

Licensing Act 2003
 Premises Licence - Summary

The Anchor 110 Ockford Road Godalming Surrey GU7 1RG	Licence number:	LN/000002233	
	Valid from:	23rd June 2009	
	Valid until		
	Telephone:	01483 424543	
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Provision of regulated entertainment:-			
Live Music and Facilities - anything similar	Monday - Saturday Sunday	11:00 12:00	00:00 23:00
Recorded Music	Monday - Thursday Friday and Saturday Sunday	11:00 11:00 12:00	00:00 01:00 23:00
Sale by Retail of Alcohol	Monday - Thursday Friday and Saturday Sunday	11:00 11:00 12:00	00:00 01:00 23:00
Non-standard Timings:	A further additional hour into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend. A further additional hour every Christmas Eve and Boxing Day. On 31st December to remain continuously open for live music through to permitted opening hours on 1st January.		

The opening hours of the premises:

Opening hours as for the sale of alcohol, closing 30 minutes after the sale of alcohol ceases

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:

 Punch Taverns Plc
 Jubilee House
 Second Avenue
 Burton Upon Trent
 Staffordshire
 DE14 2WF

Registered number of holder, for example company number, charity number (where applicable): 03752646

Name of designated premises supervisor where the premises licence authorises the supply of alcohol: Mr Jonathan Simon Berry

Whether access to the premises by children is restricted or prohibited: No restrictions

Licensing Act 2003
Premises Licence - Detail

The Anchor 110 Ockford Road Godalming Surrey GU7 1RG	Licence number: LN/000002233		
	Valid from: 23rd June 2009		
	Valid until:		
	Telephone: 01483 424543		
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Provision of regulated entertainment:-			
Live Music and Facilities - anything similar	Monday - Saturday Sunday	11:00 12:00	00:00 23:00
Recorded Music	Monday - Thursday Friday and Saturday Sunday	11:00 11:00 12:00	00:00 01:00 23:00
Sale by Retail of Alcohol	Monday - Thursday Friday and Saturday Sunday	11:00 11:00 12:00	00:00 01:00 23:00
Non-standard Timings:	<p>A further additional hour into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.</p> <p>A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.</p> <p>A further additional hour every Christmas Eve and Boxing Day. On 31st December to remain continuously open for live music through to permitted opening hours on 1st January.</p>		

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Registered number of holder, for example company number, charity number (where applicable):	03752646
Name of designated premises supervisor where the premises licence authorises the supply of alcohol:	Mr Jonathan Simon Berry
Whether access to the premises by children is restricted or prohibited:	No restrictions

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.

Annexe 2 – Conditions consistent with the operating schedule

Live Music	Monday	11:00 hours to 00:00 hours
	Tuesday	11:00 hours to 00:00 hours
	Wednesday	11:00 hours to 00:00 hours
	Thursday	11:00 hours to 00:00 hours
	Friday	11:00 hours to 00:00 hours
	Saturday	11:00 hours to 00:00 hours
	Sunday	12:00 hours to 23:00 hours

Further Detail

Live amplified/unamplified music.

Non-Standard Timing

A further additional hour into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.

A further additional hour every Christmas Eve and Boxing Day.

On 31st December to remain continuously open for live music through to permitted opening hours on 1st January.

Location of activity : Indoors

Recorded Music	Monday	11:00 hours to 00:00 hours
	Tuesday	11:00 hours to 00:00 hours
	Wednesday	11:00 hours to 00:00 hours
	Thursday	11:00 hours to 00:00 hours
	Friday	11:00 hours to 01:00 hours
	Saturday	11:00 hours to 01:00 hours
	Sunday	12:00 hours to 23:00 hours

Further Detail

Amplified recorded music ancillary to the sale of alcohol.

Non-Standard Timing

A further additional hour into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

On 31st December to remain continuously open for live music through to permitted opening hours on 1st January.

