



Licensing Act 2003
Premises Licence - Detail

The Merry Harriers Hambledon Road Hambledon Godalming Surrey GU8 4DR	Licence number:	LN/000001754	
	Valid from:	13th November 2008	
	Valid until:		
	Telephone:	01428 682883	
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:-			
Plays (summer only)	Saturday	19:30	22:00
Live Music (once a month)	Saturday	19:30	00:00
Recorded Music	Monday - Thursday	11:00	23:00
	Friday and Saturday	11:00	00:00
	Sunday	12:00	23:00
Sale by Retail of Alcohol	Monday - Thursday	11:00	23:00
	Friday and Saturday	11:00	00:00
	Sunday	12:00	23:00
Non-standard Timings:	Good Friday 1200-2230. 1st May 0700-2300. Christmas Eve 1100-0000. Christmas Day 1200-1500 and 1900-2230. Boxing Day 1100-0000. 27th December 1100-0000. New Year's Eve 1100-0400 New Year's day.		

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:

Mrs Julie May Stoneley
 Parkhurst Cottage
 Jobsons Lane
 Haslemere
 Surrey
 GU27 3BY

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

N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol: Mrs Julie May Stoneley

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

Plays	Monday	-
	Tuesday	-
	Wednesday	-
	Thursday	-
	Friday	-
	Saturday	19:30 hours to 22:00 hours
	Sunday	-

Further Detail

Occasional plays during summer evenings.

Non-Standard Timing

Summer only.

Location of activity : Outdoors

Live Music	Monday	-
	Tuesday	-
	Wednesday	-
	Thursday	-
	Friday	-
	Saturday	19:30 hours to 00:00 hours
	Sunday	-

Further Detail

Live music on last Saturday of each month.

Non-Standard Timing

N/A

Location of activity : Indoors

Recorded Music	Monday	11:00 hours to 23:00 hours
	Tuesday	11:00 hours to 23:00 hours
	Wednesday	11:00 hours to 23:00 hours
	Thursday	11:00 hours to 23:00 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

N/A

Non-Standard Timing

Good Friday 1200-2230.
Christmas Eve 1100-0000.
Christmas Day 1200-1500 and 1900-2230.
Boxing Day 1100-0000.
27th December 1100-0000.
New Year's Eve 1100-0400 New Year's Day.

Location of activity : Indoors

Alcohol Sale or Supply	Monday	11:00 hours to 23:00 hours
	Tuesday	11:00 hours to 23:00 hours
	Wednesday	11:00 hours to 23:00 hours
	Thursday	11:00 hours to 23:00 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

N/A

Non-Standard Timing

Good Friday 1200-2230.
1st May 0700-2300.
Christmas Eve 1100-0000.
Christmas Day 1200-1500 and 1900-2230.
Boxing Day 1100-0000.
27th December 1100-0000.
New Year's Eve 1100-0400 New Year's Day.

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

Designated Premises Supervisor

Name: Mrs Julie May Stoneley

Address: Parkhurst Cottage
Jobsons Lane
Haslemere
Surrey
GU27 3BY

Personal Licence Number (If known): WAV2008PER/0767

Issuing Licence authority (If known): Waverley Borough Council

Expiry date: 16/03/2018

Opening Hours	Monday	11:00 hours to 23:00 hours
	Tuesday	11:00 hours to 23:00 hours
	Wednesday	11:00 hours to 23:00 hours
	Thursday	11:00 hours to 23:00 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

N/A

Non-Standard Timing

Until 0100 on last Saturday of each month.
Good Friday 1200-2230.
1st May 0700-2300.
Christmas Eve 1100-0000.
Christmas Day 1200-1500 and 1900-2230.
Boxing Day 1100-0000.
27th December 1100-0000.
New Year's Eve 1100-0400 New Year's Day.

ELEMENTS OF OPERATING SCHEDULE TO ADDRESS LICENSING OBJECTIVES:

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

The premises shall continue to operate in sympathy with its local residents and provide an appropriate amenity for the village.
Staff shall be trained in all aspects of the sale of alcohol and written records kept.

b) The prevention of crime and disorder

The premises shall continue to operate in sympathy with its local residents and provide an appropriate amenity for the village and in conjunction with the Pub Watch Scheme.
Staff shall be trained in all aspects of the sale of alcohol and written records kept.

c) Public Safety

The licensee shall ensure that areas are well lit, obstacles removed during music performances and admission for music performances shall be by ticket only to restrict numbers for more popular acts.

d) The prevention of public nuisance

The licensee shall liaise with their neighbours and the Parish Council to ensure that noise and parking issues are managed effectively.

All windows and doors shall be kept closed during performances, except for access and egress and further insulation against noise shall be added by the use of heavy drapes at the windows.

e) The protection of children from harm

The premises shall operate a "Challenge 21" Policy and shall only accept passport, photo driving licence or ID cards bearing the PASS hologram as forms of identification.

Embedded Restrictions : On Licence – No Children's Certificate

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means those hours stated above.

Restrictions

The above restrictions do not prohibit:

- a) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) 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;
- e) the taking of alcohol from the premises by a person residing there; or
- f) 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
- g) 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.

Conditions agreed with the Environmental Health Section:-

1. Live music shall be restricted only to the room located to the right hand side of the bar (as viewed facing the front of the public house).
2. All doors and windows shall be kept closed at all times whilst music is being played
3. The playing of music shall cease at 00:00 hours or earlier, in accordance with the licensed hours.

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

THE MERRY HARRIERS, HAMBLEDON ROAD,
HAMBLEDON, GODALMING, SURREY, GU8 4DR

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:-

Mrs Julie May Stoneley is the licence holder and the Designated Premises Supervisor for The Merry Harriers. Mrs Stoneley has failed to comply with the Licensing Objective relating to Prevention of Public Nuisance. The Review seeks to resolve the failure to promote the Licensing Objective contained within the Licensing Act 2003.

Any responsible authority or interested party wishing to make representations on this matter/matters relating to the four licensing objectives of the Licensing Act 2003 must submit those representations in writing to Licensing Section, Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR by not later than Tuesday, **31st August 2010** stating the grounds on which the representation is made. Written representations may also be made by e-mail to: licensing@waverley.gov.uk. The application papers may be viewed by appointment at the Council Offices.

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 Julie Gregory of Waverley Borough Council

(Insert name of applicant)

apply for the review of a premises licence under section 51 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 The Merry Harriers Hambleton Road Hambleton	
Post town Nr Godalming, Surrey	Post code (if known) GU8 4DR

Name of premises licence holder or club holding club premises certificate (if known) Mrs Julie May Stoneley

Number of premises licence or club premises certificate (if 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

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Julie Gregory Environmental Health Service Waverley Borough Council The Burys Godalming Surrey GU7 1HR
Telephone number (if any) 01483 523530
E-mail address (optional) julie.gregory@waverley.gov.uk

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)

Waverley Borough Council seeks to review the Premises Licence for The Merry Harriers to resolve the noise nuisance endured by the complainant. Mrs Julie Stoneley has failed to comply with Licensing Objective number 3, the Prevention of Public Nuisance as well as the Noise Abatement Notice served upon her under the Environmental Protection Act 1990.

The current operators of the premises have held the licence at The Merry Harriers, Hambledon Road, Hambledon since 25th July 2008.

The Licence permits indoor recorded music from 11am until midnight on Fridays and Saturdays and until 23.00 on Sundays to Thursdays.

Live music is allowed from 19.30 until midnight on Saturdays indoors and plays outdoors from 19.30 to 22.00 on Saturdays.

The pub also benefits from the Temporary Events regime and such events are often held outside.

Since December 2009 we:

received a complaint about excessive noise

served an Abatement Notice, on 6th April 2010

Corresponded and met with the operators of The Merry Harriers but still the complaint continues

witnessed a breach of the above Notice on 10th and 16th July 2010.

Please provide as much information as possible to support the application
(please read guidance note 2)

The Merry Harriers is situated in the village of Hambledon which is on the outskirts of Godalming.

In May 2009 the Council received a call from a neighbour of the Merry Harriers Pub requesting advice about noise from the licensed premises. At that stage they did not want to make too much fuss and so did not formalise their complaint. However, on the 8th December 2009 the complainant telephoned the Environmental Health department again. This time they made a formal complaint about noise from the pub, stating that since their previous call they had experienced very loud noise from music events at the pub every last Saturday in each month.

A letter was written to the pub advising that the Council was in receipt of complaints and would undertake monitoring. In response, the pub wrote to the Council inviting us to monitor their next event would be February 27th 2010.

On 27th February officers visited the complainants property. Their assessment revealed that music could be heard in the garden of the neighbour but not inside the house. The complainant confirmed that the noise was somewhat less than that previously experienced, but that if the noise remained at this level, she was happy. Officers made contact with Mr Stoneley on 2nd March 2010 and advised that if music stayed at that level then the complainant was happy. He commented that he felt all events were like that anyway and that maybe some bands were noisier than others.

On 27th March 2010 officers visited the complainant at 22.33 hours. The music was excessively loud with the words to songs being clearly heard in the bedroom at the complainants property. Officers were of the opinion that the noise would prevent someone sleeping in the complainants property and therefore deemed it to be a Statutory Nuisance.

On 6th April 2010 two officers from Environmental Health, the Licensing Officer from Waverley Borough Council and Police Licensing Officer visited Mr & Mrs Stoneley. Mr & Mrs Stoneley said they did not want to cause a nuisance although they are of the opinion that the complainants do not want to 'fit in to village life'. They claimed that the pub had been there for years and the complainant knew they were buying a property next to a pub and should expect some noise. At this meeting Mr & Mrs Stoneley were served with an abatement notice in respect of events on the 27th March 2010. They advised us that they were looking into getting Acoustic Barriers for the windows and french doors at the rear of the premise. Officers also advised them to consider the installation of a noise limiter. Officers asked Mr & Mrs Stoneley about the up and coming events they had planning involving music. They confirmed that they wanted to have amplified music in the garden through the summer. Due to the close proximity of the pub garden to neighbouring residential properties, officers advised that this could cause problems and reminded them that the notice served upon them should not be breached.

On 26th April 2010 the complainant called the Council to say that they had experienced very loud music again on Saturday night.

On 1st June 2010 the complainant called the Council again to say that the pub was now playing loud opera music and that this was the third Sunday in a row that loud opera music had been played. They also stated that loud amplified music had again been played on Saturday evening as well.

On 9th June 2010 officers visited Mr & Mrs Stoneley to assess what equipment had

been installed as a result of being issued with the abatement notice. Officers were shown some acoustic barriers which were wrapped in sheets and stored in a shed at the side of the pub. These were designed to fit in front of the french windows at the back of the room where bands are commonly located. Officers were not able to assess how well the barriers would perform and what attenuation they would provide as there was not music playing at the time. There was no evidence to demonstrate that the barriers had been used as yet. Mr Stoneley confirmed that they are attached by screws, but there was no evidence of any screw holes or fixings. Officers were shown a noise limiter that had been installed. Mr & Mrs Stoneley were unsure of how the limiter worked. Advice was given to Mr & Mrs Stoneley to assess noise at their boundary to ensure that the limiter was controlling noise sufficiently. They were again reminded that noise monitoring was being undertaken.

On 1st July 2010, the Council Environmental Health Department started to receive lots of letters in support of the Merry Harriers. The letters were mostly of the same format and wording but a few were written independently.

On 9th July, Norsonic 140 recording equipment was installed in the complainant's house. Assessment of the recordings confirmed that excessively loud music was emitted from the pub intermittently between 18.56 hours and 22.37 hours.

On 16th July 2010 officers visited the complainants property out of hours. Music from the Merry Harriers was clearly heard at the property boundary and continued to be very loud from within the living room located on the opposite side of the house to the pub. The source of the noise was a live band in the garden. All doors and windows were closed and double glazed. The music was very intrusive during normal conversation. When the television was on, even at a loud level, music was still clearly heard over the tv. During songs, words were clearly heard along with vibration from bass. Officers also listened to music from other areas of the house, including the spare bedroom. The music was so loud it could not be reasonably expected that someone could sleep in the room, even with the windows closed.

