

Kate Halsall

From:
Sent: Wednesday 11 October 2017 09:19
To: Licensing Policy; Paul Hughes
Cc: Carole Cockburn; Martin Lear
Subject: The Fox - Licensing Variation 2nd October 2017, Objection



Dear all

I would like to object to the proposed change of licensing for the Fox pub on the grounds of public nuisance. At the moment, we are often kept awake by people leaving The Fox at weekends until 12:30, as people are talking in the car park outside of the pub when they leave. It is also an issue as people attending the pub park outside our house and keep us awake when they return to their cars.

The proposed opening hours would mean that in future people could potentially be leaving the Fox every day of the week at around midnight, which seems unacceptable in what is a quiet residential area.

Best wishes

Kate Halsall

From:
Sent: Monday 16 October 2017 11:57
To: Licensing Policy; Paul Hughes
Cc: Carole Cockburn; Martin Lear
Subject: The Fox - Licensing Variation 2nd October 2017 - Objection

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I am writing on behalf of my in-laws,
I, to object to the recent licence variation application made by The Fox pub on 2nd October 2017.

Our first ground of objection is Prevention of Public Nuisance.

My in-laws live opposite the pub, and have done so, very happily, for 36 years. We are informed the terrace and upper gardens (which now directly overlook my in-laws garden, hence intruding on their privacy), will now close at 9pm, except for the smoking area. Will drinking be allowed in this smoking area? If it will be acceptable to drink in this area, then surely it makes a mockery of the closure of the gardens at 9pm?

The proposed licensing hours seem to be more reasonable than the previous proposal, but my in laws have concerns about the noise management of customers leaving the premises at midnight, following 30 minutes of 'drinking up time' at 11.30pm. What procedures does the pub have in place for ensuring their customers leave quietly and not causing a disturbance to their direct neighbours? A 'respect our neighbours' notice on the wall is not sufficient.

We also have concerns with regard to the entertainment permission and noise management plan. It would appear that the new application is less stringent than the conditions placed on The Fox at Planning where condition 9 stated that 'No sound reproduction or amplification equipment which is audible outside the site boundary shall be installed or operated on the site'. We would request that the same noise restrictions are applied. As direct neighbours, my 80 year old in-laws are very aware of noise emanating from the pub, and without these restrictions, they could potentially suffer noise every day and night from indoor music, karaoke etc.

We are also aware that the Noise Management Plan, which was required as a Planning Condition (Condition 7), to be submitted within one month, (which would have been 7th August), has not, to our knowledge, yet been submitted. We would add this to our objections.

Our second ground for objection is Public Safety

Whilst we recognise that the pub has made alterations to their car park in adding marked spaces, at busier times the traffic is parked on the roadside. This is an accident waiting to happen. We would be interested to know what plans the premises has in place in dealing with additional customer traffic at busier times?

We very much hope that the licence application will be taken to Committee and our very real concerns and objections are dealt with fairly.

Yours sincerely

Kate Halsall

From:
Sent: Tuesday 17 October 2017 21:37
To: Paul Hughes; Licensing Policy
Cc: Carole Cockburn; Martin Lear; Environmental Health; Julie Gregory
Subject: The Fox - Licensing Variation 2nd October 2017, Objection.
Importance: High

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Dear Sirs,

I am writing to object to the Licence Variation application from the Fox Public House.

My objection is on three grounds, namely:

- Prevention of public nuisance
- Prevention of crime and disorder
- Public safety.

Background:

Prior to the current licensees taking over the Fox pub was a well managed and well run establishment which fitted into the local community with few if any issues (apart from the occasional car parking issue). However since the establishment has been taken over by Marshall Eaton there have been continuing and ongoing issues in all of the above areas. The application for the licence variation if granted will only increase the number and intensity of such issues and lead to increased complaints to the Police, Environmental Health and other regulating bodies.

The pub is located in an otherwise 100 percent residential area with family homes an infant school and young children living "next door". It has been the subject of a recent planning application which was granted with certain conditions attached, in particular the production of and adherence to a "Noise Management Plan" which was required to be completed and accepted by 7th August 2017. As of 10th October 2017 this condition (number 7) has not been met in that the plan submitted has been deemed by Waverley to be unacceptable. (This has been confirmed to me by Waverley Planning and the matter is now in the hands of Waverley Enforcement.) It is therefore not acceptable or reasonable that any licencing variation should granted, or even considered, until and unless all the conditions associated with the planning application and in particular the ones concerning noise management have been fully complied with. This is because:

- The failure to provide and operate under an acceptable noise management plan shows complete disregard of due process and the likelihood that any conditions on the licence will also be ignored (as I will document below that they are already).
- The failure to provide and operate under an acceptable noise management plan shows total disregard for neighbours and the locality.
- The failure to provide and operate under an acceptable noise management plan is allowing repeated incidents of public nuisance to occur (see below).

Prevention of public nuisance:

- As stated above the Fox have failed to comply with the conditions set out with the planning application and in particular are operating in breach of their condition associated with the

production of a noise management plan. There is ongoing noise from the establishment at all hours of the day and night disturbing neighbours in their daily life including their and their children's sleep. They are also failing to operate the Car Park management plan and this variation application also seeks to override condition 9 of the planning permission (namely the prohibition of amplified sound being audible outside of the property boundaries). Therefore no relaxation or extension of operating hours or entertainment should be granted – i.e. no outside music, films, etc. at any time and no relaxation in the permissions for indoor entertainment – so re-instating a restriction to only 12 indoor events per annum and no karaoke or discos or films should be allowed either. Excessive noise is frequently emanating from the premises (they operate entertainment on a regular basis with doors and windows open which is a breach of their current licence conditions) so they cannot be relied upon to keep to conditions set down. Customers frequently remain in the premises until well after midnight (and also use the outside garden and terrace until after midnight even though as part of planning the cabanas have a condition that they are to close at 21.30). Therefore they are operating in breach of their current licence hours and current planning conditions and no variations should be permitted and indeed enforcement action should be taken to ensure that current licencing conditions and planning conditions are being adhered to – which they are not. The total disregard for conditions legally placed on the premise show, in my opinion, the unfit nature of Marshall Eaton to hold and operate a public house licence.

- Customers leaving the premises (often after midnight) disturb and wake local residents and their children. Departing customers have also been observed urinating in the local streets and leaving “pub rubbish” such as empty beer bottles on the pavements. Loud reeving car engines are also frequently heard again waking local residents and their children.