Location of activity : Indoors

Facilities - anything similar	Monday	11:00 hours to 00:00 hours
	Tuesday	11:00 hours to 00:00 hours
	Wednesday	11:00 hours to 00:00 hours
	Thursday	11:00 hours to 00:00 hours
	Friday	11:00 hours to 00:00 hours
	Saturday	11:00 hours to 00:00 hours
	Sunday	12:00 hours to 23:00 hours

Further Detail

Karaoke.

Non-Standard Timing

A further additional hour into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.

A further additional hour every Christmas Eve and Boxing Day.

On 31st December to remain continuously open for live music through to permitted opening hours on 1st January.

Location of activity : Indoors

Alcohol Sale or Supply	Monday	11:00 hours to 00:00 hours
	Tuesday	11:00 hours to 00:00 hours
	Wednesday	11:00 hours to 00:00 hours
	Thursday	11:00 hours to 00:00 hours
	Friday	11:00 hours to 01:00 hours
	Saturday	11:00 hours to 01:00 hours
	Sunday	12:00 hours to 23:00 hours

Further Detail

N/A

Non-Standard Timing

A further additional hour into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.

A further additional hour every Christmas Eve and Boxing Day.

On 31st December to remain continuously open for live music through to permitted opening hours on 1st January.

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

Designated Premises Supervisor

Name: Mr Jonathan Simon Berry

Address: Flat 2
Albany Chambers
21 High Street
Petersfield
Hampshire
GU32 3JT

Personal Licence Number (If known): 3815/05/00474/LAPERT

Issuing Licence authority (If known): Chichester District Council

Expiry date: 24/08/2005

Opening Hours	Monday	11:00 hours to 00:30 hours
	Tuesday	11:00 hours to 00:30 hours
	Wednesday	11:00 hours to 00:30 hours
	Thursday	11:00 hours to 00:30 hours
	Friday	11:00 hours to 01:30 hours
	Saturday	11:00 hours to 01:30 hours
	Sunday	12:00 hours to 23:30 hours

Further Detail

N/A

Non-Standard Timing

A further additional hour into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.

A further additional hour every Christmas Eve and Boxing Day.

On 31st December to remain continuously open for live music through to permitted opening hours on 1st January.

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.

One AWP machine situated in clear view of the bar for easy policing by staff.

One cigarette machine situated adjacent to the bar for easy policing by staff.

Children only allowed in the garden area if accompanied by an adult.

Staff trained in licensing law and refusal to serve process.

A refusal to serve log book to record any incidents.

ELEMENTS OF OPERATING SCHEDULE TO ADDRESS LICENSING OBJECTIVES:

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

A 30 minute "drinking up" time will allow appropriate dispersal, use of lavatories, etc.

In order to further the licensing objectives, the licensee shall reserve the right to move the fire appliances, AWP machines, cigarette machines and/or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

b) The prevention of crime and disorder

The pub shall provide lighting in the car park and garden area.

Staff shall check toilet and outside areas regularly.

Licensee's shall be members of Pubwatch.

Last entry to the pub shall be 23:00 every night.

c) Public Safety

The kitchen staff shall have health and hygiene certificates.

The premises shall have illuminated fire exit signage with directional arrows.

Fire fighting equipment shall be positioned throughout and maintained on a service contract.

d) The prevention of public nuisance

Windows to the front of the pub shall remain closed.

The premises shall have signage requesting customers respect local residents on departure.

Consumption of alcohol or licensable activities shall not take place in the garden or external drinking area after 23:00.

As requested by Surrey Police, the Licensee, when permitting customers to use the external areas after 23:00, shall ensure that alcohol is not consumed there, nor that any licensable activities take place in the external areas after 23:00. To this end, the Licensee shall undertake regular patrols of the external areas and display signs informing customers that alcohol shall not be taken outside after 23:00. The Licensee shall keep a logbook of details of any person who does not comply with this.

The kitchen extract shall not be used in the evening.

