg; IMG\_2052.jpg

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:**  
**Sent:** Monday, May 29, 2017 07:56 PM GMT Standard Time  
**To:** Paul Hughes  
**Cc:** Carole Cockburn; Martin Lear  
**Subject:** Fox Pub Licence - potential breach of existing licence and Objection to new licence application

8

Dear Paul

I understand you are the person within Waverley I should write to, to object to amendments to the licence for the Fox pub in Lower Bourne?

If not, could you kindly advise to whom I should send my objections?

I would like to object on the basis of both Prevention of Public Nuisance and Prevention of Crime and Disorder

**Prevention of Public Nuisance:**

- The existing licencing arrangements limit the number of live music events to 12 per year, indoors (one and two piece bands). I understand this restriction was put in place after numerous complaints about noise in the past, and should remain in place.
- The amendments to the licence application includes a request to show films outdoors. Unless these are silent films, the noise from the screens will impact the surrounding residential area and should be rejected in my opinion.
- The serving of food and drink outside should be time restricted to ensure there is no noise to the local residents after a reasonable hour, say 9pm.
- The overarching concerns I have are these licence amendments will result in a significant increase in customers, for longer hours and on all nights of the week – car parking is already inadequate, as demonstrated by the Fox's grand opening event today where cars were parked the entire length of Stream Farm Close, rendering it a one way street with limited passing spaces. Cars were also obstructing the pavement, the grass verge next to the stream and the main road – please see attached photos. The additional noise with customers returning to their cars will also cause a public nuisance.

The existing arrangements have preserved a reasonable balance between the needs of the fox and the local residents. Today's event has shown that the Fox's licence amendments will, in my view, significantly upset this balance and cause a public nuisance to local residents.

Prevention of Crime and disorder:

- It is my belief that the Fox's licence amendments requested will result in a significant increase in the number of customers returning to their cars late at night on a more regular basis, and with the inadequate provision of parking on site to accommodate these additional customers, a lot of the those customers will park on stream farm close. It is my understanding that the police have previously been called out on a number of occasions to deal with anti-social behaviour of Fox customers, and I believe that the licence amendments will cause a significant increase in these problems.

Finally, I would like to point out that at the event at the pub today, I understand had a band playing outside. This seems to run contrary to their current licence arrangements and should be investigated.

Thank you for your kind attention

**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Tuesday 30 May 2017 10:19  
**To:** Kate Halsall  
**Subject:** FW: Fox license application - objection

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:**  
**Sent:** Monday, May 29, 2017 08:51 PM GMT Standard Time  
**To:** Paul Hughes  
**Subject:** Fox license application - objection



Dear Paul Hughes

I am writing to object to the major alteration to the licensing hours and activities at the Fox Pub. Having moved 2 years ago to this family friendly and quiet residential area I regret to say since opening the outdoor area at the Fox the street resembles more living near a London nightclub venue with its noise levels and parking and traffic chaos. I am writing this email on the May bank holiday and cars are parked all the way to the Close's roundabout. My objections are on two grounds:

1) Prevention of Public Nuisance

Extension of operating hours and change to the activities should not take place. The noise levels are already high and impacting families trying to get their children to sleep in the evening especially with the outdoor activities in the warm weather. Extending the operating hours for more outdoor and indoor activities is bound to worsen this situation. In addition any amplified outdoor activities such as films should be declined as it will also lead to unacceptable noise levels. Surely this venue with its 100% percent residential area is not suitable as a festival or open cinema location.

In addition a large influx of people for these events would lead to parking problems as onsite parking facilities are not adequate. This has already led to unsafe driving manoeuvres such as reversing down the road etc with cars being parked everywhere on the street making it very difficult for residents to leave and access their properties.

2) Prevention of crime and disorder

More events and later opening hours are likely to lead to an increased influx of people who will increase late night noise unbearable for the residents during the events and whilst parking their cars in the street.

In summary the application is not fit for a quiet total residential area and would place an unacceptable burden on the residents. Thank you for reviewing these comments.

Yours sincerely

Sent from my iPhone

Sent from my iPhone

Sent from my iPhone

**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Tuesday 30 May 2017 10:19  
**To:** Kate Halsall  
**Subject:** FW: Fox licence application-objection

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:**  
**Sent:** Monday, May 29, 2017 09:45 PM GMT Standard Time  
**To:** Paul Hughes  
**Subject:** Fox licence application-objection

10

Re Fox Pub, Frensham Road, Farnham - OBJECTION

With the hard landscaping and the removal of all natural acoustic barriers, eg trees and bushes, we have already noticed a significant increase in the noise levels within our house and garden. This is before any amplified music or film sound track has been taken into consideration. 11 years ago, we moved into a house opposite a village pub, not a cinema. Despite the main road, it is currently a very quiet neighbourhood in the evenings.

The new hard flat fencing all around the garden area including on the upper levels has already acted to deflect noise rather than absorb it as the previous shrubbery used to. This would be greatly exaggerated with any amplified sound.

The internal lobby around the front door area was removed during refurbishment so now when we are in our house, we can hear the pub noise every time anyone enters or leaves the building. This continues until the last person leaves late in the evening.