Officers could hear low level 'people' noise from within property after this time and they left the house at 23.07. People noise fairly was loud outside property - laughing, shouting and talking.

Officers deemed the music from the band to be another breach of the statutory nuisance Abatement Notice.

On 21st July 2010 a letter was sent to The Merry Harriers to inform them of the breaches to the notice and our intention to call a review of their licence.

On 24th July 2010 officers again visited the complainant but could not hear any music. People in the garden of the pub could be heard, but no music.

In summary:

The Council's Environmental Health Service have tried to work with the operators of the Merry Harriers Public House, but the obtrusive noise is still occurring.

An Abatement Notice has been served.

A Breach of the Notice has been witnessed twice.

The Designated Premises Supervisor has failed to adequately manage the premises. The premises is unsuitable for uncontrolled music and this activity should be stopped.

We therefore request:

that the DPS is removed from the licence due to the problems arising out of poor management; and that the licence conditions be modified to:-

- i) expressly forbid the activities of live music, recorded music, or those of a similar nature, at any time in the outside of the premises; and
- ii) require the use of noise insulation and a noise limiter to prevent audibility of internal music beyond the premises boundary.

Environmental Health Officers have not at this time excluded the option of pursuing formal action through the Courts in respect of the perceived breaches of the Abatement Notice; however, the outcome of this Review and any measures adopted as a result, will be taken into account when considering the options available.

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



Date

3 Aug 2010

Capacity

Env. Protection - Team Leader.

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.



Mary Orton – Chief Executive
Waverley Borough Council, Council Offices,
The Burys, Godalming, Surrey, GU7 1HR
Tel 01483 523333 www.waverley.gov.uk

Mrs Julie Stoneley
The Merry Harriers
Hambledon Road
Hambledon
Godalming
Surrey
GU8 4DR

Rob Anderton
Head of Environmental Services

When calling please ask for:

Direct line: 01483 523530

Calls may be recorded for training or monitoring

E-mail: julie.gregory@waverley.gov.uk

Your ref:

Our ref:

Date : 10 September 2010

Dear Mrs Stoneley

Licensing Act 2003 – Review of Premises Licence at The Merry Harriers Public House.

Further to the Environmental Health Department's review application in respect of the Premises Licence at The Merry Harriers Public House, the following information is provided for reasons of clarity and to provide an update regarding the ongoing investigation of public nuisance at this premises. The majority of the information provided you will of already seen within the review application. However, there are recent additions and amendments, including the summary and recommendation.

If you would like to discuss these matters or have proposals of your own, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "J. Gregory".

Julie Gregory
Environmental Health Technical Officer

c.c. Mr Paul Hughes

The basis of the application is that Mrs Julia Stoneley (the licensee) has failed to comply with Licensing Objective number 3, "the Prevention of Public Nuisance".

The current operators of the premises have held the licence at The Merry Harriers, Hambledon Road, Hambledon since 25 July 2008. The Licence permits indoor recorded music from 11am until midnight on Fridays and Saturdays and until 23.00 Sundays to Thursdays (12noon start on Sundays). Live music is allowed from 19.30 until midnight on the last Saturday of the month. Live and recorded music is indoors only but plays outdoors from 19.30 to 22.00 on Sundays.

The pub also utilises the Temporary Events regime to host external events. The pub is located in the rural hamlet of Hambledon. It has a small number of residential properties positioned to each side. Background noise levels in the vicinity of the pub are very low. A map locating the premises is attached. The topography of the site is such that the rear garden serving the pub is raised. This brings it level with the first floor of the property neighbouring it to the north west.

The Council has received complaints regarding noise from music at the premises. The complaints have related to both events covered by the Premises Licence which is the subject of this review and Temporary Event Notices which are outside the review process and will be dealt with by provisions contained within the Environmental Protection Act 1990 to deal with statutory noise nuisance.

A chronology of the Council's investigation into noise complaints is as follows:-

In May 2009, the Council received a call from the owner of the residential dwelling next to the pub requesting advice about noise from licensed premises. At this stage the complainant said that they did not wish to make too much fuss and so did not formalise their complaint. However, on the 8th December 2009 the complainant telephoned the Environmental Health department again. This time they made a formal complaint about noise from the pub, stating that since their previous call they had experienced very loud noise from music events at the pub, usually the last Saturday in each month.

A letter was written to the licence holder advising that the Council was in receipt of complaints and would undertake monitoring. In response, the licence holder wrote to the Council inviting us to monitor their next event on February 27, 2010.

On 27 February 2010, officers visited the complainants property to make observations: Music covered by the licence was playing within the Merry Harriers. The officers' assessment revealed that music could be heard in the garden of the neighbouring dwelling but not inside the house. The complainant confirmed that the noise was somewhat less than that previously experienced, and that if the noise remained at this level, they were happy. Officers made contact with Mr Stoneley on 2 March 2010 and advised that if music stayed at the level observed then the complainant was happy. He commented that he felt all events were like that anyway and that maybe some bands were noisier than others.

However a month later, on 27 March 2010 officers visited the complainants property again. The music from a band within the Merry Harriers was excessively loud with the words to songs being clearly heard in the bedroom at the complainants property. The

time was 22.33 hours and officers were of the opinion that the noise would prevent someone sleeping in the complainants property and therefore deemed it to be a Statutory Nuisance under the provisions of the Environmental Protection Act 1990, as well as a public nuisance under the licensing objectives.

As a result on 6 April 2010 officers from the Council's Environmental Health Department, the Council's Licensing Officer and the Police Licensing Officer visited the pub and met with Mr & Mrs Stoneley. Mr & Mrs Stoneley said that they did not want to cause a nuisance, although they were of the opinion that the complainants do not want to 'fit into village life'. They claimed that the pub had been there for years and the complainant knew they were buying a property next to a pub and should expect some noise. At this meeting, Mr & Mrs Stoneley were served with an abatement notice in respect of the observations made on 27 March 2010. This required them to prevent a recurrence of the noise nuisance. They advised us that they were looking into getting Acoustic Barriers for the windows and French doors at the rear of the premises. Officers asked Mr & Mrs Stoneley about the up and coming events covered by temporary event notices planned that would include music. They confirmed that they were having some events in the garden through the summer that involved amplified music. Due to the close proximity of the pub garden to neighbouring residential properties, officers advised that this could cause problems and reminded them that the notice served upon them should not be breached.

On 9 April 2010 the Environmental Health Department received a letter from Mr & Mrs Stoneley to say that they were undertaking work to try to resolve noise problems.

On 14 April 2010, Officers wrote to Mr & Mrs Stoneley to request details and the specification of works undertaken at the pub to reduce noise escape. The letter also reminded Mr & Mrs Stoneley that the abatement notice that had been served previously covered all areas of the premises including the garden.

On 26 April 2010 the complainant called the Council to report that they had experienced very loud music again on the evening of Saturday 24 April 2010. This music was coming from inside the Merry Harriers. There was no temporary event notice in place and this event was covered by the premises licence. The complainant reported that the music was so loud in their property that it was impossible to settle down in the comfort of their own home. They couldn't watch the TV, read a book or do anything else that wasn't disturbed. They said that the situation had made them feel very upset and anxious and likened it to having somebody in your home all evening that you don't want to be there.

On 30 April 2010 sound recording equipment was installed into the complainant's property to record noise from the pub on Saturday 1 May 2010. The recordings confirmed that background noise levels jumped from 20dB at 19.00 hours prior to the event starting to 40dB during the event. An increase of 10dB in background noise level results in a doubling in the noise experienced by the receptor. Therefore, this increase was significant and likely to cause disturbance. A temporary event notice was in place for this date and the event appeared to be held in the rear garden of the pub.

On 21 May 2010 the complainant called the Council to report that on the afternoon of 16 May 2010 at approximately 15.00 hours loud recorded opera music was played at the

pub for over two hours. It was reported that the noise was so bad it could be heard on the opposite side of their garden to the pub and was so loud that they were unable to use the garden at all. No temporary event notice was in place on this date.

On 1 June 2010 the complainant called the Council again to report that the pub had played loud opera music on a further two Sunday afternoons, 23 and 30 May, but that the duration of the music had been less than the previous weekend. They also said that very loud music had been experienced coming from the pub on Saturday 29 May which had prevented again meant that that evening was disrupted by the noise. The complainant commented that the noise was having both direct and indirect implications. The direct implications were that they could not hear the TV, read a book, sleep or do anything in their home without the noise being heard. The indirect implications were that they could not invite friends and family round when the events were taking place next door or felt forced out of their home for the evening to avoid the stress of the situation. No temporary event notice was in force for this date at the Merry Harriers.

On 9th June 2010 officers visited The Merry Harriers to assess what equipment had been installed as a result of being issued with the abatement notice. Officers were shown some acoustic barriers which were wrapped in plastic sheets and stored in a shed at the side of the pub. These were designed to fit in front of the French windows at the back of the room where bands play. Officers were not able to assess how well the barriers would perform and what attenuation they would provide as there was no music playing at the time. There was no evidence to demonstrate that the barriers had been used as yet. Mr Stoneley confirmed that the barriers were attached by screws, but there was no evidence of any screw holes or fixings. Officers were shown a noise limiter that had been installed. Mr & Mrs Stoneley were unsure of how the limiter worked. Advice was given to Mr & Mrs Stoneley to assess the noise at their boundary to ensure that the limiter was controlling noise sufficiently. They were again reminded that noise monitoring was being undertaken.

On 1 July 2010 the Council's Environmental Health Department started to receive lots of letters in support of the Merry Harriers. The letters were mostly of the same formal and wording but a few were written independently.

On 9 July 2010, noise recording equipment was installed into the complainants house and was used to record noise on Saturday 10 July 2010. Assessment of the recordings confirmed that excessively loud music was emitted from the pub intermittently between 18.56 and 22.37 hours and that the noise would materially affect the use, comfort and enjoyment of the complainants in their home. The premises had a temporary event notice in place for this event.

On 16 July 2010 officers visited the complainant's property out of normal office hours. A temporary event notice was in force for this date. Music from the Merry Harriers was clearly heard at the property boundary upon arrival, and continued to be very loud after entering the property. The noise was very loud within the living room of the property which is located on the opposite side of the house to the pub. The source of the noise was a live band in the garden. Officers noted that the complainants property was fitted with modern double glazing and all external windows and doors were closed during observations. The music was very intrusive during normal conversation. When the television was on, even when set at a raised volume level, music was still clearly heard

over the TV. During songs, words were clearly distinguishable and vibration from bass was felt. Officers also listened to music from other areas of the house, including a bedroom. The music was so loud it could not be reasonably expected that someone could sleep in the room, even with the windows closed. Officers were of the opinion that the noise witnessed amounted to a statutory noise nuisance.

On 21 July 2010 a letter was sent to The Merry Harriers to inform that it was the Environmental Health Department's intention to apply for a review.

On 24 July 2010 officers again visited the complainants property out of hours to observe noise levels. No temporary event notice was in force. No music was audible.

On 28 July 2010 officers received a photograph from the complainant that showed the pub to have erected an A-board sign outside the pub saying 'Loud & Proud' which she felt was inflammatory.

On the 30 July 2010 the complainant contacted the Environmental Health Officer to inform that a music event was being advertised for the following day, 31 July 2010. No temporary event notice was in place for this date. The complainant later reported that they had had to go out in order to avoid the noise.

As a result of observations made by officers on the 10th and 16th July 2010, together with the evidence provided by the complainant regarding the events experienced and the effect of the public nuisance, on the 3 August 2010 a licence review application was submitted. Monitoring of the premises continued.

On 16 August 2010 the complainant contacted the Council again to report that the pub had had loud music the previous Saturday night (14 August 2010). A temporary event notice was in place on this date.