Amplified music shall be kept at a low level.

e) The protection of children from harm

The AWP machine shall be situated in clear view of the bar for easy policing by staff.

The cigarette machine shall be situated adjacent to the bar for easy policing by staff.

Children shall only be allowed in the garden area and if supervised by an adult.

Staff shall be trained in licensing law and refusal to serve process.

A refusal to serve log book shall be kept to record any incidents.

No striptease, nudity or showing of restricted films shall be allowed at any time on the premises.

Embedded Restrictions : On Licence – No Children's Certificate

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

N/A

Annexe 4 – Plans

Attached

WAVERLEY BOROUGH COUNCIL

LICENSING ACT 2003

NOTICE OF APPLICATION TO REVIEW A PREMISES
LICENCE

BAR ONE TEN (THE ANCHOR), 110 OCKFORD ROAD,
GODALMING, SURREY, GU7 1RG

NOTICE IS HEREBY GIVEN that an application has been made to the Licensing Authority of WAVERLEY BOROUGH COUNCIL for review of a premises licence under Section 51 of the Licensing Act 2003. Details of the grounds of the application for review of the licence are as follows:-

Mr Martin Clarke, the premises manager, and Mr Jonathan Simon Berry, the Designated Premises Supervisor, for Bar One Ten (The Anchor) have failed to comply with the Licensing Objective for the Prevention of Public Nuisance. The Review seeks to resolve the failure to exercise proper management and control over the terms of the premises licence and upholding the condition "Amplified music shall be kept at a low level" and the failure to promote the Licensing Objectives contained within the Licensing Act 2003.

Any responsible authority or interested party wishing to make representations on this matter must submit those representations in writing to Licensing Section, Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR by not later than **Thursday, 21st January 2010** stating the grounds on which the representation is made. Written representations may also be made by e-mail to: licensing@waverley.gov.uk.

Please note that it is an offence under Section 158 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application for review and any person making such a statement shall be liable, on summary conviction, to a fine not exceeding level five on the standard scale (currently £5,000).

Application for the review of a premises licence or club
premises certificate 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.

I IAN ELLIOTT

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Bar one 10 110 Oakford Road	
Post town GODALMING	Post code (if known) GU7 1RG
Name of premises licence holder or club holding club premises certificate (if known) NOT KNOWN	
Number of premises licence or club premises certificate (if known) NOT KNOWN	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

ELLIOTT

First names

IAN

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

25 GROVE ROAD

Post town

GODALMING

Post Code

GU7 1RE

Daytime contact telephone number

01483 424525

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

IAN MANNING
26 GROVE ROAD
GODALMING
SURREY GU7 1RE

Telephone number (if any)

E-mail address (optional)

* SEE ADDITIONAL NOTE & SPREADSHEET.

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

For the Bar to conform to its terms of their licence for "Amplified Music at Low Register"

7th	October	2009	Music volume could be heard over TV	Room double glazed
10th	"	"	"	"
14th	"	"	"	"
24th	"	"	still being played after 11pm	Trouble sleeping
HOLIDAYS				
14th	Nov	"	"	"
18th	Nov	"	continued until after 1 AM	"
25th	Nov	"	still playing 11:45	"
2nd	Dec	"	"	12:10
3rd	Dec	"	"	"
4th	Dec	"	Drums	"
5th	Dec	"	"	"
19th	Dec	"	"	still playing at 1:15 AM

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature SC Elliott

Date 23 December 2009

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

ADDENDUM TO APPLICATION FROM MR IAN MANNING

In addition:

I have lived in Grove Road for 6 years now and have always supported the Anchor as my regular local. Living in relatively close proximity to two pubs we realise we can expect to hear the occasional disturbance and accept this is normal given the nature of the business.

However, since its transformation from the 'Anchor' into 'Bar One Ten' and the subsequent introduction of regular live music events, the noise levels from these events is consistently excessive and disproportionate.

