

Dear Licensing Team

Licensing consultation - The Fox Eating & Drinking House, Highbrook Lane, West Hoathly

LI/21/0881

SR/21/4148

I object to this application. There are 2 main reasons for my objection. The first is related to the prevention of public nuisance and the second that I have no confidence in the applicants' intent or ability to uphold the licensing objectives.

The first is that, in my opinion, the applicants have demonstrated that they are not able to meet the prevention of public nuisance licensing objective. Over recent years there have been many complaints of noise brought to the attention of the Environmental Protection Team. In the past two years there have been 8 complaints of noise, predominantly loud music, from The Fox, even while there have been restrictions on The Fox's ability to open during the Covid pandemic. Visits by officers from the Environmental Protection Team have corroborated the noise complaints and the impact that the pub is having on the local community. Temporary event notices had been notified for 3 events at The Fox by Mr Earley on 26th June 2021, 3rd July 2021 and 24th July 2021 for music events. Following discussions with the applicant about the necessity to control music noise levels to prevent public nuisance, officer visits at the first 2 events demonstrated that insufficient control of noise levels were having a detrimental impact on nearby residents and it was clear that our advice had been disregarded. This was raised with Mr Earley and it was emphasised that future TENS would be opposed.

This leads to my second reason. It is our view that the applicant has demonstrated that he has been unwilling to manage the activities to prevent local impacts. Back in early 2020, after a number of noise complaints had been received by the Environmental Protection Team, the Licensing Officer and an Environmental Protection Team Officer met with Mr Earley and discussed the recent complaints. Recordings of the noise from the pub that had been experienced by a nearby resident in the early hours of the morning were played back to Mr Earley. At the time Mr Earley accepted that the noise level was unreasonable and it was advised that future TENS would only be permitted if he could demonstrate that he could manage the activities at the pub in a way that prevented public nuisance. Subsequent to this meeting and to Mr Earley's agreement with this position, there have been further complaints of noise.

There have been a number of complainants who have indicated that they are scared to give their name and address for fear of reprisals. We occasionally get this in our dealings with complaints from the public. However, the number of complainants that have expressed their concern is unusual. This has been evidenced by our own department's interaction with Mr Earley. In June 2021 he was rude to one of our support team staff and had been confrontational in an email to my officer about complaints from residents. I considered it necessary at the time to put myself as the point of contact

for Mr Earley on environmental protection matters to protect my team from being exposed to this abuse. The telephone conversations that triggered this action by me were in response to legitimate investigations into public nuisance on account of excessive noise. Mr Earley's response was to counteract these investigations by making spurious complaints about noise from church bells, noise from people clapping for the NHS each week and noise from tree felling from an unknown location.

For the above reasons I object to this application.

Adam Dracott

Team Leader – Environmental Protection

**From:** [Adam Dracott](#)  
**To:** [Jon Bryant](#)  
**Cc:** [licensing](#); [Yvonne Leddy](#); [Michael Bateman](#)  
**Subject:** RE: Representation The Fox  
**Date:** 17 September 2021 09:59:38  
**Attachments:**

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Hi Jon

I have considered the response from Ms Kacy to our representation. It is difficult to see how Mr Earley would not be intrinsically involved in the running of the pub and how he would not be a controlling influence in the management of the pub. So my representation stands.

Regards

Adam

Adam Dracott  
Team Leader – Environmental Protection

**Contact:** Jane Cooper  
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**Our Ref:** SR/19/4829  
**Your Ref:**

**Date:** 16 December 2019

Ms Kacy and Mr Earley  
The Fox  
Highbrook Lane  
West Hoathly  
East Grinstead  
West Sussex  
RH19 4PJ

Dear Ms Kacy and Mr Earley,

**Re: Alleged Noise Nuisance from The Fox, Highbrook Lane, West Hoathly, East Grinstead, West Sussex, RH19 4PJ.  
Environmental Protection Act 1990**

This department has recently received complaints alleging noise nuisance from loud music being played at your property. I am contacting you to make you aware that complaints have been received so that you can consider whether you may be causing a disturbance unknowingly.

For your information, it may be useful to know this Council's policy on noise complaints. Mid Sussex District Council is under a legal duty to investigate all complaints about noise. When a complaint is received: -

- The complainant completes a noise diary detailing the events that are causing disturbance to them.
- If further investigation is justified we may install noise monitoring equipment in the complainant's property to record the dates, times and sound levels of the alleged noise nuisance. Officers may also visit to assess the allegations.

If further investigation provides evidence that a statutory nuisance is being caused, then this Council is legally obliged to serve an Abatement Notice on the person responsible for the nuisance. Such notices can remain in force indefinitely. Any breach of the conditions of this Notice could result in prosecution in a magistrate's court and a fine upon summary conviction. The Council recognises that absolute quiet cannot be expected, but neither is there freedom to make as much noise as one pleases and will consider the balance of rights of all the individuals involved when deciding on the most appropriate course of action.

I strongly recommend that you to contact this department to discuss the current situation and therefore prevent the need for formal action.

Yours faithfully



Jane Cooper  
Environmental Protection Officer  
Environmental Protection

**Contact:** Mrs Jane Cooper  
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**Email:** [jane.cooper@midsussex.gov.uk](mailto:jane.cooper@midsussex.gov.uk)

**Our Ref:** SR/20/0053  
**Your Ref:**

**Date:** 16 January 2020

Mr T Earley  
The Fox  
Highbrook Lane  
West Hoathly  
West Sussex  
RH19 4PJ

Dear Mr Earley

**The Fox, Highbrook Lane, West Hoathly.  
Environmental Protection Act 1990**

I refer to our recent meeting to discuss noise issues relating to the Fox Public House. This department has received several complaints regarding disturbance caused by noise from customers using the outside area of the pub and due to loud music emanating from the premises, particularly late at night.

During our meeting you listened to sound recordings made in a neighbouring property and you agreed that in future you will monitor noise generated by customers using the pub's outside seating area together with music played on the premises, and to take necessary action to mitigate disturbance to neighbours. Should you decide to modify the premises to improve sound insulation and reduce noise break out, I would urge you to seek advice from a suitably qualified, independent acoustic consultant before carrying out any work.

As discussed, Mid Sussex District Council is under a legal duty to investigate all complaints concerning noise and is obliged to serve an Abatement Notice if the investigation provides evidence that a statutory nuisance is being caused. Such notices can remain in force indefinitely and any breach of the conditions of the Notice could result in prosecution in a magistrate's court and a fine upon summary conviction.

The Council wants to support local businesses and recognises that absolute quiet cannot be expected however, residents have the right to enjoy their properties. People living close to a pub might expect some level of disturbance created by customers when arriving or leaving the premises however, it would be unreasonable if arguing, shouting and music generated on the premises were audible inside people's homes. The Council will consider the balance of rights of all parties involved when deciding on the most appropriate course of action in the future. I hope that by bringing this matter to your attention, formal action be avoided.

Should you require further information or advice, please contact me.

Yours sincerely

Mrs Jane Cooper  
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Mid Sussex District Council  
Environmental Health  
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