Prevention of crime:

- The parking in local roads is (according to the police) obstructive and dangerous and the urination (referred to above) is an offence. These things have only occurred since the new landlords have taken over and this in my opinion again shows that Marshall Eaton are an unfit organisation to hold a pub licence.

Public safety:

- The parking issues (referred to above) lead to a dangerous situation on the local roads and as such has led to a situation where the safety of local residents is being placed at risk. The Waverley Local Committee has recently approved the installation of bollards in Stream Farm Close and is taking an extension of other parking restrictions out to consultation all of which have been solely necessitated by the increase in public safety issues since Marshall Eaton took the premises over. As recently as today (17th October) vehicles were reported to the police for dangerous and obstructive parking.

The specific variation application asks for:

- Extended licencing hours – namely opening significantly earlier every day and remaining open longer in the evening. These should be declined for the reasons stated above.
- Removal of the extant conditions particularly around entertainment. This request should be declined on the grounds stated above and in particular the conditions relating to:
 - The condition of no outdoor music – should be reinstated because the pub is in an otherwise 100% residential area and music and other possible entertainment operating all day and every day is intolerable in a family residential area. Since Marshall Eaton have taken over there have been regular events in the gardens which have always led to the disturbance of neighbours and our total inability to open our windows in the hot summer months and to noise waking us at night. The

application makes reference to "regular events" such as Sunday afternoon music and beer and burger events. While some activity in the outdoor areas is clearly inevitable there must be no music of any kind permitted as this is clearly audible not only in the houses immediately next door but also several hundred metres away.

- Any indoor music (or other entertainment) should be restricted to a limited number of events per annum (such as 12) and discos, karaoke, films and other amplified entertainment prohibited. This is because even when the doors and windows are closed (which they often are not) the noise is clearly audible outside the Fox property boundaries which is in breach of condition 9 of the planning permission granted. Any license granted should have conditions which are strictly aligned with those of the planning permission as it is illogical to have two different parts of the same organisation (namely Waverley) setting different conditions on the same premise.
- Extended opening hours (linked to the extended licensing hours). This should be declined on the same grounds as the licencing hours should be declined. Residents are already disturbed and woken on a regular basis by customers leaving at and after midnight. This is not acceptable in a primarily family residential neighbourhood.
- The variation application states that the outside garden and terrace will be closed at 21.00. This is to be welcomed but it must also be a condition that the "smoking area" is only used for smoking and that customers are not allowed to take drinks or food there after 21.00 hours while smoking since this would totally circumvent the effectiveness of the closure of the outside area.

As evidence of the above a small selection of examples of incidents (similar incidents on different days have been excluded for the sake of conciseness) logged by local residents over the last few months are given below. These incidents occur several times a week, frequently but not always, late at night waking local residents and their children and also preventing us residents from enjoying our own gardens in the daytimes:

- Most nights. There is noise from the outside garden until well after 21.30 hours (which is when the cabanas are supposed to be closed but are not) and the customers even inside the pub regularly make so much noise that they can be heard in adjacent properties even when the pub doors and windows are closed.
- Every night. Usually between 23.30 and 00.30. Bottles and other rubbish are regularly being noisily dumped waking neighbours and their children. (This is regularly recorded by three independent neighbours.)
- Most mornings. Loud pressure washers are used on the outside terrace areas disturbing the neighbourhood. (Again regularly noted by three independent neighbours.)
- July 1st. 21.00 to 23.00 hours. Loud guitar music playing inside the pub with windows open (in contravention of existing licencing conditions). Clearly audible inside neighbouring houses. (Noted by three independent neighbours)
- July 14th. 22.00 to 22.45. Party going on in one of the cabanas (which are supposed to be closed by 21.30 under planning conditions) with 18th birthday party balloons clearly visible attached and surrounding the cabana. The noise went on until well after midnight waking local children. (Noted by two independent neighbours.)
- August 5th. 23.45 to after midnight. Shouting from the pub and gardens which continued until well after midnight keeping local residents and their children awake. (Noted by two independent neighbours.)
- August 12th. 21.00 until 02.20 the following morning. Music playing inside the pub with doors and windows open. Loud voices. All clearly audible in neighbouring houses (even when they had their windows closed). Children kept awake. (Noted by three independent neighbours.)
- August 17th. Cabanas in use until well after 23.00 hours. Noise from customers leaving well after midnight. (Noted by two independent neighbours.)

- August 22nd. Constant noise throughout the evening from what appears to have been a wedding reception. Noise heard inside neighbouring houses even though they had their doors and windows closed. Children unable to sleep. (Noted by two independent neighbours.)
- September 7th. Loud music playing until well after midnight.

As demonstrated above the sleep of residents and in particular our young children is being seriously disturbed. We local residents are unable to use our gardens in the summer evenings and often unable to even sit or sleep inside our houses without having the windows sealed which in the summer is too hot and unacceptable.

In closing I object to any relaxation of the Fox licencing conditions and ask that the Committee re-instate all the conditions which were in place on the current licence which have been "relaxed" by the Live Music Act so ensuring that the conditions which were adhered to by the previous landlord are once again adhered to by the new owners. In addition we ask that the outside area (gardens and terrace) is closed to all activity as from 21.00 and that the outside smoking area is only allowed after this time for smoking and that no food or drink may be consumed there since to do allow otherwise would effectively circumvent the effect of closing outside after 21.00 hours.

Kind regards,

P.S. Please withhold my name and contact details from the applicant because I fear intimidation.

Kate Halsall

From:
Sent: Friday 20 October 2017 16:18
To: Paul Hughes; Licensing Policy
Cc: Carole Cockburn; Martin Lear; Environmental Health; Julie Gregory
Subject: The Fox - Licence Variation Application - Objection



Dear Sir or Madam

The Fox was a quiet pub when we chose to live in Stream Farm Close (24 years ago) and there was then another pub in the village (The Cricketers), so custom was spread between the two. We were only inconvenienced by The Fox pub on a handful of occasions over the years and we tolerated this quietly as it was so seldom. Problems have become more frequent, however, since Marshall Eaton took over.

If the variation of the licence is granted the number of issues will increase causing more complaints to the police, Environmental Health and other regulating bodies, thereby expending time and resources which are already stretched.

Given the location of The Fox pub in a residential area of family houses (with close proximity to an infants school and scout hut) increased variation of its licence would be completely inappropriate.