Almost every music event is literally broadcasted at deafening levels well beyond the confines/boundaries of the pub and is disruptive to the local neighbourhood.

I'm a musician, I work in the music industry, I support and encourage live music – but the regular noise and disturbance from Bar One Ten is just too much. The noise (and anticipation of) has driven me (and the majority of my neighbours) to such frustration that I loathe weekends spent in my own home now!

I used to drink regularly at the Anchor – and miss it, but like many other locals have chosen to boycott it since its transformation to a live music venue (you can't call it a pub anymore) and the apparent disregard for the local environment and its residents. Martin Clarke did try to redeem the pubs tatty reputation by attempting to give notice/make peace with his neighbours in a recent letter (dated 17th December) sadly its good intention was short-lived...

In my opinion, blame does not rest entirely on the pubs current landlord/tenant. The decision to originally grant the Anchor (Bar One Ten) a license to play live/recorded music was an ill-informed and wholly inappropriate one. A review of the licence is now needed, taking full consideration of the local residents, their concerns and our local environment.

Day	Date	Time	Description of noise	Notes	Action
Saturday	19/09/2009	21:00	Considerable noise from the start. Live music. Death metal/DNB. Got so bad I took video from bedroom window at 00:45 & took sound meter reading at between 88-95db through open window at the front of the house. Front door of pub open until 02:00. Noise continued right up until 03:30 and climaxed in an argument outside the front of the pub between bar staff & customers over non-payment of drinks. Could hear every word.	Woke our 1yr old up at 00:20. I got so tired of it in the end I went outside at half-three in the morning and told them all to shut up - they did. Another Death/Nu Metal type band. Truly excessive noise. Small attendance. Woke our 3yr old up at 22:00	Spoke to Paul Hughes to register my concerns.
Saturday	03/10/2009	20:50	Live music. Death metal. Excessive noise from drums and guitars.		Phoned Waverley out-of-hours at 20:50 to report nuisance. Spoke with Andy.
Saturday	10/10/2009	22:30	Live music. Death metal. Excessive noise from drums and guitars.		Phoned Waverley out-of-hours at 22:30 to report nuisance. Spoke with Alison.
Monday	26/10/2009	19:20	Live music. Death metal. Excessive noise from drums and guitars.	A new night for music. Probably due to half term. Loads of teenagers. Woke our 3yr old up at 21:10	Phoned Waverley out-of-hours at 21:20 to report nuisance.
Tuesday	27/10/2009	19:20	Live music. Death metal. Excessive noise from drums and guitars. Recorded music played through PA system.	Early start tonight. Half term week so probably a college band. Noise clearly audible inside the front of our house with the double glazing closed.	Phoned Waverley out-of-hours at 20:10 to report nuisance. Spoke with Sammy.
Saturday	31/10/2009	20:00	Moderate noise until 23:00 then got much louder until 01:13. Drum & bass type music accompanied by lightshow in pub - disco-esque but not in music choice.	Put up with noise. Went to bed but was woken at midnight and awake till music stopped. Pub leavers noisy.	
Saturday	07/11/2009	20:45	Live music. Rock. Excessive noise from drums and guitars.	Got progressively louder.	Phoned Waverley out-of-hours at 22:50 to report nuisance.
Saturday	21/11/2009	22:40	Audible dance music started getting progressively louder.	Noisy punters outside front of pub	Managed to sleep through, despite din. Didn't seem as bad as live rock music but still a pain.
Wednesday	25/11/2009	21:00	Live music, pretty loud.	Supposedly acoustic night, but PA and amps clearly in use and maxed-out. Excessive noise continued til just after midnight.	
Wednesday	02/12/2009	22:20	Live music, very loud between 21:30 & 22:45	Woke my 3yr old up at 22:20	
Friday	04/12/2009	20:30	Live DJ set in, specialising in drum and bass. You can hear the glass shake in the pub windows - seriously.	Started at 19:30. My two children under 4 took an hour to settle because of the noise. Make a complaint to Waverley out-of-hours straight away.	Phoned Waverley out-of-hours at 20:30 to report noise. Spoke and logged complaint with Mark.
			"Music" and bass level now intolerable. Both daughters woken. Group outside the front of the pub adding to the noise with their shouting.		Phoned Waverley out-of-hours for the second time tonight at 21:50. Spoke with Letitia.
			Noise eventually ceased		
Saturday	05/12/2009	22:20	Live music. Rock. Excessive noise from drums and guitars.		Phoned Waverley out-of-hours at 22:20. Spoke with Mark.
Saturday	19/12/2009	00:30	Live DJ set. Loads of intrusive bass-lines. Eventually stopped at 01:05.	Noticed they have installed some "white blinds" - no effect on reducing noise.	