With the advent of the warmer weather, the front door of the building has been wedged open with a fire extinguisher and the windows have been open all day until the pub closes. This simply means that there is no physical barrier between us and any noise that is generated in the pub. If this was to be increased, to include amplified music and bands of an unrestricted size or a karaoke machine, this noise pollution will become unbearable.

I see no reason why films need to be shown in a local pub. It is not a cinema, and if the film is going to be audible to customers from one side of the pub to the other, it means we will be able to hear the film in our front room. This is a village pub, not an entertainment venue. I wouldn't presume to be playing films outside in my garden and subject my neighbours to those choices and keeping their children up at night, so I don't see why a commercial concern should ruin the tranquillity of our neighbourhood.

From a security point of view, there has been an increase in customers loitering in the car park and pub garden after the pub has closed. This has led to further intrusive noise late at night. It would appear that no one is living on the premises of the Fox Pub so after hours there is no one to deal with this late night nuisance.

Parking has already become an issue with additional vehicles parking on pavements and blocking side roads. The 22 parking spaces on the planning application seem woefully inadequate for the changes in customer numbers that these proposed licence changes are intended to generate. Specifically, access to the Scout Hut and drive ways on Fox Road, including the rear access to our property has been blocked on several occasions since refurbishment started. I am concerned about the young scouts and cubs getting to and from the Scout Hut with the extra traffic and inconsiderately parked cars to contend with.

The current licencing restrictions were put in place for very valid reasons and those reasons have not changed.

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So, in conclusion I would like to object on the grounds of public nuisance and public safety and would therefore request that the current licencing restrictions be maintained.

Many thanks,

**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Tuesday 30 May 2017 10:20  
**To:** Kate Halsall  
**Subject:** FW: Fox licence application - Objection

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:**  
**Sent:** Monday, May 29, 2017 10:02 PM GMT Standard Time  
**To:** Paul Hughes  
**Subject:** Fox licence application - Objection

(11)

Dear Paul

I am writing to object to the proposed major alteration to the licensing hours and activities at The Fox pub in Lower Bourne. The main objection I have is on the grounds of Prevention of Public Nuisance, especially with regard to the pub being able to show films outdoors every night until 11pm. This proposal is completely unacceptable in what is currently a quiet residential area. The outdoor area has been planned on top of a hill, and as a result, the noise is already disturbing, especially for families such as ourselves with young children. It is also disturbing to see that the pub's owners seem to want to rush through their plans before receiving proper planning permission- I.e. Building the "cabanas" on top of the hill - which makes it clear that they are not listening to the needs of the people who live in the vicinity. I am also shocked that such a development is planned right next to the border of a conservation area, as it will completely ruin the look and feel of our neighbourhood. We originally chose to move to Lower Bourne because it seemed such a peaceful area, but if the Fox is allowed to go ahead with its planned developments, we would have to consider moving to a different area. I noticed that the house nearest the pub has just been put up for sale, and in future people are less likely to want to move to Lower Bourne if this development goes ahead.

Another major issue is that the pub only has a very small car park, and since the development, pub visitors have parked their cars all along the road that we live in (Stream Farm Close). People have been parking on the verges next to the stream, as well as on the main road which blocks the view, and makes it more difficult to drive away from the street safely. The inconsiderate parking makes it very hard for residents to access their houses, and also makes it dangerous for children to play outside. Until now this has been a quiet cul de sac, where you often see young children playing in the street.

Thank you for considering these objections,



**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Tuesday 30 May 2017 10:20  
**To:** Kate Halsall  
**Subject:** FW: Fox licence application - objection

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:**  
**Sent:** Monday, May 29, 2017 10:14 PM GMT Standard Time  
**To:** Paul Hughes  
**Cc:** Carole Cockburn; Martin Lear  
**Subject:** Fw: Fox licence application - objection

(12)

Objection to licencing change on the grounds of prevention of public nuisance

The Fox pub has been a family pub in a quiet neighbourhood for many years, located in a residential area with many family homes. Despite the main road running through it, the area is quiet in the evenings. If the pub were to be allowed to play films outside, the noise would be heard across the whole of the local area, including many family homes, because there is no noise baffle around the pub garden. I live opposite the pub and my family and I would be kept awake with the noise. Even with my new double glazed windows, I can often hear the noise from the pub garden, I really do not want to be subjected to films, recorded music, karaoke or a disco.

This is not a music venue, the current restriction to 12 live performances a year allows for a diversity of clientele without unduly disturbing the local families. The neighbourhood does not need a night club and I would like to continue to enjoy my garden without being forced to endure what ever entertainment the Fox decides it wants to generate.

For years, there were 2 doors to get into the pub, through a lobby. One of the doors has recently been removed, so the noise from the pub is already much louder than it used to be.

This is not a large city centre pub, it is an intimate building in a semi-rural location. Changing the licencing rules has the potential to ruin the tranquillity of the neighbourhood.

The noise concerns raised during consultation with the developer/owner have been ignored (the door and windows have been left open all day in the recent good weather) the hard landscaping work has already been completed despite the fact that planning permission has not been granted yet. In the few days since its completion, we have already been subjected to a marked increase in reflected noise which no longer has any physical barrier following the removal of all the trees and shrubbery.