We therefore OBJECT to the Licence Variation application for three reasons:

- **Prevention of public nuisance**

The Fox pub has failed to comply with the conditions set out with the planning application, particularly in the condition associated with the production of and adherence to a Noise Management Plan (as of 10/10/2017). This demonstrates that the pub management shows little regard to procedure or the repeated incidents of public nuisance that are occurring.

OUTSIDE music, films etc should NOT be permitted. We urge the Licensing Committee to apply a specific restriction on the performance of live music outside in consideration of neighbours and NO amplification. Residents in a peaceful neighbourhood must be able to enjoy their properties without being bombarded with regular noise.

INDOOR music should be restricted to a limited number of events through the year, again with no amplification as The Fox is a very old building and not sound-proofed.

The garden and terrace will be closed at 21.00hrs but the 'smoking area' must be used for smoking only, so no food or drink allowed there.

Customers leaving The Fox pub late at night are noisy. Chatting, laughter and excessive vehicle noise can be heard which disturbs residents of all ages. Regular disturbance at midnight (after the drinking up period) would be unacceptable in a residential area. Weekday licensing hours, in particular, should remain at 23.00hrs allowing drinking up time to 23.30hrs, but no later.

- **Prevention of crime and disorder**

Pub patrons regularly park their vehicles in an obstructive and dangerous manner, which is an offence, and this has been confirmed by the police.

Extended licensing hours will permit the consumption of more alcohol, which in turn may cause even more disorder offences. Illegal urination in the street is already a problem.

- **Public safety**

The Fox Pub should NOT be permitted to open at 8.30am on weekdays as young children will be walking to South Farnham Infants school up until 9.00am. They will therefore be crossing the main road near The Fox and will also be walking across the mouth of its car park. For their protection extra vehicles coming and going and parking in the vicinity must be avoided. It would be tragic if a child was seriously injured or killed just so The Fox pub can pull in a few more punters.

The cars parked by The Fox's customers often make access for residents difficult and dangerous as we have to manoeuvre around extra vehicles in a no-through road and drive on the wrong side of a narrow road. The safety of local residents is already being put at risk.

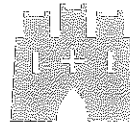
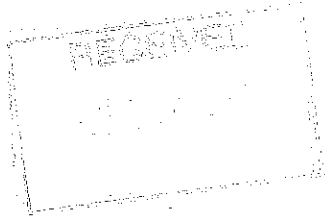
It MUST be remembered that The Fox pub is in a residential area of family homes and public safety should take precedence over one establishment wanting to make extra money.

In summary we request that the Committee re-instates all the conditions that were in place on the current licence (before they were relaxed by the Live Music Act).

Kind regards



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Farnham
Town Council



Waverley Borough Council Licensing Authority
The Burys
Godalming
Surrey
GU7 1HR

Iain Lynch
Town Clerk
Telephone: 01252 712667
(Calls may be monitored or recorded)
E-mail: town.clerk@farnham.gov.uk

24th October 2017

Dear Sir/Madam

Variation to the Premises Licence

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

Farnham Town Council OBJECTS to the sale of alcohol from 08:30h at The Fox Public House.

The Fox is located within the vicinity of an infants' school, the boundary of The Fox garden borders the grounds of South Farnham Infants School. The protection of children from harm is paramount.

The potential for public nuisance would be greater with alcohol consumption from such an early hour and the proposed addition of an external bar in the grounds to the rear of the establishment.

Farnham Town Council welcomes the early opening hours for serving of hot beverages and non-alcoholic refreshments.

Yours faithfully

Iain Lynch
Town Clerk



Kate Halsall

From:
Sent: Wednesday 25 October 2017 15:06
To: Licensing Policy; Paul Hughes; Carole Cockburn; Environmental Health;
Rab.Carnie@surrey.pnn.police.uk;
Subject: The Fox – Licensing Variation 2nd October 2017, Objection.

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Dear Sir / Madam,

Below are my objections to the revised licence agreement for The Fox PH, 21 Frensham Road, Lower Bourne, Farnham, Surrey, GU10 3PH.

My objections are based on the prevention of a public nuisance and issues of public safety.

The proposed licence terms state:

"At the start of regulated entertainment, the level of music emanating from the premises shall be monitored outside, at the boundary of the premises to ensure, as far as practicable, that such entertainment is unlikely to cause a public nuisance to residents living in the immediate area."

I believe that this is so vague as to be worthless. My reasons are set out below.

WHO decides whether the noise is a nuisance? Every person has different hearing. Can the pub send out a half-deaf member of staff and say 'nope, can't hear anything!' ?

HOW do they decide? Will the staff use a calibrated electronic device, or just pop out and listen? Will they be required to point an electronic device towards the source of the noise or could they stand between it and the source and point it in the opposite direction?

WHAT level of noise is a public nuisance? What is acceptable to an awake person enjoying a night out is far from acceptable to a person who needs to be up at 6am to catch a train to London, or to a parent trying to get a child to sleep by 7pm so he/she is alert at school the following day, or to people working from home and trying hard to concentrate.

WHY only one boundary? This may be an oversight, but why will noise be measured at a single 'boundary' used rather than at the various 'boundaries'? The entrance to the pub onto the Tilford Road is a 'boundary'. At that point the entire building lies between any noise in the garden, the nearest residential properties and the person monitoring the sound. Sound from the rear of the pub will be severely muffled at that location. The raised garden area to the rear of the pub is also a boundary but, unlike the front door, it is elevated and there are no buildings between it and the nearest residential properties! What might not be heard at the 'front door' boundary could be very loud at the rear of the property. A pub wishing to 'comply with the rules but maximise trade' could be somewhat selective with its choice of boundary.

WHAT do they do if somebody complains but 'they' think the noise is OK? I can't see anything in the licence application that specifies what happens if a resident complains about the noise, whether or not the pub considers it 'acceptable'. What happens when somebody has to get out of bed, go to the pub, ask them to turn it down, and the pub refuses to do so because 'their' readings say it's OK?

WHAT is the 'immediate area'? I see no definition of 'immediate area'. Surely there must be an agreement on this. Is it the point on the boundary when they test the noise level, one house away, 100m away, or what?