noise from patrons gathering outside the public house resulted in late night noise and prevented local residents from sleeping. Complaints have been received either directly to the main council office or to the out of hours service. On the 14th November 2009 two officers of the Environmental Health Department monitored noise emanating from Bar One Ten. They observed noise between 23.05 hours and 23.35 hours. Loud noise was observed emanating from the premises where a live band was playing. Clear vocals, drum and base beats could be heard. Additionally loud voices, laughter and chatter from twenty patrons sitting outside the front of the premises added to the noise levels in the area. The Environmental Health Officers were of the opinion that the loud music emanating from the premises constituted a statutory noise nuisance. As a result of officers witnessing a statutory nuisance and in accordance with the Environmental Protection Act 1990, Bar One Ten was issued with an abatement notice requiring them to prevent the recurrence of a statutory noise nuisance. Additionally, a meeting was held at Bar One Ten on the 9th December 2009 with Mr Jonathan Berry the Designated Premises Supervisor and Mr Martin Clarke, the premises manager. Also present at this meeting were the Council's Licensing Manager, Mr Paul Hughes and Mr Peter Hathaway, the Surrey Police Waverley Licensing Officer. At this meeting, it was communicated to Mr Berry and Mr Clarke that in the opinion of Environmental Health, the noise emanating from the premises was too loud and causing disturbance to nearby residents. Advice on how to minimise noise was communicated, i.e. installation of a noise limiter device, insulation of windows and the simple measure of turning music down. Since this meeting, on the 20th December 2009, one complaint has been received about loud music causing disturbance.

In Summary:

Since September 2009 there have been eleven occasions that have been reported to Environmental Health from eight separate individuals as causing local residents distress, disturbance or concern regarding this premises.

Environmental Health have met with Bar One Ten management on the 9th December 2009 to advise them of concerns, and yet an event on the 20th December 2009 still resulted in complaint. The Premised Licence Holders and Designated Premises Supervisor have failed to adequately manage the premises on a number of occasions

3. Recommendation (with conditions if appropriate):

I therefore recommend the addition of the following conditions to be included on the Premises Licence:

1. A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises so that it will be inaudible at neighbouring properties;

2. Sound insulation shall be fitted to windows and unused external door in the room where music events take place to prevent the escape of noise;
3. An internal acoustic lobby shall be constructed to connect the external door used to access the premises and the room where music is played. Doors shall be kept closed during music events except for access and egress;
4. The external seating area to the front of the premises shall be closed at 22.30 hours.

Officer signature: Suzanne Robinson

Date: 19th January 2010

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Our Ref: 10378 WVC
Your Ref:

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

Insp. S. Dann
Waverley Borough Inspector

18th January 2010

Dear Sir,

I write in response to the application for the review of the Premises Licence at One 10 (Previously the Anchor) 110 Ockford Road, Godalming, Surrey.

The Current Designated Premises Supervisor, Mr Jonathan Berry, and manager, Mr Martin Clarke took over the management of the premises on 23rd June 2009.