**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Tuesday 30 May 2017 13:29  
**To:** Kate Halsall  
**Subject:** FW: Fox Licence application - Objection

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** \_\_\_\_\_  
**Sent:** Tuesday, May 30, 2017 12:31 PM GMT Standard Time  
**To:** Paul Hughes  
**Subject:** Fox Licence application - Objection

13

Dear Paul

I wish to lodge an objection to the Fox licensing application. My objections are on two grounds: Prevention of public nuisance and Prevention of crime and disorder

**A. Prevention of public nuisance**

1. The most recent application will mean that amplified music, karaoke and discos could be held every day and night of the week creating excessive noise even with the windows and doors of the pub closed. This has been exacerbated by the removal of the porch entrance, which has already increased external noise levels.
2. The local area is residential and if this application is granted the peace and quiet of the Bourne village will be ruined potentially on a daily basis, leading to loss of amenity and sleep disruption especially for school children on school nights. As a long standing resident I am aware that this has happened in the past, leading to several complaints which led directly to these restrictions being put in place. If the most recent application proceeds the whole cycle will be repeated wasting everybody's time.
3. The license for films outdoors is incompatible with the assurance that there will be no music or TVs in the cabanas under their planning application. Films have music and noise and operating these on potentially ever day of the year up until 11 pm and later would create all the problems stated above but at even greater intensity. Films should be restricted to indoors only and to a maximum of one day a week and to end no later than 9pm and windows and doors should remain closed throughout this time as per the condition for music
4. The serving and consumption of food and drink outdoors should (as per the original suggestion from your Environment team) end no later than 9pm on every evening again for the same reasons stated above, The outdoor area has little noise abatement features so any noise will travel and disturb the local residents particularly as the outside area is substantially raised above the surrounding residential houses.
5. The car parking available onsite is totally inadequate for the proposed extension of the venue and activities being planned. The nuisance created by Fox customer vehicles already parking in local roads has directly led to some parking restrictions being put in place. These are not enough; for example, yesterday evening I drove into the road to find cars parked all the way up to the roundabout, in some cases all but blocking

residents' drives and making entry and exit to their drives problematic. If this happens nightly then there will be a huge resident outcry.

6. In summary, the existing licensing conditions of 1) no recorded music including karaoke and disco and 2) The restriction on the number of live music events to 12 per year (and only one or two piece bands) and subject to notice and police approval should both be re-imposed.

#### **B. Prevention of crime and disorder**

7. The significant increase in frequency and lateness of music, karaoke, disco and film events is likely to bring large numbers of people to the location which as stated above has totally inadequate parking facilities. This will exacerbate an already difficult situation with customers parking in the currently quiet cul-de-sac (see point 5 above). As customers leave en-masse at 11pm and later it will disturb residents' sleep (there are many families in the road with young school age children) as well as a significant potential for disorderly conduct. The police have already been called on a number of occasions to deal with customers of the Fox and this could only lead to substantial increase in such incidents.
8. The application as it currently stands is totally unsuitable for a quiet residential village area such as the Bourne.

**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Wednesday 31 May 2017 09:17  
**To:** Kate Halsall  
**Subject:** FW: Fox Licence Application - Objection

Paul Hughes  
Licensing Manager  
Waverley Borough Council  
01483 523189

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**From:**  
**Sent:** Wednesday 31 May 2017 08:26  
**To:** Paul Hughes  
**Subject:** Fox Licence Application - Objection

14

Dear Mr Hughes,

I am writing with regard to the above application and the reasons for my objections. My wife and I have lived at our property, which lies directly opposite The Fox pub, for 35 years, and have found no reason to object against anything related to the pub or it's every day operation. On occasion over the years, there have been parties or events which have disrupted the peace of our neighbourhood, but we have accepted this as being acceptable for the few times they have occurred.

On receiving the proposal, ref WA/2017/0470, in March, we completed the objection paperwork online outlining our concerns. We were further concerned when we recently received further paperwork with notification of an extra application made for a major change to the planning at The Fox.

Despite objections and planning permission NOT YET GRANTED, The Fox pub have continued nonetheless with their changes and building work in the gardens, probably on the arrogant assumption that permission will be granted. The cutting down of many trees means that the pub garden and the 'cabanas' being installed, DIRECTLY OVERLOOK OUR ONCE-PRIVATE GARDEN. This will also result in increased noise in addition to invasion of the privacy that we have enjoyed for the past 35 years. We would therefore request that The Fox pub erect further fencing or plant significant trees in order to prevent the overlooking situation and to prevent noise.

3. Add something about the Bourne being a village and this being totally inappropriate for such surroundings etc

In addition, I would also object on the following four reasons;

1. Prevention of Crime and Disorder - increasing the licensing hours will doubtlessly disrupt the tranquillity of our neighbourhood.
2. Public Safety on the premises - car parking is already an issue with cars being abandoned on Frensham Road. An accident waiting to happen.
3. Prevention of Public Nuisance - By allowing the existing music license conditions to be removed, the noise and nuisance caused will be unacceptable to the residents living nearby, on a more regular basis. In addition to this, the showing of outside movies is absolutely unacceptable on the grounds of noise levels.
4. Protection of Children from harm - Again the peaceful tranquillity of the neighbourhood will be disrupted, affecting families with children at night.