WHY does this relate only to residents in the 'immediate' area? The pub is located in the floor of a long valley. I live at the far end of Stream Farm Close and can hear the pub almost every night. An earlier public consultation heard that residents in other roads and far further up the valley have been disturbed by the noise from the pub. The acoustics of the valley mean that some areas are sheltered from sound whilst others get an amplified blast. The level of noise is not just a function of distance from its source, but also of the echoes and reflections from the valley sides, and prevailing wind direction. As this condition stands I could find a spot, even during an outside music performance, that gave an acceptable noise level on one boundary whilst being totally unacceptable on another!

This stipulation should specify how the noise is measured, and refer to ALL boundaries, and ALL residents affected by the noise, regardless of their proximity to the source.

Indeed, I would favour the retention of a variation the previous stipulation that "No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) which is audible outside the site boundary shall be installed or operated on the site".

This, despite their earlier assertion, is easily monitored. Put a sound monitoring device at the boundary with the nearest residential property. If the noise at that location is too loud, reduce the noise.

As residents we limit the noise we make to our own properties; as a resident business The Fox should strive to do the same.

Finally, although the pub has addressed some car parking issues and the dangerous parking at the entrance to Stream Farm Close has, largely, been addressed, over-spill parking from the pub continues to be an issue in Stream Farm Close. The road is narrow and easily obstructed when vehicles are parked on both sides of the carriageway. I have experienced this on nights when the pub has been busy. The available road has been reduced to a narrow strip along the centre of the carriageway, barely of sufficient width for my car to pass through, and certainly too narrow to permit an Ambulance or Fire Engine to pass.

There are elderly as well as young people living along the road, and should they need the emergency services I think it fair to assume that they don't want to be going to the pub, finding the appropriate and potentially intoxicated car owners, and asking them if they'd please move their vehicles so the emergency services can gain access!

Yours,

Kate Halsall

From:
Sent: Thursday 26 October 2017 10:31
To: Licensing Policy; Paul Hughes
Cc: Carole Cockburn; Martin Lear; Environmental Health;
Rab.Carnie@surrey.pnn.police.uk
Subject: The Fox - Licence variation application



Dear Sirs,

I am writing to object to the Licence Variation application from the Fox Public House.

My objection is on three grounds:

- Prevention of public nuisance
- Prevention of crime and disorder
- Public safety.

A. *Prevention of public nuisance*

1. The most recent application seeks to override condition 9 of the planning permission (namely the prohibition of amplified sound being audible outside of the property boundaries). This 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. The variation also seeks to extend the hours of operation substantially which will exacerbate this problem.
2. 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 already directly led to some parking restrictions being put in place. The parking in local roads is obstructive and dangerous.

B. *Prevention of crime and disorder*

3. 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 what used to be a quiet cul-de-sac. As customers leave en-masse at 11pm and now later it will disturb residents' sleep (there are many families in the road with young school age children) with a significant potential for disorderly conduct.

C. *Public safety:*

4. The parking issues (referred to above) lead to a dangerous situation on the local roads and as such has led to a situation where the safety of local residents is being placed at risk.

Kind regards

Kate Halsall

From:
Sent: Monday 30 October 2017 23:04
To: Licensing Policy; Paul Hughes
Cc: Martin Lear; Carole Cockburn
Subject: The Fox - Licensing Variation 2 Oct 2017 - Objections



I object on grounds of:

1. Public Nuisance
2. Prevention of Crime and Disorder
3. Public Safety

I have had to make several calls to Surrey Police, Environmental Health, and contacted the SCC parking dept, since Marshall Eaton have taken over the pub.

I have had a troubled year, with family breakups and the relatively sudden death of my father which have prevented me from fully recording and effectively expressing how difficult it has been dealing with the noise from the pub. They have not contacted us as neighbours with new entertainment plan information, nor shown any genuine concern to our wellbeing and their impact on our lives.

1. They came up with the idea of a Noise Management Plan in a feeble attempt to comply with planning conditions, and even though it seems planning has been granted as they are beginning to build and make a mess all over the pavement where parents are trying to walk their children to school, this seems to be mostly ignored.

I have kept a record since July of noise from the pub. This is mostly hand written but I can type it up or post you a copy of my hand written records. I have taken some photos and video evidence too. This record notes some times with photos when windows have been wide open against planning conditions and when music and noise has been sustained and loud, causing myself and my children disturbed sleep, and causing me to become stressed and agitated at being subjected to constant loud noise in my garden and indoors.

On the night of 12 August there was music and noise coming from a "Private Party" until almost 2am, causing me extreme distress when I called Environmental Health to help and they couldn't, meaning I had to actually phone the venue myself to get them to turn the music off. This shows to me that they cannot adhere to any noise management plan and their staff aren't interested in doing so anyway. The previous landlord ensured people outside were quiet, but Marshall Eaton make no effort to keep their own noise down, dumping bottles and rubbish loudly and slamming doors, never mind keeping their customers quiet and respectful of their neighbours at any time of the day or night. Their customers and most likely staff too, screech out of their car park in their cars, and out of Fox Road, to get out onto the main road too. This may be as they are struggling to pull out onto the busy road or they are just that kind of people.

They should not be allowed to extend their hours as they are not interested in keeping their impact on neighbours to a minimum. Especially in summer, as I keep my windows open. I am disturbed almost every night, and can't get an early night after a difficult day of any kind. I can tolerate the road as it's not a constant noise, but the chatter, laughter, shouting and noise at my dinner time so it's like I share my patio with the whole pub, and also at my children's bedtime, is unacceptable. I have to move inside and can't eat on my patio in the summer as we can't have a conversation without shouting as if we were in the pub garden ourselves.

The regulation that their entertainment should not be heard outside the boundary of the property should be maintained. The pub and garden is on the side of a valley and any noise is broadcast out across it. The building is extremely old and not designed to contain the noise of modern amplification equipment. It's unique valley location and the impact of an entertainment venue in such a place, should rule it out from becoming the kind of entertainment venue more suited to a town than the village of Lower Bourne, next to families and older people.

If I am already kept awake until 11.45, this will just move to past midnight and it is an unreasonable expectation that I should tolerate this. I cannot have to keep putting earplugs in if I want to sleep, I find them uncomfortable, and I shouldn't have to do it. If I should report the noise to Environmental Health every night then I will. I can hear individual voices talking on the patio. At closing time and afterwards they are saying 'see you tomorrow' and 'night!' Even one evening someone told someone else they were being loud!! Doors slam when they're locking up too, and people leaving revv their car engines.