On 28 August 2010 officers' again visited the complainants property out of hours to observe noise levels. No temporary event notice was in force. Officers could hear music in the front garden of the complainants property but the level was low and acceptable. This confirmed to officers that noise from music played within The Merry Harriers premises could be effectively controlled. As a result, on 9 September officers of the Environmental Health Department contacted the Merry Harriers Pub to confirm the observation on 28 August 2010 had shown the pub to undertake a music event which had not resulted in a problem and to ask what control measures had been utilised as this event had clearly demonstrated that noise from within the premises could be controlled successfully. Officers spoke to Mr Stoneley who confirmed that noise insulation had been placed in front of the French windows at the rear of the room where the band were playing, and that the noise limiter was used. Mr Stoneley commented that the band that had played was one of the loudest that the pub hosts for entertainment.

In Summary:-

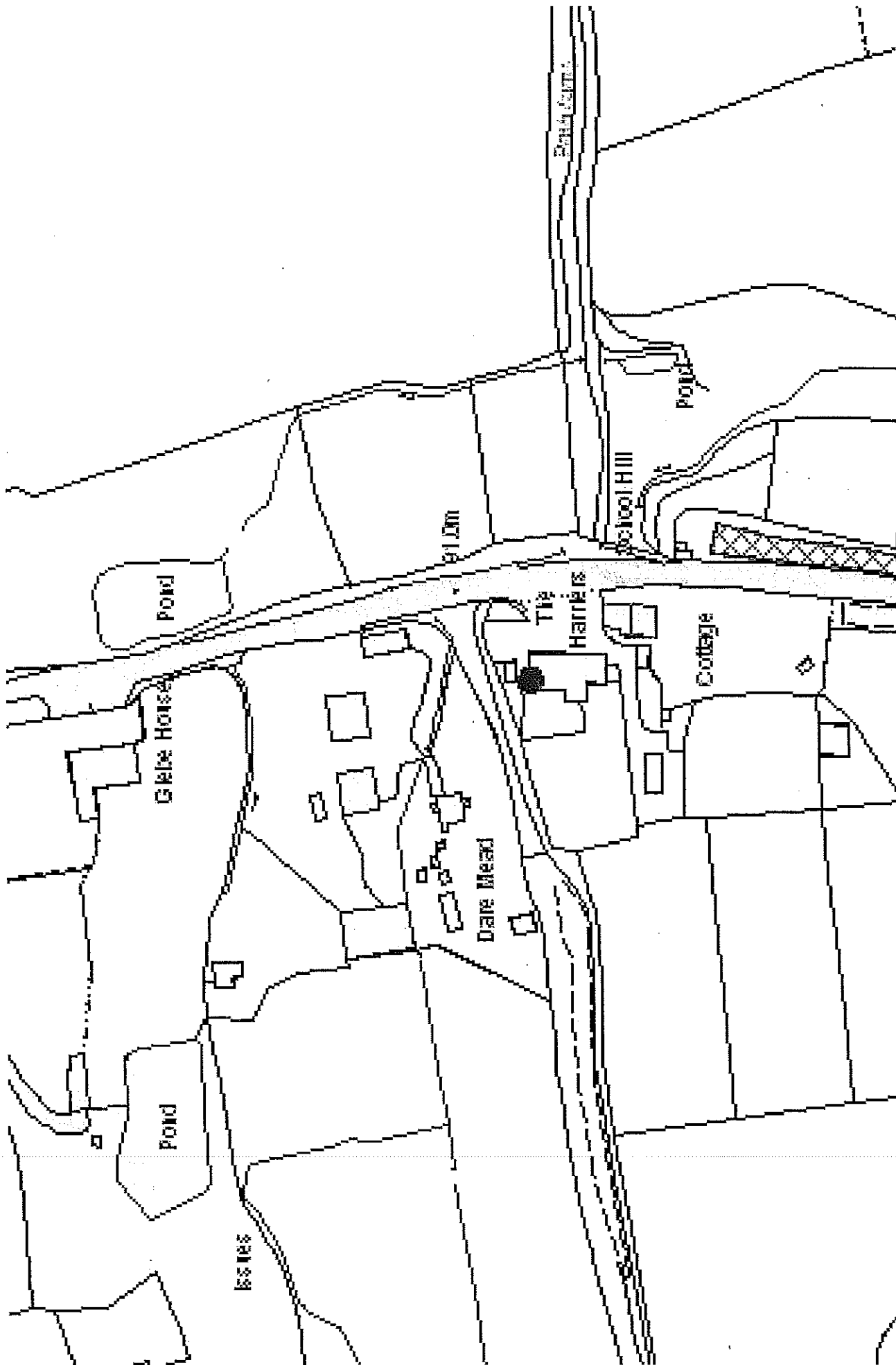
The Council's Environmental Health Service have investigated complaints of noise from The Merry Harriers Public House. Investigations have revealed that some of the events generating unreasonable noise are covered by the Premises Licence. The pub has implemented control measures which have had effect in reducing noise disturbance

from only some events. Unfortunately there has been an unwillingness from the DPS throughout this process to accept that there is a noise problem and to deal with it, and informal agreement methods for controlling noise have not been successful. As such the Environmental Health Department now seeks to review the premises licence and as such we request:

That the DPS is removed from the licence due to the problems arising out of poor management; and that the licence conditions be modified to:-

1. expressly forbid the activities of live music, recorded music, or those of a similar nature, at any time outside of the premises; and
2. require all windows and doors to be kept closed while music is being played; and
3. require noise insulation to be installed to prevent noise escape from the French windows and doors in the room where entertainment takes place;
4. require a noise limiter to be used so as to prevent nuisance from regulated activities at neighbouring residential premises.

Environmental Health Officers have not at this time excluded the option of pursuing formal action through the Courts in respect of the perceived breaches of the Abatement Notice; however, the outcome of this Review and any measures adopted as a result, will be taken into account when considering the options available.



②

8th August 2010

Dear Sir,

Re: Licensing Review of Merry Harriers Public House in Hambledon, Surrey

I understand that you are undertaking a review of the licence for the Merry Harriers giving particular attention to the live music licence. In the light of this I would like to register the views of my husband and myself who are village residents.

Since the Pub has been taken over by Julie and Colin Stoneleigh in the last two years there has been a marked improvement in the quality and performance of the village pub such that it is a pleasant place to eat and meet friends and also enjoy music. There is only one pub in the village and it is really important that it is financially viable and this can only be achieved by attracting a wider range of users than the 300 people who live in the village. As village residents we get the benefit of having a financially viable village pub when so many are going out of business. It would be a great loss to all of us if the pub could no longer afford to offer the range of services that it is currently offering the local community.

I think during difficult economic times we should be supporting entrepreneurship and not curtailing activities that generate jobs and services to local communities. I appreciate that Waverley Council have received noise complaints and that you have a duty to review the licence but it is really important to see the big picture rather than listen to 'nimbyism' from folk who make no contribution to village life. It is remarkable to me that individuals who have relatively recently bought a house next to a village pub are surprised that it is the centre of village life and are selfish enough to want to curtail its activities.

I am currently Chair of Governors at the local residential special school, St Dominic's at Mount Olivet, Hambledon and I can attest to the fact that Julie and Colin Stoneleigh have given generously of their time to the children at the school in relation to fundraising and providing positive educational experiences to the children with their Llama walks. They actively support village events such as the August charity cricket match, the village fete and the village Christmas party and have made a significant contribution to village life. Hambledon was voted as the best Surrey village in 2009 and the reason was community cohesion and networks. The Pub is central to this and we feel strongly that we should apply practical common sense to this licensing review when the clear majority of right-minded villagers want to support the Merry Harriers with its current licence intact.

Yours sincerely

③

to:
licensing
09/08/2010 08:27
Show Details

Dear Sir, Madame

Firstly, thank you for the opportunity to comment on the concern of 'noise levels' at the Merry Harriers, Hambledon.

I am a regular and in my experience the pub has always been managed responsibly and never generated excessive noise given the context. Through demand, bands do occasionally play at the pub. But this is only ~ 1 month. The winter events are less frequent and held internally. I might add, the bands are advertised in advance giving plenty of notice.

Over the last two years the pub has been dramatically improved. The new owners have worked hard, made significant investment, and increasingly support the local community. In all honesty any increase in noise levels is quite low considering the transformation and increased appeal.

To my mind this whole situation (the noise complaint) is analogous to someone buying a house under the flight path of an existing airport, and then complaining about aircraft flying too low!

In summary, stakeholders & interested parties need to get around the table and agree a plan and solution, a meeting the licensee has tried to organise on at least two occasions to my knowledge, rather than pursue this as a major noise issue which ultimately threatens the pub with a fine or worse.

This situation has got out of kilter and I think some adult conversations would solve it and stop what has all the hallmarks of a protracted dispute and a waste of everyone's time and money, including the councils.

I hope you find these comments useful.

Yours sincerely

⑤

Show Details

Dear Sir

I object to any such review the licence conditions. The owners of the Pub are doing a fantastic job, the request of any such review seems not only [REDACTED] but in my view is a waste of Council Tax Payers money. I have attended events at the Merry Harriers and licensee has always shown herself to be respectful of her neighbours and have done much in the few years, since they took over the Pub to not only improve the pub and its position at the heart of the community together with the Church, Village Shop and the Cricket Club, but employ local people, something which is so important in these difficult times. Any detrimental change in their licence will badly effect their business, and other people who rely upon this establishment for employment and community spirit.

I believe they stay sensibly within their licencing conditions and have taken probably expensive steps to mitigate any noise of enjoyment. Maybe those who object to such village life and community should reflect and acquire a sense of proportion considering the obvious benefits a pub like this brings to the local community.

I whole heartedly support the licensee and strongly object to any withdrawal of the licence. Please acknowledge this email.

Yours faithfully,

6

to:
licensing
10/08/2010 10:29
Show Details

Good morning ladies and gentlemen

I am writing in support of Colin and Julie Stoneley at The Merry Harriers.

I moved into Hambledon from London over 23 years ago. One of the central attractions to the village is that it has a shop (which had to be rescued by the village clubbing together and rallying round), it has a vibrant church (the same degree of village support enabled an extension recently which has added to its place in the heart of the village), and it has the pub (where both Colin and Julie have worked their socks off to improve its offering to the public, and I'm sure the villagers will also rally round). I think it is testament to the hard work of the owners that the business exists, and has evolved over the last two years since they took over to meet the needs of a wider audience.

The pub is much more than just a business. It is a vital glue which helps bind a community by offering a range of services to the whole population. It is a place where the football and cricket clubs hold their meetings, it hosts seasonal festivities which bring the crossover with the church community, especially at Christmas, as well as hosting a local Morris team who dance regularly. It has celebrated a wedding of local folk only a couple of weeks ago and this is an important part of village life unless you want to end up with a mere commuters dormitory village. It hosts live music events only once a month, so it in no way dominates its offering, but it does bring in a wide cross-section of ages, and is clearly an important revenue source which enables the business to perform other, pro bono, works. The occasional gratis keg has been provided for the village Christmas party, to the football club, and so on.

I know when Colin and Julie moved in, they made approaches to their immediate neighbours to talk about their aspirations, and plans to clean up the buildings, to offer llama trekking, and so on. They set a very clear standard of required behaviour from the start and, as a result, have not experienced any difficulties with customers or undesirable visitors which can happen when a pub changes hands. You have only to look at the back garden to see how much time and effort (not to mention, money) has been invested in providing a quiet relaxing area to enjoy food and drink, weather permitting. There is a defined area for children to play on equipment within parent's control, so the whole family can enjoy a visit to the pub. Most neighbours and other villagers are delighted to see the development of a wider, inclusive, offering, and are only too happy to support Colin and Julie by calling on the facility.