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Overall, we are also very concerned that after all, the Bourne is in fact a tranquil village, which is one of the main reasons that it is such a popular place to live. By allowing such distinctly inappropriate major changes to occur to The Fox pub, we believe will be to the detriment of the rural area.

I very much look forward to hearing your comments on this quite worrying situation, and the profound affect that it will have on our peaceful village.

Yours sincerely

29<sup>th</sup> May 2017

Licencing Office  
Waverley Borough Council  
Council Offices  
The Burys  
Godalming  
Surrey, GU7 1HR

15

Dear Sir,

**Objection to Application for Licencing Extension at  
The Fox, 21 Frensham Road, Lower Bourne GU10 3PH**

This is an objection to the application for significant changes to the licencing arrangements for the Fox public house. I am writing it both as a resident of Stream Farm Close and as a conservation volunteer in The Bourne with a practical interest in the local environment and its heritage.

**Background**

The Fox is a long established pub in Lower Bourne and an important feature in a community that still retains much of its former village identity despite the considerable increase in the size of its population. In recognition of this situation the licencing arrangements have evolved to allow the business of the Fox to be conducted successfully while at the same time limiting the disturbance caused by being at the centre of the residential area. Thus, under the current licence there are sensible limitations placed on both the licencing hours and the scale of activities. Until the present time this balanced approach has been satisfactory both to the publican and near neighbours; the latter have been willing to tolerate the inconvenience of occasional events because in the normal situation their understandable need for peace and quiet has been respected.

What is now proposed overturns these sensible working arrangements that have withstood the test of time and holds out the prospect of many more activities over longer periods. The proposal ignores the tranquil nature of The Bourne valley and the wish of residents to enjoy this in their homes without undue disturbance from traffic, noise, light pollution and general activity.

**Proposed Changes**

The new application:

- Removes the restrictions on the present licence specifically included to limit unreasonable disturbance
- Introduces new activities in films to be shown indoors and outdoors, and recorded music indoors
- Extends the opening and licencing hours by one hour at Christmas and on all Bank Holidays – a total of 20 days plus an added extension until 3:00 am on New Year's Day

The grounds of my objection are therefore Prevention of Public Nuisance and Prevention of Crime and Disorder

**Prevention of Public Nuisance**

The effect of these changes would be to introduce the possibility of:

- Both recorded and live amplified music (with any sized band), karaoke and discos EVERY DAY OF THE YEAR until 11:00pm (or 10:30 pm on Sundays).
- The same music events for an extra hour on 20 public holidays and until 3:00 am on New Year's Day
- Films indoors AND OUTDOORS until 11:00 pm every day (or 10:30 pm on Sundays) and for the extra hour on Bank Holidays and Christmas and until 3:00 am on New Year's Day.

Such a programme will in my view introduce an unacceptable amount of noise, light and general activity to disrupt the lives not only of residents in roads close to the Fox attempting to enjoy the quiet of their homes but also of those living further away on the sides of The Bourne Valley. In that context it is notable how noise and light from the Fox is already quite apparent as far away as the east end of Middle Bourne Lane and Aveley Lane. Clearly, these effects at late hours and on weekends and public holidays are going to be particularly disruptive to those trying to relax in their gardens or to get to sleep at night.

Putting on my conservationist hat I must observe that the current work on the Fox compound has stripped out trees, shrubs and virtually all greenery, thus removing not only attractive features which were in keeping with the rest of the valley but also their screening and absorbency qualities against noise and light.

Parking is already an increasingly difficult problem on Stream Farm Close and Fox Road bearing in mind they are used not only by residents and customers of the Fox but also by parents of children at The Bourne School and youngsters attending the Scout Hut (Taylor's Hall). Although this has been tolerated by residents because it is for limited periods it has nevertheless led to the recent introduction of double yellow lines at the junction with the A287 road for safety reasons. The increased entertainment to be offered by the Fox at anytime during the extended licencing hours will inevitably attract more customers and therefore greatly exacerbate this problem for long periods and at unsocial hours.

To underline this point I can remark that while drafting this letter on 29<sup>th</sup> May I became aware of many extra parked cars in the area on any piece of vacant space as illustrated. This turned out to be because of an unannounced event in the Fox. The congestion caused was not only inconvenient but also created a hazard when attempting to turn onto the A287 road because of parked cars blocking the essential sight line.



### Prevention of Crime and Disorder

The Bourne is not an area with a high rate of serious crime but there is nevertheless an undercurrent of irritating vandalism and anti-social behaviour especially along the line of the A287. This was particularly marked in 2016 when it included uprooting of plants, damage to signs, over-turning of window boxes and scattering of litter in the roadway. Inevitably this vandalism happens at night and often at weekends. Several of the incidents were reported to the Police without result.