2. Customers have left the pub and congregated in Fox Road by my house, listening to music then walking along the stream. I feel I have to leave my porch light on all night every night to discourage them from trespassing and hanging around as I have seen them turn around their cars on my driveway, I have had to clear bottles off of my garden wall, and my car port has smelled of urine one morning. Double yellow lines like those in Stream Farm Close would go some way to helping this and the driveway access issues myself and my neighbours suffer, and SCC informed me these are to be reviewed October 2018.

1. and 3. I have photos of the poor and dangerous manoeuvring and parking outside the pub and on the main road. When the car park is busy, I took a photo of a car that reversed out onto the main road and a car coming down the hill swerving out to avoid it. I watched this one morning when I was waiting to cross the road when walking one of my daughters up to the school. So they clearly cannot manage their carpark effectively either. Their being open in the mornings just makes school runs and crossing the road doubly busy and dangerous. Why on earth does a village pub need to be open and serving alcohol so early when there are so many families and children on their way to school virtually next door? This is outrageous to me, and a member of my family has also complained to the brewery and I will also follow this up.

Any loopholes they can see a way through also need to be closed to stop us suffering any more. I hope the council will take action to stop any relaxation of licensing and ensure the new owners start to respect us as neighbours, which they tell customers to do in their sign on the road, but do not enforce nor do it themselves.

Please keep my name and address from being given to Marshall Eaton as I feel vulnerable as a woman living alone with two children, and in one earlier encounter with a member of their staff I felt intimidated.

Best Regards

28th October 2017

Licencing Office
Waverley Borough Council
Council Offices
The Bury's
Godalming
Surrey, GU7 1HR

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Dear Sir,

**Objection to Licence Variation Application 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 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. Historically, a balanced approach to licencing has evolved which has been satisfactory both to the publican and near neighbours; the latter have been willing to tolerate the inconvenience of occasional events because their understandable need for peace and quiet has been respected through adherence to appropriate conditions. The main one of these has been no outdoor music other than at an annual charity event.

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 including many with outdoor music. 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.

There is one other relevant factor at present. This has arisen from Planning Application WA/2017/0470 approved on 7th July 2016. Through this a number of conditions have been imposed "in the interests of the amenity of the surrounding residents in accordance with Policy D1 of the Waverley Borough Local Plan 2002." These conditions include the requirement for the submission of a Noise Management Plan within one month and "no sound reproduction or amplification equipment (including public address systems, tannoy's. Loudspeakers etc) which is audible outside the site boundary shall be installed or operated on the site."

General Objection

There is a disconnect between these conditions imposed by the Local Planning Authority and the present License Variation Application. I therefore object to this Application being considered by the Licensing Committee before the conditions laid down by the Local Planning Authority have been met. Clearly, if met in full, a very different application would need to be made.

Specific Proposals In Variation Application

The new application includes the following proposals:

Increases to licensing hours, mainly during the day but also in the evenings

No restriction on the number or type of activities indoors

No films or TV outdoors

Provision of music outdoors including at:

15 events per year with regulated entertainment

Regular activities such as weekly quizzes, live music on Sunday afternoons, burger and beer nights

I also understand that permission may be sought for additional one-off events by applying for Temporary Event Notices (TENs).

I wish to object to these proposals on the following grounds:

- Prevention of public nuisance
- Public safety
- Prevention of crime and disorder

Prevention of Public Nuisance

One of the main effects of these changes will be to introduce outdoor events with music or other amplified sound. Although at first sight these appear to be limited to 15 occasions a year (which is more than once a month), in fact the number is unlimited because of the addition of what in a rather vague phrase are deemed to be "regular events," plus the possibility of still more facilitated by TENs.

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. Although my own home is at the far end of Stream Farm Close, outdoor music played at the Fox is clearly audible.

Public safety

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. This has already been apparent under current licensing and was especially apparent on 29th May when 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. The general problem is acknowledged by the Police who have put up signs to remind visitors of their responsibilities, but there are still instances when even these are ignored.

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 have been further instances in 2017 including a broken sign near the junction with Lodge Hill Road.

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 not 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 make a general objection on the grounds that this Application should not be considered until the conditions imposed by the Local Planning Authority have been met.

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

- Failure to learn from past experience that clear cut conditions 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 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.

It is essential in my view that conditions are imposed which are in line with past experience and the terms of the Planning Application, especially in the case of outdoor music..

Yours faithfully

Kate Halsall

From:
Sent: Tuesday 31 October 2017 16:43
To: Paul Hughes; Licensing Policy
Cc: Carole Cockburn; Martin Lear; Environmental Health;
Rab.Carnie@surrey.pnn.police.uk
Subject: The Fox - Licensing Variation 2nd October 2017, Objection.
Importance: High



To: Paul Hughes: Licensing at Waverley

Re: The Fox - Licensing Variation 2nd October 2017,
Objection.

Dear Sirs

We write to register our objection to the above Licence Variation application from the Fox Public House in Lower Bourne.

Our objection is on the following grounds:

Public Nuisance:

The Fox is situated in a mainly residential area. Because of its location, its activities will always have an impact on those living in the immediate area. Any increase in hours, particularly later into the evening, (when noises travel further anyway) will only increase the noise (from talking, car doors being closed, engines starting, dumping of bottles etc) thus disrupting sleep for young and old alike.

During warm sunny afternoons and evenings, there is also the prospect of the sound from entertainments preventing an undisturbed time in the garden or even indoors with windows/door open. Additionally the unwelcome smell of food being cooked drifting through gardens has had to be endured.

It is understood and therefore of concern that a Noise Management Plan was required from The Fox by 7 August 2017 but remains outstanding. What message does this send to its immediate neighbours?

Prevention of Crime:

Parking in the roads in the immediate vicinity of The Fox has been a considerable cause for concern. Parking restrictions and notices have been put in place in Stream Farm Close yet there are still instances when these are ignored. Although the pub has its own car park there have also been issues with poor parking causing sightline and pedestrian obstructions.

Public Safety:

The parking issues as above, lead to many dangerous situations for residents, customers and those using the main A287, which although having a 30mph speed limit, many travelling south have difficulty in adhering to owing to the steep hill. The increased activity in the area of the pub has substantially elevated concerns for public safety.

This is not a town centre pub and frankly the need for the very considerable increase in licensing hours is not in keeping with the location, nor is it required.

In our view the existing licensing conditions appear reasonable for the location.