I was very disappointed to learn that someone close to the pub was making an objection to their activity. I do not know the people concerned, and I gather they have not chosen either to visit the pub in response to Colin's initial invitation, or on other occasions when invited. I do not know their names and have not met them in any other village setting. It really makes me wonder why they opted to buy a house next to a pub in a village if they did not intend to take a part in the life of the village. Clearly, the pub has been there a long time and it hardly hides itself away. I think the main point is that we are lucky to have a lively couple who have taken on a village pub in these challenging times. It would be a tragedy for the village if the views of one newcomer were allowed to spoil the enjoyment of the rest of the village by reducing its activities.

In short, whilst I recognise that everyone has a right to express their views, I do hope that no onerous restrictions will be imposed on the operation of the pub, which would clearly damage the viability of the business. In a short period since they took over, both Colin and Julie have invested time and energy in refreshing a tired old building run by previous folk whose hearts were not in the job. They have renewed the kitchen, enabling a good choice of food to be provided. They have improved the back garden immeasurably, so as to provide a safe area for the whole family to enjoy their visit. They encourage the local WAGS to meet there during the weekdays in addition to all the other village interest groups. It is really good to see people of all ages from the village supporting the pub. I believe their efforts to date need to be acknowledged and supported by the authorities as an essential part of the community of Hambledon residents.

Yours faithfully

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DATE: 11 AUG 2010	RECD
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ACK CODE:	B.C.
FILE #	licensing 2010

10th Aug '10

(7)

Dear Sir,
I should like to give support to the licensee at the "Merry Harriers" public house at Hambledon in her desire to continue with internal and external entertainment on the premises.

After years of decline and inactivity and prospect of closing this public house has once again become a proper village and - with

good beer and food and an imaginative and varied entertainment programme; always well publicised in advance and well managed during the event. These events are not excessive in number or over-lengthy; they are usually well-supported but no in-seemly behaviour has taken place.

The licensee has given great support to many village organisations and should be allowed to continue to do so.

Yours truly,

8

to:
licensing
11/08/2010 14:13
Show Details

I should like to comment in support of the Merry Harriers, having lived in the village for 30plus years.

A pub is one of the four major constituents of a village, together with the school, church and shop. These places are where villagers meet and socialise and keep the village alive.

The pub almost 'died' - The Stonelys have done an amazing job of revitalising it, and it is used by a complete cross-section of villagers, as well as visitors. They support village activities and charity events generously, and act as a meeting place for all. The Church carol evening is one of the best supported events!

Live music is a popular event - pubs have to be imaginative and organise different types of entertainment to attract custom to keep their business going. Clearly sound cannot be completely contained - but in my experience it is no louder than a party in a domestic house. I gather Mrs Stonely has gone to great lengths to minimise the escape of sound, and all events are very orderly and finish promptly. They also give a great deal of pleasure to those attending.

One event per month does not seem excessive.

It seems that the main complainant did not think before he purchased a house next to a pub - clearly there is going to be sound, if not from music then from people talking and possibly laughing, and from traffic. It bears comparison with the Football Club's application for a new club house - the complainants were all new to the village and had chosen to live opposite the football pitch.

I sincerely hope that Mrs Stonely's licence is granted.

(11)

of the Merry Harriers Public House, Hambledon, Surrey
to: licensing

11/08/2010 17:31

Cc: "juliestoneley"

Dear Sir or Madam

My husband Tony and I have lived in Hambledon since March 2008, having previously lived in the nearby village of Wormley for nine years. When we moved into Hambledon, the local pub, the Merry Harriers, was rather run-down and unloved and in the process of being sold. The sale finally went through in July 2010 when it was taken on by Julie and Colin Stoneley. From the moment they took the pub on, they began to make changes for the better and these changes are still ongoing over two years later. Among them, the introduction of their live music nights on the last Saturday of every month have proved very popular. When we lived in Wormley, we used to drink in the White Hart in Witley and we still know many of the regulars. Several of them are live music fans and they now look forward to coming over to the Merry Harriers for the live music Saturdays. They and we also enjoy the small number of other opportunities during the year to hear live music at the Merry Harriers including the annual reopening anniversary concerts, Merryfest and Ciderfest.

A group of us attended the second reopening anniversary concert in July this year which featured a Rolling Stones tribute band playing on a stage in the garden at the back of the pub. While this inevitably generated some noise, the band's speakers were angled away from local properties and the music finished shortly after 10.30pm. Had it gone on beyond midnight we would have felt some sympathy for the pub's neighbours but, as far as we can tell, Julie and Colin made every attempt to conclude the event at a reasonable hour and they succeeded in doing so. Similarly, we are aware that, since the initial complaint was made, Julie and Colin have made efforts to implement soundproofing measures in the area inside the pub where live music is played on a monthly basis.

We and our friends very much enjoy the live music nights at the pub and would be extremely disappointed if they ceased. We also understand that these nights make a significant contribution to the pub's revenue and their cancellation would have a severe impact on the pub's viability. The potential for this knock-on effect is very worrying. In the two years since Julie and Colin took over the Merry Harriers, their investment of time, effort and money has transformed it from a tired bar frequented by a handful of die-hard locals to a popular pub which is frequented by a wide variety of locals and visitors. The pub formed part of the village's success in being voted Surrey Village of the Year 2008-2009 as Julie and Colin are happy for locals to use it for meetings, carol concerts, etc. They also support a variety of local teams and functions and this support could be affected if they saw a significant drop in revenue or, even worse, felt unable to continue running the pub.

Whilst we would not like to be the victims of noise abuse ourselves, it seems odd to us for someone to move next to a pub and then expect to hear no noise from it. Provided the music nights are infrequent (as they are), the music ceases at a reasonable time (as it does in our experience) and all possible soundproofing efforts are made (as they have been), we think it is not unreasonable for the pub to be allowed to continue with its music nights. Certainly the majority of close neighbours appear to be happy with this arrangement and it would be a pity if one single complaint deprived pub-goers of the pleasure of live music and Julie and Colin of a substantial proportion of their revenue.

Accordingly, we would urge the licensing team to consider the views of the

majority of Hambledon residents who support what Julie and Colin are doing and to work with them to reach a sensible arrangement which allows them to retain their license.

Yours faithfully

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(13)

to:
licensing
11/08/2010 18:05
Show Details

Dear Licensing Team,

I write with regard to the forthcoming license review following [REDACTED] actions of one complainant in the village.

I attach my letter sent to Martin Shorten (to which I have not yet received a reply) and will attempt to avoid repetition. I do wish, however, to reiterate and emphasise the following points:

1/ The village pub has been restored as an integral part of village life after a long period of neglect. It is now, once again, a preferred place for meetings and recreation for village inhabitants. This is due entirely to the effort, enthusiasm and, not least, the investment of the current owners.

2/ The "nuisance" and "noise" are music. The music evenings are held just once a month and enjoyed by an audience which is predominantly local. Most acts are barely audible in close proximity outside the pub and certainly do not constitute a nuisance.

Most inhabitants of the village consider the following a nuisance:

The dawn collection of re-cycling. (albeit a necessary nuisance)

Drivers speeding through the village on their rat-run to Godalming.

40ft trucks negotiating their way through the village at the behest of sat-nav.

The plethora of light aircraft, helicopters and microlites that fly over the village every "quiet" Sunday afternoon.

Potholes. (Quiet, but certainly a nuisance)

3/ During each summer month it can be expected that at least one house in Hambledon will have a party outside, with live music - audible throughout at least 50% of the village depending upon its location. We must not forget functions held at the Golf Club which are also audible. Music, it seems, is popular. It is unlikely that any of these functions will receive complaints as they are considered a part of village life.

4/ THE COMPLAINANT PURCHASED A HOUSE ADJACENT TO A PUB. EVERYTHING THAT HAS SO FAR TAKEN PLACE AT THE PUB CAN BE REASONABLY EXPECTED TO TAKE PLACE AT A PUB. If the complainant was lead to believe or made an assumption that when the former owner chose a different career path, that the pub would close and that the value of his property might subsequently rise - then he was either mislead or mistaken and should not be allowed to pursue his aims through publicly funded bodies, particularly when he enjoys little or no local support for his complaint.

I really think such matters could or should be handled by the Parish council, swiftly and in the interest of village life. As a rate-payer I am sure that I would be confounded by the cost of the proceedings thus far. <<...>>

(17)

to:
licensing
11/08/2010 21:01
Show Details

Dear Sir/Madam

I was shocked to see a notice in The Merry Harriers from Waverly Borough council. I have lived in the village for 17 years and have lived at the Old Rectory which borders The Merry Harriers for over 11 years.

I can honestly say that I have never found any of the functions or events that Colin or Julie have organized to be a nuisance or intrusive at all.

I am amazed that the council is even taking the complaint from one household so seriously given that surely when you buy a house near to a pub you would expect the occasional noise.

Colin and Julie from The Merry Harriers have turned around what was a boozers den in to a friendly family place where children can play in the garden and adults are able to have a drink in the country and not be in a characterless pub of which there are so many.

I am prepared to come and talk to any one at the council if this is helpful as I feel that it important for the village to keep The Merry Harriers as it is and allow it to continue to support us all in the village.

I look forward to hearing from you and understanding further the reason why Waverly council have decided to take this action

Kind regards

Page 1 of 1

(20)

to:
licensing
12/08/2010 07:43
Cc:
merryharriers
Show Details

Dear Sir,

My family and I would like to record our support of the publican and his team at the Merry Harriers. We are residents of Hambledon (GU8 4DP) and have been hugely impressed by the effort and energy of the Stoneleys in re-vitalising the village pub. All that they do adds to a higher quality of services than we've ever seen before, and not only improves the lives of residents of the village, but also brings in an appreciative clientele from elsewhere.

I work in a local financial services business and am very pleased to have somewhere appropriate in our village to entertain clients and to hold small meetings.

They should not be drummed out of business.

Yours faithfully,

23

to:
licensing
12/08/2010 09:05
Cc:
"juliestoneley"
Show Details

Dear Sir / Madam

I am very disappointed to hear that you are conducting a licence review at the above premises on the grounds that the the licence holder has failed to prevent a public nuisance. Since the present licence holders took over the pub, they have vastly improved it, transforming it from a run down establishment frequented only by a hard core of local customers into a thriving community pub for people of all ages which both benefits and compliments the whole village and surrounding areas.

In the current economic climate businesses need to adapt to survive and by running occasional musical events (which also happen to be highly enjoyable and well organised) the licence holders are providing great entertainment for the local community, local people with jobs, and, I hope, themselves with a means of being able to operate profitably as a business. Anyone who puts as much time, effort and investment into taking over and building a business as the licence holders have done should be applauded and encouraged, rather than penalised. I myself am deeply saddened at the prospect of entrepreneurial spirit being snuffed out by small-mindedness and bureaucratic red tape, which in turn would have dire consequences for the local community.

I trust that common sense can be allowed to prevail.

Yours faithfully

London W1B 5SE |

ntended recipient
uter.

25

to:
licensing
12/08/2010 11:10
Show Details

Sir

I wish to support the landlord and landlady of the Merry Harriers in their effort to retain their music licence.

Before the present landlord and his wife bought the Merry Harriers, it like many other village pubs was dying. It is now thriving and providing an important part of the social life of the village. A friendly welcome is always assured.

The new owners always support village functions and activities and now we together with others wish to support them in their efforts to retain a music license.

I am assured by the landlord that every effort has already been made to reduce the likelihood of the music causing annoyance and it is worthy of note that of the houses in the immediate vicinity of the Merry Harriers the complaints have come from a single household.

Yours faithfully

30



Cc: "Merry Harriers"

12/08/2010 18:06

I understand there has been a complaint by one person about noise levels at the Merry Harriers and that, in consequence, the license is up for review.

The Merry Harriers is an integral part of the village and the present owners have breathed new life into it. Its extended - and licensed - range of activities mean that it now has something to offer for all the locals and the support for its many events is firm evidence of its overwhelming popularity. These should not be threatened just because of one person - if you are sensitive to noise, you should not go and live next door to a pub.

I strongly support the renewal of the license on its former terms and I hope that common sense will prevail both now and in the future.