There is no evidence to link this directly to the Fox but it is the sort of behaviour associated with irresponsible individuals and groups returning home from a night out somewhere. The proposed increase of events at the Fox and the later opening hours are **Page 71** going to improve this situation. Indeed, they are likely

to draw in customers for a late drink from a wider area with a greater potential for disturbance in or around the pub or on the way home. Quite apart from the vandalism element there will almost certainly be an increase in parking offences such as parking on double yellow lines and on pavements.

### **Conclusion**

I object to the proposed changes in licencing at the Fox because they will lead to increased nuisance to the public and the likelihood more petty crime and disorder as follows:

- Failure to learn from past experience that limitations are necessary to harmonise the conduct of the business of the pub with the needs of a residential area
- The increased scope of events will lead to unacceptable levels of noise and light in neighbouring roads and in a wider area of The Bourne valley.
- The longer licencing hours at Christmas and on Bank Holidays will extend the disturbance suffered at a time when residents want to relax in their homes
- The scale of activity throughout the licenced hours will exacerbate the existing serious parking problems in the area
- The longer drinking hours are likely to lead to an increase in the existing under-current of anti-social behaviour in the surrounding roads

Yours faithfully



**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Monday 05 June 2017 09:16  
**To:** Kate Halsall  
**Subject:** FW: The Fox, Lower Bourne licencing - Objection

Paul Hughes  
Licensing Manager  
Waverley Borough Council  
01483 523189

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**From:** \_\_\_\_\_  
**Sent:** Friday 02 June 2017 17:15  
**To:** Paul Hughes  
**Subject:** The Fox, Lower Bourne licencing - Objection

16

Mr Hughes,

My objections are on two grounds: Prevention of public nuisance and Prevention of crime & disorder.

Prevention of public nuisance

The Fox is located at the bottom of the Bourne Valley and is surrounded by residential properties. Because of this sound travels very easily and although we live on \_\_\_\_\_ we can clearly hear conversations in the garden and people leaving the pub particularly in the summer when windows are open. There have been occasional outdoor music events which are noisy and do cause some disturbance but I think the current conditions on live and recorded music strike an acceptable balance for local residents. We, of course, want the pub to succeed as the "family friendly neighbourhood pub" the owners promised not as a late night music venue or outdoor cinema. The licencing they are seeking is what you would expect in a town centre pub not a quiet village. There is no shortage of pubs with live music in Farnham and the East Street development will include a new cinema.

Prevention of crime & disorder

The licencing application is obviously aimed at a wider younger clientele than the local residents. The police have been called to deal with disturbances at the pub in the past and with more activities running late at night this can only get worse.

*Regards*

Kate Halsall

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**From:** Paul Hughes  
**Sent:** Wednesday 07 June 2017 10:30  
**To:** Kate Halsall  
**Subject:** FW: Proposed change of licencing arrangements for The Fox , Frensham Road, Farnham

Paul Hughes  
Licensing Manager  
Waverley Borough Council  
01483 523189

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**From:** . . . . .  
**Sent:** Tuesday 06 June 2017 19:40  
**To:** Paul Hughes  
**Subject:** Proposed change of licencing arrangements for The Fox , Frensham Road, Farnham

17

Dear Mr Hughes,

I would like to object to The Fox licencing application on two grounds, firstly Prevention of Public Nuisance and Prevention of Crime and Disorder.

**Prevention of public nuisance:**

The existing licencing conditions for the Fox state that firstly no recorded music including karaoke and disco and secondly the restriction of the number of live music events to 12 per year. Furthermore, the events are subject currently to notice and Police approval. Under the proposed extended hours of opening this will mean that we as local residents will be forced to face the prospect of amplified music, karaoke and discos during both the day and night of the week creating excessive noise even with the windows and the doors of the pub closed. We as a family have already experienced first-hand a greater number of people now visiting The Fox with our young daughter seeing on a number of occasions drunk people walking down our road, seemingly unaware of exactly where they are. We are also experiencing Fox customers parking on the grass verge opposite our property and on two separate occasions we have witnessed from our front window customers urinating in the bushes before driving off. With the sizeable increase in the use of our road for Fox customers we are constantly hearing firstly car doors being shut and car engines being started which causes our 3 children difficulty in sleeping until the Pub closes. The idea of the hours being extended is deeply worrying to us and frustrating. The Pub is the only commercial enterprise within the local area. If the proposal goes ahead it will have a devastating effect to the Lower Bourne area. A large proportion of the local population have young families and the area is known for being peaceful, tranquil and quiet. During the recent May Bank holiday Monday, we had friends round for a barbecue and drinks. Due to the live music and general noise emanating from the Fox we couldn't hear one another speak while we were outside and we were eventually forced to move indoors so we could carry on our conversation. As the evening carried on customers starting singing resembling what you would expect to hear at a local Football match rather than a local village pub. The proposals will destroy this peaceful area and will mean that the local residents lives will be changed for ever. Historically The Fox was subject to numerous complaints due to the noise which resulted in the present restrictions being put in place. These restrictions have helped tremendously and in my opinion, have worked well. It would be completely wrong to tear these restrictions up and return to the issues we had before.