On 22nd September 2009 the Police Licensing Officer visited the premises along with an officer from Waverley Borough Council Licensing Department.

Mr Berry and Mr Clarke were spoken to regarding a complaint of noise received by Waverley Borough Council on 14th September 2009.

They stated they were providing live entertainment on Saturday evenings and an open microphone evening on Wednesday evenings.

They were given advice to control the noise by limiting the volume and keeping doors and windows closed. They were also advised to limit the number of customers outside after a certain time and not allowing customers to take drinks outside after a certain time.

On 14th November 2009 police received a further complaint of noisy music from the premises and that people were drunk shouting and singing. The complainant stated that this is an ongoing problem every weekend.

As a result of this complaint the Police Licensing Officer visited the premises again on 9th December 2009 with an officer from Waverley Borough Council Licensing Department and two Environmental Health Officers. Mr Berry and Mr Clarke were given further advice regarding noise limiters and sound proofing of the premises and monitoring persons outside. A noise abatement notice was served on them by one of the Environmental Health Officers

On 21st December 2009 police were made aware of another complaint of noise received by Waverley Borough Council.

Surrey Police feel that there needs to be a restriction on the times when live or recorded music can be played and/or that conditions need to be imposed to control the noise. We would support any condition proposed by the Environmental Health Department.

Insp S Dann
Borough Inspector
Waverley

to:
licensing@waverley.gov.uk
13/01/2010 12:50
Show Details

Noise from Bar One Ten was excessive on a regular basis until well after midnight up until around 2 weeks ago. I registered an objection. For the last 2 weeks or so there has been a noticeable reduction in the deep base resonance that is so penetrating and travels certainly as far as our house in Grove Road. When "music" is being played in the Bar at an excessive level sleep, comfort and ease within our home is seriously disturbed.

Any licence granted carries responsibilities toward, in this case, the local community. The condition that "amplified music shall be kept at a low level" must be understood to mean that people's lives within the local community are not disturbed by such music. This evidently has not been so in the past.

Is it possible to guarantee it into the future? If not then the licence should be denied.

2

Re: Bar 110 (the Anchor)

licensing
15/01/2010 09:50
Show Details

Dear Sir/Madam,

I write in reply to a note delivered to [redacted] concerning the review of premises license (section 51, licensing act 2003) for bar 110.

My property is situated a little way behind the pub across the river Ock.

I have in the recent past had cause to complain to Waverley about the excessive noise from the pub. On this occasion, the music was so loud it woke my baby daughter who normally sleeps soundly. This was about 21:00. I can't remember if it was on a Friday or a Saturday night.

I approached the bar staff to request they turn the noise down but was met with the response "we have a license to play music 'till 1 o'clock"

I informed them that I didn't mind if they had a license to play music 24 hours a day providing it was at a sensible level.

I told the staff that my daughter had been awoken by their music and they told me it was there right to play music.

As I was getting nowhere, I left the premises and phoned the noise complaints telephone service.

During the week, there generally isn't any problem. It occurs at the weekends.

I have double glazing and good seals around windows and doors but music can still be heard.

The other two public venues nearby, the Inn on the lake and the Masonic lodge, thus far, haven't given any cause for concern and I know that they have hosted various parties in the past.

My worry is that if bar 110 continues unchecked, this coming summer when my neighbours and I use our gardens; the noise will be a major cause for concern.

If I can be of any further assistance, please don't hesitate to call me [redacted]

Regards,

[redacted]

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(3)

JAN 13th
Lee S. / madam

With ref to the complaints I made on DEC 7th to noise Annoys Waverley about the extremely loud music and late hours at Bar One Ten (The Anchor).

I hope they will not be able to resume once the review is over, especially during the summer when windows and doors are open and sound echoes down through the valley, as experienced in the past with previous owner/managers.

Everyone understands how difficult it is for Publicans at the moment and Bar One Ten had a bad start due to the upheaval whilst new gas pipes were laid, traffic lights weather etc.