35



Cc: merryharriers

13/08/2010 14:13

I run the Village Shop and have known the Stoneley's since they first came to the village. At that time the pub was dead and we were wondering about a village buy out. Fortunately that was not necessary, as they arrived together with the llamas. The pub is now transformed. It is vibrant, attracting a good class of patron, and benefits from the events which happen perhaps once a month. The villagers look forward to these events, and we are sure they help the business.

The council came to agreement over the conditions of noise at Busbridge Hall, further along the road with more immediate neighbours, and surely the same should be allowed at the Merry Harriers. It is not as if they even hold these events as much as once a week!

Also, I do wonder if the complainant has done anything himself to reduce the effects of noise. Closing windows, putting in double glazing, and even the occasional use of earplugs come to mind. After all, if you move next to a pub that has been in place for a long time you must expect some degree of disturbance.

Please work along with the Stoneleys. The village would be much poorer without them!

42



Cc: merryharriers

14/08/2010 12:08

Dear Sirs,

I write this e-mail in support of the licencees, Colin and Julie, and contrary to the objection(s) relating to alleged noise.

I have lived in Hambledon, with my wife and 3 children (now adult), for approximately 30 years. We live in a house, Shipton Hill, in the centre of the village, at the junction of Malthouse Lane and Woodlands Road.

Hambledon is well known as a pleasant village with a strong community which is involved in many activities. However, until the arrival of Colin and Julie, the village pub, the Merry Harriers, was notable disappointment. It had a very small clientele, provided basic facilities (at best) and many were unsure whether its promotional line "Warm beer, lousy food" was in jest or simply the truth.

This has all changed and the pub plays a vital social role in the village. It is well run with good food, excellent beer and it puts on a wide range of social activities (films, quizzes, music nights, wine-tastings etc). There has clearly been a large investment in money, time and effort, from Colin and Julie. It is now a thriving village pub.

As a particular example of its beneficial role I can inform you, as Organiser of the annual Village Flower, Fruit and Vegetable Show, a popular and well-supported event, that the pub provides sponsorship for the event, which is important to its continuance.

I have never been aware of any problem over noise. I cannot, and do not, believe that Colin and Julie run Special Events unreasonably or irresponsibly.

Yours sincerely,



464

WAVERLEY B.C.	
CHIEF EXECUTIVE'S OFFICE	
PRM	
DATE	17 AUG 2010
DATE ACK:	
PASS TO FOR ATTN:	
ACK CODE:	
FILE NO:	

En

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

Re: Review of premises licence for The Merry Harriers pub in Hambledon.

Dear Mr Hughes,

I understand from your colleagues in Waverley's Environmental Health Section that they have requested a review of the licence for *The Merry Harriers* pub in Hambledon. I live next door to *The Merry Harriers* and am grateful to you and to the Licensing Committee for providing me with the opportunity to make representations on this subject.

Background

I moved to *Daremead*, a detached house in Hambledon a half-dozen or so years ago. As you know, Hambledon is a small, quiet, and rather scattered village located in the Surrey Hills Area of Outstanding Natural Beauty. My first four years at *Daremead* were extremely peaceful: the quiet country pub next door made no intrusion on the lives of its neighbours and the licensees went out of their way to avoid causing any nuisance to those living nearby. Indeed, on the single occasion when the then landlord invited a band to perform at the pub, he first knocked on my door to apologize in advance for any noise. As it turned out, I didn't hear a thing: the

7

volume of the music was kept to a level where it did not travel beyond the pub's walls, yet those inside had a fabulous time and the landlord a profitable evening.

Nuisance neighbours

However, two years ago, our peace was destroyed by the arrival of the current licensees. Weekend after weekend, particularly in the summer, is blighted by the thumping base and shrill vocals of recorded music and live bands performing both inside and outside of the pub. At first, I spoke to the landlord to ask, very gently, whether he would mind turning the volume down a little. This suggestion was met with a flat rejection: "we've got a licence; we can make as much noise as we like" being the response. I tried a couple more times to reason with the landlord by telephone but was finally forced to contact the Environmental Health Section at Waverley Borough Council.

The Environmental Health Officers sought to work with the licensees to stop the nuisance but – despite your colleagues' best efforts – this was to no avail. The pub management were determined not to listen to them and, if anything, the noise got louder. Eventually, after gathering a good deal of evidence, the Council issued the pub with a noise abatement notice. I was hopeful that this step would put an end to the matter but I was to be disappointed. Since the issuing of the abatement notice, the noise nuisance from the pub has increased yet further, with the now familiar weekend bands supplemented by lunchtime recorded rap music or Sunday afternoon opera rattling the windows of my home.

The impact on my home life

As witnessed and recorded repeatedly by the Council's Environmental Health Officers, the noise from the pub is unbearable both inside and outside my home. When an event is taking place, it is nigh-on impossible to hold a normal conversation in my garden and one certainly cannot spend time there. Inside the house – despite recently installed double-glazing – things are little better. The television is inaudible except at its very highest volume, it is difficult to hold a conversation, and one certainly cannot sit quietly and read a book. An early night is, of course, out of the question as one ends up simply lying there listening to the din and feeling the vibrations travel through the furniture.

The constant nuisance caused by the pub under its current management has significantly affected my quality of life. I can no longer invite guests for dinner at the weekends in case the pub decides to make a racket, my young niece can no longer stay the night as she is kept awake by the noise, and I no longer like spending time in my own home because of the intrusive and offensive commotion which prevents me from enjoying my property.

The mala fides of the pub management

The current licensees have repeatedly demonstrated their unwillingness to stop (indeed, their delight in continuing) the nuisance they are causing on their property. They told me that "we've got a licence; we can make as much noise as we want"; they told Council Environmental Health Officers that "we're a pub so we can do what we like"; they have ignored repeated advice from Waverley Borough Council; they have reacted to the receipt of a noise abatement notice by further increasing their volume; and they met the news that their licence was to be reviewed with the erection of a sign at the front of the pub proclaiming themselves to be "Loud 'n' proud". The licensees revel in causing a public nuisance and they will not cease voluntarily.

Village topography

No doubt you will receive many letters from pub regulars in support of the pub management. However, these people do not live next door to *The Merry Harriers*: they visit it from Chiddingfold, or Hove, or elsewhere in the village. Even those pub regulars who actually live in Hambledon return to their homes afterwards and – as Hambledon straddles two small valleys – the bulk of the village is isolated from the pub's noise by the topography.

Living next door to a pub

When one lives near to a public house, one does not expect absolute silence: people laughing, glasses clinking and the occasional drunk shouting are all to be expected. None of us lives entirely separately from one's neighbours. However, in a quiet Surrey village, it cannot be fair for one to be required to suffer under a constant bombardment of nuisance noise.

A successful village business

The licensee will claim that the transformation of *The Merry Harriers* from village pub to bass-thumping music venue is a necessary step in order to ensure its commercial survival. This is nonsense. The pub management are entirely capable of continuing to run their business while keeping their noise within the confines of the pub building. Indeed, they have demonstrated this on two occasions when – warned of an impending visit by the Environmental Health team or the installation of noise-monitoring equipment – they uncharacteristically kept the volume of the entertainment to acceptable levels. I do not wish to see the pub closed; I simply would like this unreasonable nuisance noise to stop.

My plea to the Licensing Committee

My home life has become intolerable as a result of the unremitting and unreasonable nuisance noise produced by the current management of *The Merry Harriers*. That same management will not cease this nuisance without your intervention or that of the courts. Please use the opportunity offered by the licence review to step in and put a stop to this antisocial behaviour.

Yours sincerely,



Cc: "merryharriers@btconnect.com"

14/08/2010 21:46

45

I am writing to support the proprietors of the Merry Harriers Public House in Hambledon for all the work they do within the community and for running such a welcoming, friendly village pub.

We have lived in the area for 10 years and the changes that the current landlord has made are an incredible improvement on what was a very dismal place to socialise in.

I live mid way between the Merry Harriers and Clockhouse Barn Farm which applied for and has been granted status as a fully licensed venue. We have been disturbed on several occasions late in the night since this venue has been opened, many times having to close windows etc as we live in such a quiet area, but not once have we been disturbed by any social event being held at the pub.

The Merry Harriers not only welcomes its regulars but is also a welcoming site for many walkers/trekkers who want to make the most of this wonderful area. To take this away will not only affect the local community and change the village of Hambledon but have a wider impact on visitors to the area.

I strongly support the view that the Merry Harriers should be allowed to continue its services to the community.

Kind regards,

46



use, Hambledon

14/08/2010 21:50

Cc: merryharriers

I am are writing to support the proprietors of the Merry Harriers Public House in Hambledon for all the work they do within the community and for running such a welcoming, friendly village pub.

I have lived in the area for 10 years and the changes that the current landlord has made are an incredible improvement on what was a very dismal place to socialise in.

I live half way between the Merry Harriers and Clockhouse Barn Farm which applied for and has been granted status as a fully licensed venue. We have been disturbed on several occasions late in to the night since this venue has been opened, many times having to close windows etc as we live in such a quiet area, but not once have we been disturbed by any social event being held at the pub.

The Merry Harriers not only welcomes it's regulars but is also a welcoming site for many walkers/trekkers who want to make the most of this wonderful area. To take this away will not only affect the local community and change the village of Hambledon but have a wider impact on visitors to the area.

I strongly support the Merry Harriers and that it should be allowed to continue its services to the community.

Kind regards,

47



15/08/2010 12:52

To whom it may concern.

"The Merry Harriers", HAMBLEDON Surrey.

I am writing to support the publican, who has re-vitalised our village "pub" as a key feature for this exceptional village community. They have done a brilliant job and are very popular in the Village. I am astounded to hear that there has been any complaint and even more surprised to hear that the License is threatened. Please protect this Pub for the sake of a great majority of our people.

of

48



16/08/2010 12:05

To Whom It May Concern,

It has come to my attention that a spurious complaint has been lodged against the Merry Harriers in Hambledon. Please do not waste any of your valuable time or my valuable tax dollars by giving this complaint any consideration.

I have lived within one-mile of the Merry Harriers for ten years. During a down time in the economy the new owners have chosen to invest in this community and its long serving gathering spot. That cannot be understated. I can say without avail the "re-birth" of the Merry Harriers has been a solidifying force within the community and is now something that people in surrounding Villages point to Hambledon with envy.

Could there be sounds coming from the Merry Harriers on the odd occasion? Quite possibly but so too does one in Hambledon hear the sounds of the Petworth Music Festivals, Bonfire nights, balloons and airplanes. When you move to this area that is what you get the whole package of beauty as well as the occasional noise.

Please do not waste my hard earned tax money by entertaining such a frivolous complaint I think you have more important things to attend to like the dire state of our roads.

50



16/08/2010 12:30

Dear Sirs,

I understand you are dealing with a complaint regarding noise at the Merry Harriers in Hambledon.

I have lived within a short distance of the Merry Harriers for many years and have never been disturbed by any of their activities. The owners are keen to take part in the village community and are an asset to our village life. They have worked hard to make the Merry Harriers a viable village pub and should be supported in their efforts.

Yours faithfully,

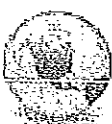
57



16/08/2010 14:49

Hambledon Village has won many Awards for the Best Kept Village, to which the Merry Harriers Pub has contributed emormously in adding to the quality of life for all who live here. It is worth looking in the Hambledon Parish Magazine tosee the huge ammount of work and effort that is put in to provide pleasant times for every age and stage of Hambledonians and we feel every effort should be made to help keep The Marry Harriers as a vibrant, thriving Village Pub.

55



Cc: merryharriers

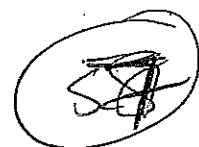
17/08/2010 10:44

I am aware of a noise complaint against the Merry Harriers pub in Hambledon. The present licensee has made great strides to improve the services/amenities provided. As the complainant lives very close to the pub I understand their unease but consider their complaint disproportionate as the music nights are infrequent.