The application for films outdoors should be totally declined – films and music potentially on every day until 11 pm (10:30 on Sundays) in the cabanas would only multiply the issue of noise. The way the garden

is now laid out will mean that the noise will now travel far further than previously. It would also effect a far wider band of Bourne residents than ever before. Films, if allowed at all should be restricted to the indoors with both the windows and doors being shut.

The serving of food and drink outdoors should be restricted to 9pm (as outlined in the recommendations provided by the Environment Team) for the reasons I have already explained. The outdoor area has no evident noise reduction features, particularly now most of the mature trees have been cut down.

**Prevention of Crime and disorder:**

The resultant increase in the proposed hours of operation and lateness of music, karaoke, disco and film events will create a significant increase in the number of people visiting the area which will lead to a major parking problem bearing in mind The Fox has very limited parking. Customers will therefore be forced to park in adjoining roads disturbing many residents sleep when they return to their vehicles. Often customers are louder than normal (presumably due to the effects of the alcohol) which affects again the tranquillity and peace of the area particularly later at night when residents are either in bed or planning to settle down to bed. This as previously mentioned we experience on a regular basis. The thought of this noise continuing for a further period each night is worrying. It's my understanding that over recent weeks the Police have had to be called on several occasions already to deal with customers of The Fox.

**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Friday 09 June 2017 13:25  
**To:** Kate Halsall  
**Subject:** FW: Fox Licence Application - OBJECTION

Paul Hughes  
Licensing Manager  
Waverley Borough Council  
01483 523189

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**From:**  
**Sent:** Thursday 08 June 2017 13:48  
**To:** Paul Hughes  
**Subject:** Fox Licence Application - OBJECTION

18

To whom it may concern,

I am writing with regards to the ongoing planning application for extending licensing hours and activities at the Fox, Lower Bourne, Farnham. As a local resident, we are becoming increasingly concerned with the extensions the pub owner is currently proposing.

My objections are for the following reasons:

Protection of children from harm:

There are number of families in this quiet, lovely cul-de-sac who are very lucky to be able to let their children play outside on the roundabout and ride their bikes. However, this lovely opportunity for our children will be taken away as traffic increases. Due to the inadequate parking the Fox provides for its clients, and as it attracts more people with its events, it is becoming apparent that our road is now an extension of the pub car park. People are driving, with considerable speed in some circumstances, down the road to turn around at the roundabout before they drive back up to park nearer the pub. This is extremely worrying as this is a quiet cut-de-sac with children's safety now put at risk.

Prevention of public nuisance:

Noise levels have already been increased, especially after their first opening event of the garden. Due to the fact the licensee wants to hold an ever increasing number of events throughout the year, with extended hours past 11pm, means this will have a detrimental affect on the once peaceful, country environment this Close currently has. The licensee was proposing that windows and doors should always be shut for music, but how will this happen with their proposed plans to show films outside?

Preventions of crime and disorder:

With the increase in music, disco and karaoke events and with inadequate parking which leads to parking on our road, my concern is with incidents increasing and becoming a disturbance for the community on this quiet cut-de-sac.

I hope these objections are considered and I feel very strongly that a country pub, within a quiet, rural community should stay as that. It will be a great place to go and eat and enjoy the summer evenings

outside, but without the need of town pub elements such as extended opening hours, music events outside.

Please can you confirm receipt of this letter and look forward to your response.

Kind regards,

**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Friday 09 June 2017 13:20  
**To:** Kate Halsall  
**Subject:** FW: Objection to the variation of licensing application to The Fox Pub, Lower Bourne

Paul Hughes  
Licensing Manager  
Waverley Borough Council  
01483 523189

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**From:** \_\_\_\_\_  
**Sent:** Friday 09 June 2017 11:42  
**To:** Paul Hughes  
**Subject:** Objection to the variation of licensing application to The Fox Pub, Lower Bourne

### **The Fox Pub, Frensham Road License Application Objection**

19

The Bourne Residents' Association have concerns about the new license application under the grounds of Public Nuisance.

1. We are concerned about noise levels with the showing of films in the Cabanas in the outside raised garden area along with proposed playing of amplified music and karaoke indoors. The Bourne Valley is known for the acoustic effect of peoples' voices being able to be heard from the properties on the Southern side of Aveley Lane. Any outdoor function in the valley can be easily heard.

The new proposed extended opening times, especially those at bank holidays will only add to the noise intrusion for close neighbours.

The opening of the newly landscaped garden on the recent bank holiday Monday has already caused complaints about noise levels.

We struggle to believe that windows and doors will be kept shut at all times during indoor musical events unless an air conditioning unit is fitted. From past experience during the summer months the pub windows were always kept open.

2. The car park is not large enough to accommodate the people who already are using the pub. With more functions being advertised this is only going to add to problems of noise of people talking and shouting when leaving the premises and the noise of slamming car doors and engines when people return to their vehicles which at present are already being left on the main A287 and any other available space. The residents of Stream Farm Close are experiencing a lot of problems due to this.

3. The Fox is in a highly residential area. There has to be stricter conditions applied to the licensing application. These were applied to the existing license as it was recognised how intrusive the noise levels were with people leaving the pub and slamming car doors and how the noise of their voices travelled for some distance. With pub goers now parking all over the place the noise levels will affect far more people. Local residents surely have the right to be able to enjoy their amenity space around their own property without the intrusion of a lot of noise and being able to access their properties at all times.