But some thought for their neighbours would be appreciated.
Yours sincerely

NOTICE OF APPLICATION TO REVIEW A PREMISES LICENSE - BAR ONE TEN (THE ANCHOR)

4

[Redacted]

to:
'licensing@waverley.gov.uk'
19/01/2010 15:01

Cc:
[Redacted]

Show Details

[Redacted]

Licensing Section,
Waverley Borough Council,
Council Offices,
The Burys,
Godalming,
Surrey, GU7 1HR.

Dear Sirs,

**NOTICE OF APPLICATION TO REVIEW A PREMISES LICENCE
BAR ONE TEN (THE ANCHOR), 110 OCKFORD ROAD, GODALMING, SURREY, GU7 1RG**

With reference to the review of the premises licence, we would like to make the following comments:

We live adjacent to Bar One Ten (The Anchor) at [Redacted] and have done so for 24 years.

Whilst we are happy to see the premises used as a pub, we do find the frequent haphazard parking across our driveway a nuisance.

The music is far too loud and too late; it should have finished no later than 11pm and the volume policed.

Departure of patrons late at night is again intrusive and some restriction in closing hours is, in our opinion, necessary.

In summary therefore we are happy to see the premises continue as a pub subject to the above.

Yours faithfully,

[Redacted]

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Re Application to review a premises licence - Bar One Ten (The Anchor)

[REDACTED]
to:

licensing

21/01/2010 00:20

Show Details

5

Dear Sirs

I have been away for a few weeks and received the Notice of Application to Review a Premises Licence relating to Bar One Ten (The Anchor) in Ockford Road, Godalming, on my return, hence this late representation which I would be most grateful if you would take into account when reviewing the above licence.

I have lived next door to Bar One Ten (The Anchor) for 15 years during which time there have been intermittent problems of varying seriousness. I had hoped that the current owner was going to take a different approach to that of some of his predecessors when it came to running the pub as initially he appeared to be more interested in building up the restaurant side of the business and appealing to an older, and presumably quieter, clientele; he gave as his reason for changing the name of the pub his wish to disassociate himself with what had gone before. However, by the autumn these ideas had obviously changed and 'Open Mic' nights and 'Live and Loud' nights with local bands were introduced and it is the Live and Loud music evenings (usually held on Saturdays, sometimes Fridays) which have been causing problems. Although I live next door to the pub, I don't suffer from the full blast of the music, but instead the house resonates to the underlying 'beat', a monotonous, thudding sound from which there is no escape, especially in such a small house. The noise tends to start at about 8pm and to continue, getting louder as the evening progresses, virtually non-stop until midnight and, sometimes, beyond.

On warm evenings people spill out of the pub onto the decking at the front; the doors get left open and as a result the noise levels go up. Inevitably there is a lot of coming and going, cars block the pavement, car doors are slammed, conversations, arguments and mobile phone calls take place on the pavement outside the house. Other irritations include people urinating against the house and, on the following mornings, finding vomit near or outside the front door and beer bottles and smashed glasses lying around. No attempt appears to be made to contain the noise despite it being a residential area. I don't know what the situation was like over Christmas and the New Year as I was away, but since I have been back it has been eerily quiet.

I appreciate that this noise does not happen every night of the week and that times are difficult for pub owners at the moment, but given the area this particular pub is in, perhaps Live and Loud music is not an appropriate way to pull in the punters?

Yours sincerely

[REDACTED]

11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.4 Licensing authorities may not initiate their own reviews of premises licences. Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may however request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.5 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.6 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.7 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.8 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.
- 11.9 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

11.10 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

11.11 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
- representations considered by the licensing authority when the premises licence was first granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

11.12 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.

11.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.

11.14 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.16 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing

objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.17 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.18 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.19 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.21 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

11.22 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.23 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken

place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.24 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.25 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.26 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.27 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.28 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review: The determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.