Yours sincerely

Kate Halsall

From:
Sent: Tuesday 31 October 2017 17:32
To: Licensing Policy; Paul Hughes
Cc: Martin Lear; Carole Cockburn
Subject: The Fox - Licensing Variation 2 Oct 2017 - Objections

12

To whom it may concern,

I am writing to object to the Licence Variation application from the Fox Public House.

Please can I ask that withhold my name and contact details from Marshall Eaton as I fear there may be repercussions from them if they knew it was me objecting.

My objection is on three grounds, namely:

- Prevention of public nuisance
- Prevention of crime and disorder
- Public safety.

Background:

We are the adjoining neighbours to The Fox. We are a young family with 2 young children. We moved into our property in 2010 and enjoyed living next to the pub until it was taken over by Marshall Eaton. We never had any issues with noise or privacy/overlooking before. There used to be a woodland area in between us and the pub which provided us with privacy and protection from noise. When Marshall Eaton took over the pub they did not show any courtesy or concern for their neighbours. They made no contact with us before they bulldozed and cut all the trees down or started the incredibly disruptive work on the other side of our fence, a couple of meters from our bedroom. Their customers can now stand in the garden and look directly into our bedroom! They did promise to put up a screen/trellis, mature planting and as a 'good will gesture' a new fence at the front. This has not happened and was clearly said to keep us quiet at the time. We have also had our parking restricted by the Council due to the issues caused by the Fox and their workers. They said that we were welcome to use their car park and then proceeded to send us a threatening letter saying if we continued to use the car park our vehicles would be removed. They have proven themselves to be inconsiderate, unreliable and are willing to say and do anything to get what they want. They do not value their local community or neighbours. The fact that they are unwilling to put up a simple and inexpensive screen to protect their neighbours privacy when I have made it very clear that I feel scared and threatened by their clients looking into my bedroom says it all!

Prevention of public nuisance:

We live in a lovely quiet residential area. A lot of the properties surrounding The Fox are inhabited by families with young children. I feel that the actions of the Fox and their unwillingness to comply to the current restrictions in place have had a direct and negative impact on the lives of my family and that of other local residents.

The Fox recently had a new planning application granted with certain conditions attached, in particular the production of and adherence to a "Noise Management Plan". As far as I can tell they have made no attempt to adhere to this. We can hear loud music from The Fox on a regular basis

whilst in our house with all the doors and windows shut. There is ongoing noise from The Fox at all hours of the day and night. This is beyond disruptive and is disturbing our lives and our children's sleep.

Due to the new layout and proximity of the pub garden, we now have to suffer all day and into the late hours on some occasions from loud, screaming, unsupervised children and shouting, laughing, shouting (and swearing) drunk adults that have got no consideration that there is a young family literally on the other side of the fence. This is on top of the fact that their customers are able to look directly into our bedroom.

This variation application seeks to override condition 9 of the planning permission (namely the prohibition of amplified sound being audible outside of the property boundaries). Therefore no relaxation or extension of operating hours or entertainment should be granted – i.e. no outside music, films, etc. at any time and no relaxation in the permissions for indoor entertainment – so reinstating a restriction to only 12 indoor events per annum and no karaoke or discos or films should be allowed either. Excessive noise is frequently emanating from the premises (they operate entertainment on a regular basis with doors and windows open which is a breach of their current licence conditions) so they cannot be relied upon to keep to conditions set down. Customers frequently remain in the premises until well after midnight (and also use the outside garden and terrace until after midnight even though as part of planning the cabanas have a condition that they are to close at 21.30). Therefore they are operating in breach of their current licence hours and current planning conditions and no variations should be permitted and indeed enforcement action should be taken to ensure that current licencing conditions and planning conditions are being adhered to – which they are not. The total disregard for conditions legally placed on the premise show, in my opinion, the unfit nature of Marshall Eaton to hold and operate a public house licence.

Prevention of crime:

Most weekends and often also during the week we have to deal with drunk, loud and rowdy customers leaving the premises (often after midnight) and congregating outside our property. I have witnessed their customers urinating on our wall and regularly have bottles, cans, crisp packets etc being thrown into our garden.

The parking at The Fox is a serious issue and they are clearly not managing their current car park management plan. They have recently put in place white lines marking out spaces which enables them to cram more cars into their car park. The new layout also means that some people feel the need or are forced to reverse out onto the busy main road. I have witnessed on numerous occasions people parking illegally and irresponsibly as well as doing dangerous maneuvering at The Fox. The fact that they are now open in the mornings means that the car park is a danger to local children.

Public Safety:

The first thing to mention is that whenever The Fox are having work done to their premises they do not put in place Health and Safety precautions to keep the passing pedestrians safe. When they were having the initial work done and then the landscaping I was regularly forced to walk into the main road to get passed. The current work being done to convert their garage has caused chaos and has endangered the lives of passing pedestrians. On 19th October at 3:15pm (school pick up time) they blocked the pavement completely and had to redirect the busy pedestrian traffic across the main road. I have also witnessed on several occasions their workmen leaving live/plugged in power tools, circular saws etc lying on the pavement unattended. In fact my 2 year old son very nearly got hold of one as we were passing.

The parking issues (referred to above) lead to a dangerous situation on the local roads and as such has led to a situation where the safety of local residents is being placed at risk. The Waverley Local Committee has recently approved the installation of bollards in Stream Farm Close and is taking an extension of other parking restrictions out to consultation all of which have been solely necessitated by the increase in public safety issues since Marshall Eaton took the premises over.

I genuinely do not feel safe leaving my property when their drunk customers are standing outside.

I do not feel safe in my own home due to the various occasions I have had men looking into my bedroom from their garden.