**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Monday 12 June 2017 10:19  
**To:** Kate Halsall  
**Subject:** FW: Fox Licence Application - OBJECTION

Paul Hughes  
Licensing Manager  
Waverley Borough Council  
01483 523189

**From:**  
**Sent:** Sunday 11 June 2017 20:46  
**To:** Paul Hughes  
**Subject:** Fox Licence Application - OBJECTION

20

Dear Mr Hughes

I am writing to object to the licencing application by the Fox in Lower Bourne.

My objection is on the grounds of Public Nuisance. Whilst it is good and encouraging to have a thriving local Pub, the current owners seem to forget that it is in a residential area, have made little attempt to engage with their neighbours, and have now applied for a number of changes to their licence that, if used on a regular basis, are inappropriate for the environment in which they are situated. Of particular concern is noise from outside activities late into the evening. I therefore object to: -

- films being shown outside up to 11pm. Seeing as they have only mentioned this as children's films, I would have thought approx 7pm as being more reasonable.
- live music & recorded music: although indoors, this may have an impact, both in terms of noise pollution and additional revellers attending. I suggest a restriction on the number of events is agreed. Currently this is 12/year. I would have thought up to 26 as being more reasonable. Any playing of music outdoors is a nuisance and should not be allowed, unless it is specific rare events like the annual music festival that used to be held at the Fox.
- Opening hours: The additional hours on Bank Holiday weekends would extend up until 1am on Friday & Saturday, with the Thurs, Fri & Monday going until 12.30 am, particularly at Easter where there is a risk that there is no let up for a 5 day period. I therefore think that this should be restricted. I fully understand that longer opening hours is applicable on New Year's Eve, but would suggest that no later than 2am on New Years Day would be more appropriate in a residential area.

regards



**Kate Haisall**

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**From:**  
**Sent:** Wednesday 14 June 2017 23:47  
**To:** Licensing Policy; Paul Hughes  
**Subject:** Fox licence application - Objection

21

Dear Mr Hughes

I desperately urge you to turn down this application to alter the current licensing terms for The Fox on Frensham Road. These have been put in place in recent years to protect us, the immediate neighbours of a public venue, from instances of crime and disorder, frequent noise and smell nuisance and furthermore to protect the high numbers of children in this area, due to the neighbouring highly-regarded infant school.

There is no call for any of the hours extensions requested, especially not until 3am on New Years Eve - hours more appropriate to a London venue than one in the quiet village of The Bourne. Our quality of life and wellbeing would be left in tatters if this was put in place and restrictions were lifted.

I was told by the new owner/manager some sales and marketing information regarding his new requests to you, one being to show rugby from 8.30am, serving alcohol from 10am. Firstly this drinking behaviour in our village should not be encouraged at a prevention of crime and disorder level, partly as it would mostly be attended by those driving to the venue and also as it is wholly irresponsible, egotistical and disrespectful to this neighbourhood of young families, the new owners are clearly not interested in protecting their new neighbours from public nuisance, crime and disorder.

A potentially high-attendance event such as sport and film screenings should not be held in a village location on the side of a valley full of young families, let alone outside. Disney films being shown in the afternoon around 5pm were recently advertised. This is surely a potential for harm to the children of the quiet village of Lower Bourne. My daughters are now 8 and 5 and the last thing I want is for them to attend a busy film screening in such an inappropriate venue which serves alcohol to the public at the same time, since many unknown adults would be in the venue at the same time as a potentially large number of young children! It would be highly likely for children to come to harm and be a great deal of public nuisance from resulting noise.

This pub may have some locals, but is on a commuter route which would only get busier with the Central Farnham redevelopment, attracting more potential for trouble at a teatime children's film screening and it is wholly inappropriate. This is also inappropriate for its unique topographic location - the Bourne valley, where outdoor amplification equipment will cause a huge disturbance to us since the valley has the acoustics of an amphitheatre.

The car parking and proposal for valet parking is still inadequate for the premise to have large bands and music, karaoke, disco and films potentially every night and the nuisance created by Fox customer vehicles already parking in our local roads is cause for concern. Such an increase in customer numbers from events being held potentially every night of the week would place an intolerable burden on local residents and their ability to access their properties.

Films if allowed should be restricted to indoors and to a maximum of one day a week, to end no later than 9pm and windows and doors should remain closed throughout this time as per the condition for music. Since the small entrance lobby was removed in renovations there is a louder noise disturbance as people arrive and leave, this is particularly bad when the door is propped open... breaching licence conditions. Noise is also greater on hot days and evenings when the windows are open upstairs, as this area was also changed in the pub's renovations from a private accommodation to an extension of the pub and is where sport has been shown on TV, giving me some indication of what it would be like with films being broadcast outside and a high number of people regularly outside in the highly extended garden. This garden has also had all natural noise abatement features removed and fences put up that only screen foot traffic on their side of the road from their new outdoor seating/deck/play area/possible bar. A plan detailing lawn grass species being used will not help. Nor will a plan that says they will have a complaints procedure.