Cc: merryharriers, huntj

17/08/2010 18:59



Dear Sir/Madam,

I am writing to express my concern about the threat to the Music licence at my local pub "The Merry Harriers". As I understand, one resident has complained about the noise level from the pub during its music nights. I believe that this is a totally unreasonable complaint since these events are infrequent, finish at a reasonable time and represent only a small proportion of the opening hours of the pub. The current landlords (Colin and Julie Stoneley) have been running the pub for two years now and have transformed it into a most pleasant and welcoming establishment, that is more popular than ever and is used by many residents in the village. Before they took over there was a real danger that the pub would close. This would have been a terrible shame since the pub acts as an important social hub for the village.

I am treasurer of the Hambledon Heritage Society, which has its committee meetings every two months at the pub. The aim of this organisation is to ensure that the heritage and environment of the village is protected for future generations. The village shop is kept open by volunteers since the residents consider that it is important for the cohesiveness of the village community that this facility is kept open. The same argument applies to the pub. The music events are very popular (the pub is always full for these) and go a long way towards making the pub a profitable business. I am sure that the overwhelming majority of village residents agree with my point of view that the current licensing arrangements should remain and wish to support Colin and Julie in their campaign to maintain the licence. Consequently I urge you not to take any action which could jeopardise the future viability of The Merry Harriers.

Yours sincerely,

17/08/2010 22:47

Cc: merryharriers

To whom it concerns:-

Having leaved in the village now for 12 years the Merry Harriers has always been the meeting place for the whole village. Hambledon is a very close net

community and villagers will not take kindly to these so called neighbours who just want to cause upset. Leaving next door to a pub you expect noise to a degree, but surely this is a consideration you have to make before moving? I hear rumours that they thought that the pub was going to be made into a house?? Complete rubbish, the x landlord sold the pub achieving his asking price as a business not as a property development.

This leads me on to Colin and Julie, they are simply the best, they have brought the whole village back into the pub with their fantastic quiz nights, superb food, charity events, llama trecks, book club and music evenings once a month!?

Julie and Colin have that magical ingredient running a pub that always makes you feel welcome and want to come back for more and more. Instead of reviewing their licence you should be looking into giving them an award for what they have done for the village of Hambledon.

This so called neighbour needs to get of his high horse and see what the pub has to offer, he might be presently surprised. If the neighbours hate music that much why can he not go out on that evening?? it is only once a month??

Hambledon love Colin & Julie and life would not be the same without them in the village..

Kind regards

SPAMfighter.
users fighting spam.
my spam emails to date.
<http://www.spamfighter.com/len>

ot have this message

No virus found in this outgoing message.
Checked by AVG - www.avg.com
Version: 8.5.441 / Virus Database: 271.1.1/3077 - Release Date: 08/17/10

bledon

18/08/2010 06:27

...m.com]

Dear Sir/Madam,

I would be grateful if you could take the following thoughts into consideration at the upcoming licensing review for the Merry Harriers.

* Hambledon is a village that is much envied for its communal spirit, and for good reason. Over the years, many balls, dinners and concerts and other events have been organized by the villagers, as part of this communal way of life. These events have always been resounding successes, leading to a great sense of belonging, for all the local inhabitants, and their friends. We take pride in the way that the Hambledon functions as a community, despite the pressures of 21st Century life.

* The arrival of Colin and Julie Stoneley has contributed immensely to the pleasure of living in a village that can survive as a community. They have turned the Merry Harriers into one of the cornerstones of village life, alongside the co-operative village shop, the church, and the various sports and social clubs. In fact all these organisations interact with each other much better, now that they have a facility where they can come together to eat, drink and socialize. The loss of this amenity would deal a very severe blow to the ability of Hambledon to maintain its identity as a village. Without the pub, there is a danger that Hambledon starts to become nothing more than a commuter suburb of Godalming and Guildford etc, which would be a tragedy.

* I can vouch first-hand for the fact that the pub's closest neighbours (excluding your complainant [redacted] [redacted] have absolutely no problem with any form of noise. My close friends at the Old Rectory simply do not hear the music at all, despite living in a property that adjoins the pub, and the same is true of all of the many locals with whom I have discussed this matter. Your enquiry is actually treated with incredulity by most villagers, and not just those who frequent the Merry Harriers.

* To cut a long story short, I am prepared to swear that I have yet to hear one word of complaint from anybody about any noise that has resulted from the music nights at the Merry Harriers. Nor have I ever found that the music nights have been disorderly, nor have they gone on later than is generally found acceptable. And the Merry Harriers is now universally accepted to have improved the quality of village life since the Stoneley's arrival.

* finally...The complaints of this one man seem very odd, and are universally disagreed with. Perhaps you should be asking him to keep the noise down instead.

Yours Sincerely



FW: Keeping music at the Merry Harriers
juliestoneley to: licensing

60

18/08/2010 06:37

Sent to incorrect email address.

Sent: 18 August 2010 06:33
To: licensing@waverley.co.uk
Cc: merryharriers@btconnect.com
Subject: Keeping music at the Merry Harriers

Licensing Section
Waverley Borough Council
The Burys
Godalming
GU7 1HR

18th August 2010

Dear Sirs

Licensing Review at the Merry Harriers, Hambledon

Is the 'pub the hub' or not? Of course it is and the wishes of the villagers (those who use it and those who don't) must be respected. Village shops, post offices and pubs are constantly under threat and struggle to survive.

This review is a needless white elephant, forced by a [REDACTED] individual with no idea of how communities such as ours work.

Leave the licence alone.

Yours faithfully

70

to:
licensing
30/08/2010 13:09
Cc:
merryharriers
Show Details

This is to register our dismay that a previously 'dead' local village pub that has been now turned around into a 'thriving' local village pub is under threat of closure due to some uncalled for interference by a single individual.

Please be very carefull in the handling of this situation and look at the greater community.

Many thanks

Regards

Rec'd 20/8/10 (72)

The pub had become very 'run down' and the owners seemed to have lost interest.

Surely some compromise can be made to correct this problem. A village without a pub is a 'dead' village

The pub also gives employment to some local inhabitants as well as being a good customer to the shop
Yours faithfully

20/8/2010

Dear Anthea,
My wife and I wish to support our village pub - the theory however. I understand someone has complained about the noise. If you buy a house next to a pub there is bound to be some inconvenience.

We have both been impressed with the improvements Mr Paul Stoney has made since she arrived. Before that

73

Licensing Section
Waverley Borough Council
The Burys
Godalming
GU7 1HR

20th August 2010

Dear Sirs

R.E The Merry Harriers , Hambledon Road , Hambledon , Surrey.

Following the complaint by 1 individual I am appalled that the Merry Harriers is now facing a Licensing review.

As some one who has lived all his 48 years in Hydestile ,the Merry Harriers has been our main source of contact with every body else from surrounding area for nearly 33 years.. Prior to the new owners taking over in 2008 the Pub was dead on its feet .Since the change in ownership there has been a transformation. It is now somewhere we look forward to going to , particularly when on once a month they provide live music, which to my knowledge no other individual has ever complained of being to noisy. If this facility was denied, I believe it would be grossly unfair on the new owners who have put so much effort and commitment into turning this pub around.

There does not seem to be a week go by, where some where in the country another pub closes. Our village has since acquired a thriving village pub that is enjoyed by many; it is not full of Lager Louts, Binge Drinkers, and Drug Dealers etc unlike many other so called Public Houses etc in nearby Towns.

Should the Individual concerned not thought that there may be a busy thriving Pub when they moved in not that long ago, or did they assume that it would probably close like so many others in recent years and be turned into a dwelling hence increasing the value of their property.

I believe and hope that common sense prevails and that this action goes no further following this licensing review.

Yours sincerely



Dear Sirs

As residents of Hambledon for 14 years we would like to write in support of The Merry Harriers public house.

The outstanding effort and hard work that the current owners of the pub have put in is remarkable. In the relatively short time that they have been in Hambledon they have transformed the pub into a warm and welcoming place and a real asset for the village to be proud of.

I understand that it must be very hard to live next door to a pub, especially on the nights that live music is scheduled. I assume that this is the issue under consideration. However, if one chooses to live next door to a pub, there are certain activities which one should expect to take place. It would be a travesty for the village to lose such a valuable resource and I would appeal to you to seek some kind of resolution and understanding between the parties concerned rather than withdraw the licence.

Yours sincerely

(78)

Page 1 of 1

to:
licensing
22/08/2010 13:40
Cc:
merryharriers
Show Details

Dear Sir

The Merry Harriers is everything a good local pub should be, welcoming and friendly, ideally balanced between offering an excellent eating experience and being a local drinkers pub for those wishing to pop in for a pint or a glass of wine and a chat with Colin and Julie. It has atmosphere and individuality unlike most tied pubs. It has been renovated and refreshed and as such has greatly improved and added to the look and feel of Hambledon village. It is an asset to be valued. I strongly support The Merry Harriers - Hambledon and the surrounding hamlets in the parish would be worse without it.

Yours faithfully

(79)

L

Dear Sirs,

I write regarding the proposed review of the music license for these premises on the ground of avoiding public nuisance.

This is puzzling, as to constitute a public nuisance whatever it is that is alleged to be causing the nuisance must 'endanger the life, health, property or comfort of the public'. It would appear that there is a single complainant here and that none of the other nearby properties have complained and neither has the wider community. Indeed, the wider community, including myself, are generally supportive of the activities of Colin and Julie Stoneley at the Merry Harriers and the contribution they are making to Hambledon life. On that basis, if there is any objection here it should be addressed at a private and not a public level and it follows that the review of the license is an inappropriate response.

The notice of review is odd; as I understand it, the licensing objectives under the 2003 Act and the duty to prevent a public nuisance apply to the licensing authority rather than the licensee. As there is no indication that any public nuisance is being caused, and private nuisance complaints are not the concern of the licensing authority, then it would appear that the authority is complying with its obligations under the licensing objectives and there is no need to review the license.

Clearly it is not in the interests of the village or of the Merry Harriers for the complainant to remain dissatisfied. It would make more sense to refer the whole issue to the Waverley Community Mediation Service which deals with the resolution of disputes between neighbours.

Yours faithfully

(21)

01483 423637

WAV	
PREP	
DA: 2	
DATE AT:	22 TH Aug 2010
PASS TO FOR ATTN:	
ACK. CODE:	
FILE No:	

RE THE MERRY HARRIS
HAMBLEDON

Dear Sir/Madam,

I write, re. the possible non-renewal of the pub license due to a complaint about excessive noise.

Since the Stonleighs took over what was a rather sad, tatty, and poorly used pub, it has become used by the majority of the village and beyond. I belong to the Hambledon Heritage Society, and we now have all our meetings in the pub, as it is now such a pleasant place to be.

My wife runs The Wednesday Afternoon Group in the village and are warmly welcomed in the pub for their afternoon teas!

We also all enjoy the odd music event at the pub, and can all still hear perfectly!! I find it absolutely staggering that just 1 complainer can possibly undo all the good that the Stonleighs have brought to our village, and suggest that whoever they are, a possible move to Dartmoor or perhaps The Dales might be an advantage to ^{P62} them, and us!

His Royal Highness The Prince of Wales
says = "THE PUB IS THE HUB"

So now that, after all these years,
the Stonebriars have given us a lovely
Pub, can they keep it please?

Yours Sincerely

87

Licensing Section
Waverley Borough Council
The Burys
Godalming
GU7 1HR

21st August 2010

Dear Sirs

Licence Review at the Merry Harriers

I share a boundary with the Merry Harriers and my property is closer to the pub than the complainant.

It has always been my understanding that it was the policy of Waverley Borough Council to support rural communities and keep pubs open. It appears I have been mistaken.

The treatment of the Merry Harriers, a pub much loved by the village and now, after many years of neglect, much used, can only be described as victimisation.

The pub must be allowed to continue with its current management and entertainment regime. The views of the vast majority of this community - many whose families here go back generations - must be heard above a single 'incoming' voice, the like of which have already ruined rural life in many places.