Objections:

- Extended licencing hours – namely opening significantly earlier every day and remaining open longer in the evening. These should be declined for the reasons stated above.
- Removal of the extant conditions particularly around entertainment. This request should be declined on the grounds stated above and in particular the conditions relating to:
 - The condition of no outdoor music – I cannot stress enough how vital it is that this be reinstated. We are so close to their garden and the noise from it. It would be totally unbearable if they were allowed regular events in their garden. We already struggle with the noise from just their customers and have to keep our windows closed to try and keep the noise out, even in the summer!!!! The application makes reference to “regular events” such as Sunday afternoon music and beer and burger events. While some activity in the outdoor areas is clearly inevitable there must be no music of any kind permitted as this is clearly audible outside their boundary.
 - Any indoor music (or other entertainment) should be restricted to a limited number of events per annum (such as 12) and discos, karaoke, films and other amplified entertainment prohibited. This is because even when the doors and windows are closed (which they often are not) the noise is clearly audible outside the Fox property boundaries which is in breach of condition 9 of the planning permission granted. Any license granted should have conditions which are strictly aligned with those of the planning permission as it is illogical to have two different parts of the same organisation (namely Waverley) setting different conditions on the same premise.
- Extended opening hours (linked to the extended licensing hours). This should be declined on the same grounds as the licencing hours should be declined. Residents are already disturbed and woken on a regular basis by customers leaving at and after midnight. This is not acceptable in a primarily family residential neighbourhood.
- The variation application states that the outside garden and terrace will be closed at 21.00. This is to be welcomed but it must also be a condition that the “smoking area” is only used for smoking and that customers are not allowed to take drinks or food there after 21.00 hours while smoking since this would totally circumvent the effectiveness of the closure of the outside area.

I feel that my life has already been severely and negatively impacted by The Fox and the actions of Marshall Eaton. They have already managed to 'get away' with so much. They do not care about their local community or the residents. Our lives and the sleep of our children is

being constantly disturbed. We local residents are unable to use our gardens in the summer evenings and often unable to even sit or sleep inside our houses without having the windows sealed which in the summer is too hot and unacceptable.

In conclusion I object to any relaxation of the Fox licencing conditions and ask that the Committee re-instate all the conditions which were in place on the current licence which have been "relaxed" by the Live Music Act so ensuring that the conditions which were adhered to by the previous landlord are once again adhered to by the new owners. In addition we ask that the outside area (gardens and terrace) is closed to all activity as from 21.00 and that the outside smoking area is only allowed after this time for smoking and that no food or drink may be consumed there since to do allow otherwise would effectively circumvent the effect of closing outside after 21.00 hours.

Sincerley,

Kate Halsall

From:
Sent: Wednesday 01 November 2017 00:08
To: Licensing Policy; Paul Hughes
Cc: Carole Cockburn; Martin Lear
Subject: The Fox – Licensing Variation 2nd October 2017, OBJECTION
Attachments: IMG_20170527_161828606_HDR.jpg

13

Dear licensing committee,

I would like to raise my objection to a variation in the licensing restrictions at the Fox regarding entertainment on the grounds of Prevention of Public Nuisance.

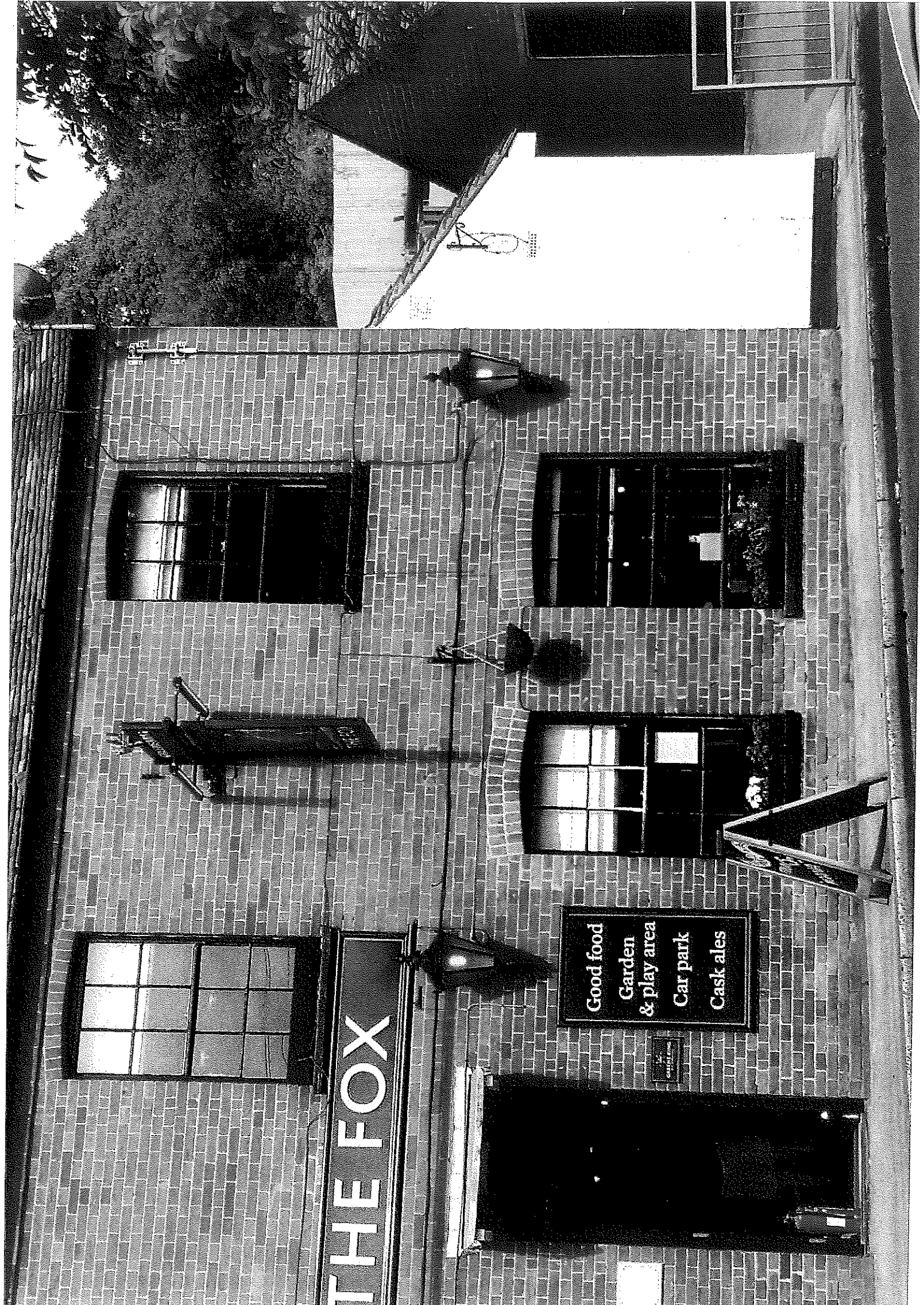
I live directly opposite the Fox's front door. Whenever a band plays or a sports fixture is shown on TV in the Fox, I can hear these events inside my house, with the windows closed. I have had a harmonious relationship with previous landlords in the 11 years I have lived here. The current owners/management seem intent on running an entertainment venue in a residential area with no regard for their neighbours. By way of example, one particularly loud Saturday night we were told at 1 o'clock in the morning, when we complained, that the music and noise were due to a private party in the pub and therefore they didn't have to abide by their own policy. During the Rugby World Cup earlier this year I was woken up at 8 in the morning by the noise of the televised matches and reactions of the customers. I am concerned that the proposed noise policy is simply paying lip service. When it's hot in the pub the current practice is to wedge the front door with a fire extinguisher (see attached photo).