The serving and consumption of food and drink outdoors should end no later than 9pm on every evening for the reasons detailed above. The proposals for larger bands and live music/discos/karaoke to be permitted at any time would shatter the peace of the Bourne village we as residents all moved into, decreasing our quality of life as we couldn't sit in our gardens nor get our children to sleep with their windows open on hot summer evenings. The restrictions have largely solved a problem and it would be absurd to remove them. The new restrictions requested would be more appropriate to a venue in a large town!

I have several instances I will be contacting Surrey Police, Surrey Highways and Environmental Health about - namely that my carport smelt like a public toilet one morning and I found a beer bottle on my wall;

I was left anxious and uncomfortable following a discussion with the new owner/manager; Fox customers cars are regularly parked in the narrow Fox Road opposite the drop curb for my driveway, in addition to traffic of parents from the school and parents from the Scouts/Cubs, causing an obstruction and often preventing me accessing my property; cars back out onto the road from the carpark dangerously, at the bottom of a dip in a busy A-road which cars often speed down into, needing someone to stand out in the road to check its safe..?!

Outdoor amplification equipment, disorderly conduct in the early hours, waking us and our young children and hugely impacting our lives is the only thing we could expect from your permitting this application.

I look forward to hearing from you.

Best Regards,

**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Friday 16 June 2017 09:26  
**To:** Kate Halsall  
**Subject:** FW: The Fox Inn, Lower Bourne - Licencing application

Paul Hughes  
Licensing Manager  
Waverley Borough Council  
01483 523189

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**From:** .  
**Sent:** Thursday 15 June 2017 19:34  
**To:** Paul Hughes  
**Cc:** [carolcockburn@waverley.gov.uk](mailto:carolcockburn@waverley.gov.uk)  
**Subject:** The Fox Inn, Lower Bourne - Licencing application

23

To whom it may concern:

I live in Lodge Hill Road, and wish to object to The Fox Public House, 21 Frensham Road, Lower Bourne, Farnham application to change their Licence conditions.

This is a village pub, and we would like it kept that way. Lower Bourne is a residential area and increased noise due to outdoor Karaoke, films, amplified music would be disruptive to the area.

It may well bring in "outsiders" who would be car parking in the nearby roads and causing annoyance late into the night.

It appears that work to the grounds at the back of the Fox to enable the outdoor entertainment have not yet had planning permission. Maybe there is preservation on this area for plants and wildlife?

**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Friday 16 June 2017 09:35  
**To:** Kate Halsall  
**Subject:** FW: Fox Licence Application

Paul Hughes  
Licensing Manager  
Waverley Borough Council  
01483 523189

—Original Message—

**From:**  
**Sent:** Thursday 15 June 2017 16:23  
**To:** Paul Hughes  
**Subject:** Fox Licence Application

24

Dear Paul

I live at .. Lower Bourne, Farnham GU10 and I wish to object to The Fox Public House, 21 Frensham Road, Lower Bourne, Farnham, Surrey GU10 3PH application changes to their Licence conditions.

Prevention of public nuisance extended hours with indoor and outdoor amplified music, films, karaoke and discos. Lower Bourne is a residential area and increased hours of noise would be a nuisance and a disruption to lives of local residents especially at night.

Car parking on local roads and lanes by patrons of The Fox public house has already become problematic for local residents.

Kind regards

**Kate Halsall**

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**From:** Paul Hughes  
**Sent:** Monday 19 June 2017 14:19  
**To:** Kate Halsall  
**Subject:** FW: Licencing Objections - The Fox, Frensham Road

Paul Hughes  
Licensing Manager  
Waverley Borough Council  
01483 523189

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**From:**  
**Sent:** Friday 16 June 2017 22:49  
**To:** Paul Hughes  
**Subject:** Licencing Objections - The Fox, Frensham Road

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Dear Mr Hughes,

As direct neighbours of The Fox, we'd like to register our objections to any change in their existing licencing conditions, based on prevention of public nuisance.

The reason the current restrictions were imposed was down to noise complaints from the people who actually live in Lower Bourne. It's not as if The Fox is in the middle of town where noise is to be expected. With the exception of the pub, the area is entirely residential. If the proposed changes to The Fox's licence were accepted, they could potentially have live or recorded music blaring out any night of the week until 11pm. From the pub, there are young families who live close by in every direction and we'd all be affected if this was the case. The restrictions work and as a result the surrounding neighbourhood are happy.

The cabanas and outside bar, which have been built regardless of planning consent, and the play area need to have a 9pm closing time. The whole garden is made from timber now and the sound just resonates around, especially with the addition of the new child's play tower. The thing is like a hollow drum every time the kids get on it and, as expected, unsupervised kids scream, cry and shout from the platform. It is literally a couple of metres away from out fence!

TV screens should not be allowed in the cabanas or anywhere else outside. Any movies/sports shown need to be inside the pub with all doors and windows closed and the cabanas need to be used by diners only, as it was written in the original planning application.

We're not opposed to the occasional event but if these changes in the licencing are accepted, The Fox would have free rein to become regularly disruptive in an otherwise peaceful village.

Thank you in advance for considering our objections.

Kind regards

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