Yours faithfully

WAVERLEY B.C.	
CHIEF EXECUTIVE'S OFFICE	
PREP	
DATE	23 AUG 2010 REC'D
DRG	
PAGE 1	
FOR ATTN	
ACK. CODE	
FILE No	

43

To: licensing@waverly.gov.uk
 Cc: merryharriers@btconnect.com
 Sent: Monday, August 23, 2010 9:01 AM
 Subject: My Request to support...

Dear Licensing at Waverly Council.

It is my understanding, that a complaint within the village of Hambledon has arisen due to the occasional Live Music at The Merry HarriersI have been and seen a few bands perform there notably "HIPSLINKY" who were excellent and Colin and Julie were very fortunate to have a band who have played nationally, supporting the likes of the band.... ATHLETE...who have had critical success and a Number of hits....I Its a fantastic ,intimate venue for up and coming local Musicians..with brilliant car parking and well attended by locals and people from further a field by the looks of things when ive attended with out being over raucous or Two crowded as the size of the room will not allow and as the bands who play and The people who attend, want to enjoy their evening..and hear the lyrics !!...I believe the balance is just perfect....obviously when the Music has been outside in the summer months,like at The Beetles Tribute Band last Summer, who were excellent again, it will sound louder as does all music outside(And you want to hear some of the private parties that are held year in year out around and about Enton Hall in the big properties,And thats Sound Systems, usually followed by late night Fireworks That fraek my Dog out..!!..But thats another matter.) I feel strongly that as this may only be once a month and that a " Bands Set" is usually at the longest an hour and a half or if it is broken into two halves...probably two hour's max . Then it would be an utter shame if a license was revoked on a mere single complaint...

Secondly in these harsh times of Recession..and seeing Rural business suffer,,,,and i remember the last one in the Eighties when in my home county of Bedfordshire(I have Lived here for 8 years) Many, many Rural Public House's were lost for ever, never to come back and it ultimately changed the atmosphere of Village life..changing them from the hub of the village with all the social advantages that provides for a healthy community..to a mere collection of commuter-ville.Large properties especially when the village Shop and post office goes as well..!! ..I Think Colin and Julie should be highly recommended and any thing they can do to make their business survive for the benefit of all around this area,in these very tough times, that appear, will go on for at least another 18 months. Should be done to help them..So with this in mind i am putting my name forward...to ask you to at least consider. to continue to Grant the Merry Harriers a live performance License.

Yours Sincerely.



I misssen

-----Ori

From:
Sent: 11 August 2010 14:31
To: 'licensing@waverley.co.uk'
Subject: the merry harriers, hambledon, surrey

Dear Sirs,

I understand you are reviewing the licensing of my local pub the merry harriers.

I would like to confirm in the most simple of terms that the pub provides a wonderful amenity to my family and with the new owners is in my opinion becoming a focal point for the village.

I have not been aware of any disturbances and look forward to the options offered by the many and varied events put on by the pub.

I would therefore strongly object to any curtailment of the current licensing.

yours faithfully,

86

Merry Harriers

22nd August 2010

Dear Sirs

I understand that Waverly Council are calling for a Licence Review of the 'Merry Harriers' Public House at Hambledon. This is we believe because one resident has complained about excessive late night noise, i.e music. As far as we are aware the music does not go on beyond 10.30 and occurs only about once a month. This can hardly be called excessive and if individuals choose to live near a public house they should expect the occasional musical evening.

This establishment has become an important community asset over the last couple of years due to the energy and investment of the owners. Due to the pub's convivial atmosphere we frequently walk there for drinks and meals.

We feel that it would be a great shame if the music licence were revoked and it would certainly be a loss to the community as a whole if this should happen. We therefore would like to request the Council to consider letting the Licence stand as it does at present.

Please note we are in no way connected to the Licensees other than very satisfied customers.

Yours faithfully

89

to:
licensing
23/08/2010 23:02

Cc:
merryharriers, johnherriot, richard herriot, rherrio1
Show Details

Dear Sir/Madam,

Re: License Merrier Harriers, Hambledon

I am writing on behalf of my husband and three grown up sons in support of Julie and Colin Stonely the licensees of the above public house. We have known the Merrier Harriers for over 25 years but have only started frequenting it since it was revolutionised by Julie and Colin. 'Warm beer lousy food' summed our opinion of the pub under the previous owners. I cannot praise the changes highly enough; through hard work and enthusiasm they have managed to update the pub to the 21st century bringing in locals like ourselves, (without alienating the old timers), who would normally have travelled further afield for a decent meal, in convivial, on trend (but not 'gastro pub') surroundings. There is a great line up of social events including local bands (who need venues to support them), which we all regularly attend.

Talking of support, the pub provides a social hub, local jobs and even supplied home made soup, bread and a wonderful roaring fire in the power cuts we all suffered in the Hambledon/Enton/Milford/Witley area in the winter snow in January.

You should be rewarding their hard work and dedication instead of threatening to revoke their license, which would be an absolute travesty!!!

Your faithfully,



Dear Sirs,

I am writing in support of the licensee's application to renew his application at the Merry Harriers, as I understand there has been an objection to renewal on grounds of excessive noise.

There are records of the premises as a public house dating back to the mid-eighteenth century, and almost certainly is earlier than that. It has been

known variously as 'The Wheatsheaf' (1822), the 'Hare and Hounds' (1841 and now 'The Merry Harriers'. It has and continues to play an essential role in the life of the village community supporting other organisations and as a central meeting point.

Hambledon is a relatively isolated rural community. For most residents the station is over a mile and a half distant; two buses run through in the morning (returning in the afternoon) three days a week; a daily service runs along the main A283 (a mile or more distant for most residents), the last one leaving Guildford at 20.10. The present licencees have introduced a number of initiatives such as a book club, quiz evenings, and special evenings which are of enormous benefit to the community.

Although, not a 'regular', when I do visit the pub, it is well run, the staff are courteous and always a good friendly and family atmosphere.

Inevitably, if anyone purchases a house adjacent to a pub, there is bound to be additional noise but there are limits to this and when passing the premises after 11 p.m., which I do at least once a week, it appears deserted.

I strongly support the present application before the committee and regard it as a disaster for the Village if a licence refused.

Though perhaps not strictly relevant, the more residents who use the pub, the greater the reduction in carbon footprint which would otherwise be expended as similar facilities were sought further afield.

Yours sincerely

93

WAVERLEY B.C.	
CHIEF EXECUTIVE'S OFFICE	
PRM	
DATE	27 AUG 2010 REC'D
DATE ACK:	
PASS TO FOR ATTN:	
ACK. CODE:	
FILE NO:	

25 August 2010

Mr Paul Hughes
 Licensing Section
 Waverley Borough Council
 Council Offices
 The Burys
 Godalming
 Surrey
 GU7 1HR

Dear Paul

Merry Harriers licence review

I live next door to the Merry Harriers pub in Hambledon. Since the current licence-holders moved into the pub, our home and our lives have been badly affected by the significant increase in noise.

The current licence-holders moved into the Merry Harriers just over two years ago. The noise level, specifically through recorded and live music, during this time has deteriorated to the point where we are unable to spend quality time in our own home.

There is a general problem with recorded music being played at random times, such as rap music at 3 o'clock on a Monday afternoon and occasional Sunday afternoon bursts of Opera, which can be heard throughout our house. However, the main issue is the live events – held both inside and outside the pub – where recorded and live music are played at extreme volumes.

The pub has a licence for once a month at the end of the month. In addition, they can apply for up to twelve special event licences, which can be granted for a specific length of time (such as a whole weekend).

This has meant that, over the year, around half of our weekends have been spoilt by noise from the pub; the balance of which are in the summer months. We both work hard and want to relax and enjoy our home at the weekend. However, when there is an event at the pub, we're unable to spend time in our garden, watch the TV, listen to music or do anything in our house.

We have a beautiful home in a beautiful and peaceful area and we want to share it with our friends and family. The noise from the pub makes it impossible to entertain when they have an event and so we have had to plan our lives around their schedule.

For instance, we planned a dinner party for 31 October last year to mark Halloween and bonfire night. With plans in place and friends invited, we realised that it was the end of the month and the noise from the pub would make it impossible for us – and our guests – to relax and enjoy themselves and we had to cancel. At Easter, we'd invited our family to spend Easter Sunday with us. We then found out that the pub had scheduled live music for 3pm on Easter Sunday. And again we had to cancel. These are just two specific examples; there are many more where we haven't been able to invite friends and family to our home.

Events were scheduled for almost every weekend in July – including two live bands in the garden on consecutive weekends. And the noise didn't stop when the bands did; recorded music was played at full volume to fill the gap. So at the height of summer, when the weather was at its best and everyone in the country was enjoying their garden, we were forced to either stay inside and suffer the disturbance or go out.

Events have been scheduled for every bank holiday this year. So far, we haven't yet been able to enjoy our home or our friends and family on a bank holiday weekend. And this weekend, the last bank holiday of the year until Christmas, we have another event to endure.

From 10 September, the pub will hold their third 'MerryFest'; three days of activities, including live music. The impact of this on our lives is tremendous. For three days there is literally nothing we can do to escape the noise.

This constant intrusion into our lives also affects my personal wellbeing, making me feel stressed and anxious. In the lead-up to an event, I worry about the impact on my weekend and about how I'll escape from the disturbance. After the event, I feel depressed that another longed-for weekend has been ruined. I also get extremely upset about how this interference affects my life. For instance, this weekend I wanted to invite my three-year-old niece, who has just returned from living in abroad and who I haven't seen for some time, to stay. The noise from the pub makes it impossible for her to sleep and makes me too anxious for her time with us to be enjoyable.

We completely understand that the pub is a commercial business and has to operate at a profit. We just want the music to stop disturbing our peace. Over the last two years, they have on just a couple of occasions been able to demonstrate that they are able to do so. However, this situation has now deteriorated to such a point that we believe only formal restrictions on their licence will be able to resolve this problem.

Yours sincerely

(94)

WAVERLEY B.C.	
CHIEF EXECUTIVE'S OFFICE	
FRM	
DATE	25 AUG 2010 REC'D
DATE ACK:	
PASS TO FOR ATTN:	
ACK CODE:	
FILE NO.:	

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

23 August 2010

Dear Sir,

Review of Merry Harrier's License

I am writing to you as a Hambledon resident and as Chairman of Hambledon Heritage Society.

I was upset to learn that you are reviewing the license of the Merry Harriers due to a complaint about noise. Far from being a public nuisance, this pub is a very positive benefactor to Hambledon. We are lucky to live in a thriving, living village, a large part of which is due to Julie and Colin Stoneley, who have made the Merry Harriers a central part of the village community. Times are extremely tough for all pubs at the moment with many going out of business. It is particularly difficult to run a pub like the Merry Harriers, in a relatively small, spread out village, not on a main road, with little passing trade. It is not enough these days just to serve alcohol. The business has to be spread much wider to make a living. By dint of enormous hard work, Julie and Colin have made the pub thrive by also providing good food and varied entertainments. It is now a very pleasant and popular place to be.

Speaking for just one of Hambledon's many clubs and societies, we are very grateful to the Merry Harriers for providing us with a room for our committee meetings, which is not only extremely convenient and convivial, but makes our society better known in the village. They have also contributed prizes for our AGM raffle.

The Merry Harriers is an historic building, the oldest part of which has certainly been a pub since the middle of the eighteenth century, and has probably been one for much longer than that. If you buy a house close to a pub you cannot

expect complete silence. Whenever I pass the pub after eleven at night it is dark and closed. A village begins to die when it loses its pub. This must not happen to Hambledon.

Yours faithfully,

97



26/08/2010 11:54

Dear Sir

As residents of Hambledon who often visit the Merry Harriers public house we would like to object to any removal or alteration of their license. We feel that this is completely unnecessary as they consistently take good precautions to minimise any public nuisance which may occur as a result of their activities. Furthermore these activities are entirely consistent with those of a country public house. Please do not hesitate to contact me if you require any further information.