The Fox is a village pub, restrictions from a recent planning application included clause 9, "No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) which is audible outside the site boundary shall be installed or operated on the site", these restrictions should be reflected in restrictions on the Fox's license.

The Fox is an old building, it wasn't built to absorb or filter out amplified sound, that sound simply travels across the road to my house, that is of a similar age, and passes straight in, despite my double glazing.

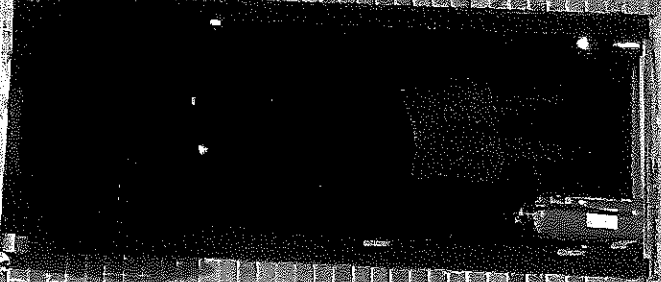
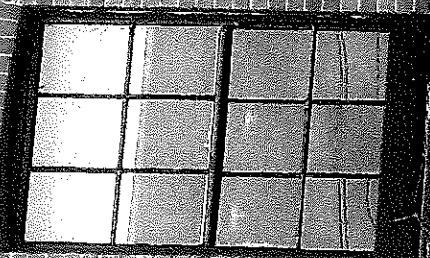
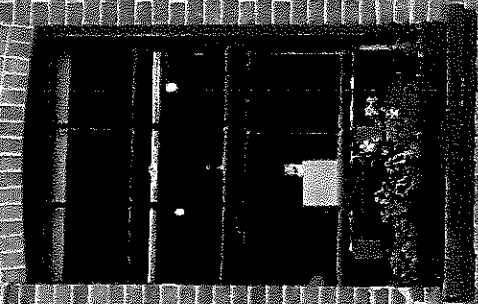
Please let me know if this application does go to committee because I would like to vocalise my objection at that meeting.

yours sincerely



THE FOX

Good food
Garden
& play area
Car park
Cask ales



Kate Halsall

From:
Sent: Wednesday 01 November 2017 16:01
To: Paul Hughes
Cc: Licensing Policy; Carole Cockburn
Subject: The Fix licensing variation 2nd October

14

Dear Sirs,

I am writing to object to the License Variation on three grounds which are:

Prevention of public nuisance

Prevention of crime and disorder

Public safety

Since Marshall Eaton have taken over we have had regular issues in all of the above areas. It is my belief that if the variation was approved the regularity of both the issues we have faced already will intensify causing misery for both my young family and others who live within the immediate location of The Fox.

Taking account of the fact that it is located in densely populated residential area with a broadmix of both young families and older residents these amendments will wide ranging implications for those residing in The Bourne.

Despite reassurances from The Fox we continue to be either kept awake or woken up on a regular basis with customers either shouting or laughing loudly from the grounds of The Pub. The management clearly cannot contain the noise which I accept is difficult. However to hear that they want to increase the number of hours they are planning on opening concerns me greatly.

I understand that the experienced Pub manager they brought in to effectively police this noise management plan had left. The reasons behind his departure are unknown but the very fact of his departure again concerns me as the Management seem to have little regard for the noise emanating into the wider neighbourhood and furthermore little experience of how to handle it.

Customers continually remain in the premises until well after midnight and when they do leave are loud and noisy and consequently regularly wake my children up in the middle of the night. Both I and my youngest child have also witnessed customers urinating in the bushes close to the stream. These are not experiences I have ever witnessed in the 12 years I have lived here before and ones that I wish curtailed immediately.

The parking in neighbouring roads when The Fox has a special event is often extremely dangerous. Customers choose to park as close as they can to save walking too far often parking on the grass verges and very worryingly directly on the access to the A287. I have seen first hand several near misses. It only a matter of time before someone is going to be seriously hurt or a fatality is going to incur.

I strongly object to any form of approval of outside music. We experienced this first hand shortly after Marshall Eaton opened their new garden. The music emanating from the grounds meant that when we had friends round that day we were forced to go inside to eat as we were unable to hear one another's conversation which was both annoying and personally embarrassing to me. No apology was given by the Management either in the aftermath of the event or at anytime subsequently. I have no objection to music being played inside the venue providing both doors and windows are closed. The previous landlord adhered at all times to this policy which cemented good relationships between the pub and all of the local residents who as a result regularly enjoyed visiting the pub.

I therefore object to the variation a proposed. In essence the Management have demonstrated quite clearly to me and all of the local residents that they struggle to contain the noise to an unacceptable and lack it appears anyone now with any real experience in pub management following the recent departure of Andrew.

Please withhold my name and contact details from the applicant for fear of confrontation

Kate Halsall

From:
Sent: Wednesday 01 November 2017 21:22
To: Licensing Policy; Paul Hughes
Cc: Carole Cockburn; Martin Lear; Environmental Health;
Rab.Carnie@surrey.pnn.police.uk
Subject: Licence Variation application from the Fox Public House

15

I am writing to object to the Licence Variation application from the Fox Public House.

My objection is on three grounds:

- Prevention of public nuisance
- Prevention of crime and disorder
- Public safety

I live opposite the Fox and I am often disturbed by the noise of the pub. During the warmer weather, the doors and windows were often left open so that in my garden and bedroom, I could clearly hear the noise of the pub. The noise goes on late at night, and we can hear the people leaving the pub as they shout and chat loudly in the street, without a care for the local residents.

The car parking in the area has become very difficult since the new owners took over the pub. Most evenings there are cars parked illegally in Fox Road opposite the pub – often far too close to the junction with Frensham Road causing dangerous situations for drivers and pedestrians. The area by the scout hut on that corner is getting increasingly dangerous when the scouts are trying to cross the road with cars parked right up to every junction and opposite side roads.

Many thanks,