Yours Faithfully

evice

98

Cc: merryharriers

26/08/2010 12:26

Dear Sir,
I just wanted to drop you a brief note in support of the Merry Harriers in Hambledon. I am a resident in the village and have seen first hand the transformation that Colin and Julie have achieved since their arrival in Hambledon. The pub is now the heart of the village and a key resource to all of us who live in it. Their leadership and commitment has been admirable and they should be supported in their efforts.

Yours faithfully

101

Licensing Section
Waverley Borough Council
The Burys
Godalming
GU7 1HR

WAVERLEY B.C.	
CHIEF EXECUTIVES OFFICE	
PRM	
DATE	27 AUG 2010 REC'D
DATE ACK:	
PASS TO FORWTRN:	
ACK CODE:	
QUERY:	

5th August 2010

Dear Sirs

Licence Review at the Merry Harriers

At a time when the Surrey Advertiser is full of reports of alcohol related disturbances in Godalming town centre, the Council have seen fit to call for a licence review of an orderly, peaceful, community public house.

Maybe I am out of touch with the political correctness that seems to dominate modern thinking but I can think of nothing that should be further from the aims of local government than punishing a village by scaling back what it's local pub has to offer.

Apart from being a waste of money, such action is totally unjustified. The Merry Harriers is at last truly Merry and that's just the sort of buzz that a village needs.

Yours faithfully

(102)

WAVERLEY B.C. CHIEF EXECUTIVES OFFICE	
PRM	
DATE	27 AUG 2010 REC'D
DATE ACK:	
PASS TO FOR ATTN:	
ACK. CODE:	
FILE No:	

Licensing Section
Waverley Borough Council
The Burys
Godalming
GU7 1HR

25th August 2010

Dear Sirs

Licence Review at the Harriers, Hambledon

The Merry Harriers now provides a pleasant place for the people of Hambledon and the surrounding towns and villages to eat, drink and socialise.

It is not a rowdy establishment and attracts a predominantly 30+ crowd, many of whom enjoy the variety of events put on including live music.

Such nights are invariably well-organised, well-behaved and well-attended, with strictly enforced finishing times. I fail to see how it will serve the community to limit or cancel such events.

103

Dear Sirs

We think the pub in Hambledon is a great institution, it has seen a lot of new light under new ownership. So we would feel very sad if it should lose its license and would hope a middle ground could be reached between its neighbours and the landlords on how many music events per year can be hosted there.

The good thing is these events seem to all finish prior to midnight. Our community would really be a lesser place without its pub.

So we hope this letter can make a difference it keeping our local pub open

Yours sincerely

Page 1 of 2

103

to:
licensing, merryharriers
27/08/2010 12:12
[Show Details](#)

Dear Sir / Madam,

As a regular patron of the Merry Harriers in Hambledon, I was very disappointed to hear of the possibility that they may lose their licence. I have always found them to be very respectful and accommodating to their neighbours and am extremely surprised that this unnecessary situation has arisen.

It would be a huge detriment to the village to lose their local public house which acts as a pinnacle of the community spirit.

Please do not hesitate to contact me further should you require.

With regards,

(107)

to:
licensing
28/08/2010 17:05
Cc:
merryharriers
Show Details

Dear Sir/Madam,

We are writing to show our support for The Merry Harriers in Hambledon. We are residents in the village and use the pub regularly, it is an essential part of village life and it would be a travesty if anything were to happen to it.

When we first moved to the village the previous landlord was still in residence at The Harriers and we hardly ever use the pub but since Colin and Julie have taken over it has been transformed. We regularly attend the live music and special events they put on and we love the pub so much that we decided to hold our wedding reception there last month. All of our guests commented on what a lovely pub it was and how lucky we were to have it as our local.

We feel that live music once a month is not excessive and it would be an injustice if one person was able to dictate what happens to the village pub when, as far as we know, they take no part in village life at all! It seems incomprehensible to us to move next door to a pub and then be able to jeopardise it by complaining about noise levels.

The pub along with the village shop and hall is one of the hubs of the village, this was shown when we had a power cut earlier in the year and people gravitated to the pub for warmth, food and companionship. Colin and Julie welcomed everyone even though it was, technically, their day off.

They are good people who have provided the village with an excellent establishment and they should be allowed to continue.

Yours Sincerely,

(108)

ce

28/08/2010 17:53

l, 25 Aug 2010 07:00:54 EDT ----

To: licensing@waverley.co.uk
cc: merryharriers@btconnect.co.uk
m

Subject Merry Harriers music
: licence

With reference to the licensing problems currently being experienced, we would like to register our support to Colin and Julie Stoneley at the Merry Harriers in Hambledon

When we moved into the area we didn't know a soul,
we left behind a cricket club – our favourite watering-hole.
We aimed to make some new friends in our new neighbourhood,
but not being fans of playing golf – it wasn't looking good!

We found the 'Merry Harriers' a couple of miles away.
Just in walking distance (on a pleasant day!)
The landlord he was friendly, the locals they were too,
So we settled there quite happily - we thought 'this one will do!'

But when we took our relatives, they didn't rate it much,
'It's not somewhere to take your friends – it's very out of touch!
The walls are very dingy, it's tired and forlorn,
the décor's so last century and the carpet's old and torn.'

We were a bit deflated – their comments weren't inspiring,
but then we had another shock – the landlord was retiring!

The new owners they moved swiftly, to clean and paint and dust;
to renovate the toilets, they decided was a must!
The carpet was discarded; the floorboards saw the light;
the walls were painted carefully and pictures hung just right.

Then a welcome for their customers – tasty food and local brew;
Boules court in the garden and chickens there to view.
Quizzes and a book club to exercise your mind;
llamas in the paddock you may also find!

They have some lovely music nights, with local bands and more.
They're proving very popular – and that's what music's for!
People do enjoy it – it doesn't last too long;
It isn't over-noisy – it's good to hear a song!

So, please don't be too hasty to listen to the few;
It isn't very often and there's a welcome there for you!

24th August 2010

Page 1 of 1

109

to:
licensing
28/08/2010 18:28
Cc:
merryharriers
Show Details

Dear Sirs

We write with regard the licensing review of the Merry Harriers public house in Hambledon, Surrey.

We have lived in Hambledon for 3 years and live a mere 350 metres from the Merry Harriers. When we first moved to the village we visited the pub (twice), then under the management of the old licensees, it was feeling a bit sorry for itself, only contained men (and the odd dog) sitting at the bar and was longing for a bit of magic dust to be sprinkled on it ... that magic dust arrived when Colin and Julie took over. Under their expert management we now have a family pub where we can eat good, local produce, attend as many events as we wish, share our ups and downs with fellow villagers and once a month we can enjoy the live music events. These events are terrific fun, always well attended and are over well before midnight. The Merry Harriers has become the hub of the village, bringing people together and WE LOVE IT!

So, one person has complained about the music, that someone having bought a house NEXT DOOR TO A PUB! You have a duty to follow that complaint up. Colin and Julie have co-operated in buying and fitting sound-proofing material. The neighbour still complains and now you have to review it. Well, you are reviewing it and I hope you will be intelligent enough to make the right decisions. If not, this matter will almost certainly go to appeal (on Colin and Julie's and ours, as taxpayers, money) and should it do so you (and the claimant) should not underestimate the power of the Hambledon people - you will undoubtedly have a hearing where the claimant will have to face the whole village. The matter has already found itself into the local press, how long before the national press get a whiff? As Licensing Officer you should ensure the claimant is made fully aware of the review process. So far you have had no choice but to follow Council procedure, now you have to make the right decision.

Yours faithfully

(11)

to:
licensing
29/08/2010 16:52
Cc:
merryharriers
Show Details

Sir

I understand a complaint has been made regarding loud music at The Merry Harriers and this necessitates a review of the licence of the premises.

I write both in my capacity as a private individual and as the Secretary to The Hambledon Heritage Society.

I have lived in the area for some 50 years and, since the Stoneleys took over the pub, have become a frequent user of The Merry Harriers. They (Colin & Julie Stonely) have, in the 2 years they have been there, turned a tired village pub into a thriving community asset catering for every taste and also a convivial venue for Heritage Society meetings (among others).

It is right in a democratic society that an individual can voice their concerns but it is neither right nor democratic that an individual can, potentially, instigate proceedings to close such an establishment.

A solution must be found to allow the Merry Harriers to continue trading as they have done for the last 2 years.

Yours sincerely

113

Harriers, Hambledon - Licence Review
licensing

30/08/2010 08:47

Cc: merryharriers

> Dear Sirs
>
> Ref - The Merry Harriers, Hambledon - Licence Review.
>
> We would like to add to our support to Colin and Julie
> following the recent accusation of 'Excessive Late Night
> Noise', and the fact that the 'Licence Holder Has
> Failed...To Prevent A Public Nuisance.'
>
> In our opinion this enquiry is a complete and utter waste
> of time and money. As far as we're aware, the person
> making the complaint has never been into The Merry Harriers,
> and certainly takes no active part in village life. Perhaps
> the question should be asked that if the sound of social
> behaviour and people enjoying themselves is that much of a
> disturbance, why would you consider buying a house in the
> vicinity of a pub in the first place? It is also interesting
> to note that there doesn't appear to be any complaints
> from the residents immediately adjacent to the pub.
>
> We've been living in Hambledon for 5 years, and been
> regulars in The Merry Harriers for over 10 years, and its
> fair to say that the pub has gone through some quite
> dramatic changes in that time. With the pub industry in
> serious decline in the UK (The Times reported over 2400 pub
> closures during 2009), and large breweries purchasing small
> independent pubs to turn into gastro / characterless themed
> pubs, Colin and Julie need to be supported, not victimised.
> Their refreshing approach and willingness to get actively
> involved in Village activities has been evident from day 1,
> and their further plans for future events and activities
> continue to back this up.
>
> Music nights are an essential part of the UK pub culture,
> and one night a month can hardly be classed as excessive,
> particularly when the latest noise has been reported is
> 10.36pm. The Musicians Union has a slogan of 'Keep Music
> Live', and we therefore hope that this complaint will be
> dismissed so The Merry Harriers can continue to do so.
>
> Regards

(117)

to:
licensing
30/08/2010 16:54
Cc:
merryharriers
Show Details

dear sir, madam,
I am writing to support the Merry Harriers public house in Hambledon in its continuation to put on live music. I am a local resident and live only a few hundred yards from the pub and have never heard the music from my house and certainly never been bothered by it. My view is that occasional live music is an excellent way to bring life to the village and should be embraced by locals as a village asset. The pub should be able to support itself and live music will help it do so.

119

te:

Subject: Merry Harriers.
To: licensing@waverley.co.uk
Date: Tuesday, 17 August, 2010, 22:28

Dear Sir or Madam,

I have been advised that a complaint has been made about the licencees of the above mentioned public house by a local resident. As another local resident I wish to try to redress the balance by strongly expressing my views regarding the amenity value of the facilities offered by this public house and the substantial contribution to this community that the licencees make.

I have no idea who it is that has complained - but one assumes they must live near the pub. Astonishingly it appears they have bought a house near a pub and are now surprised that said pub creates pub-like noises. This is like buying a house next to the A3 and complaining about traffic noise.

I am a regular in the pub, although in my case "regular" only amounts to about once a week. But nonetheless I can confirm that it has become a centre of our community and a focal point of much of the social activity in the area. I believe it is well run and it would be a shame if one local N.I.M.B.Y. should spoil the situation for every other local resident.

Please do not feel the need to reply to this email (let's keep administration costs to a minimum please) - but I would like this email to be formally recorded against the record you hold with regard to these licencees and their pub.

Yours sincerely,

121

Dear Sir/ Madam

I write to you to offer my support for the Merry Harrier's of Hambledon, in relation to their license review. I offer for your consideration some thoughts and points I believe should be included in your review.

'Offences

'The Parties agree that primary responsibility for enforcing offences under the Act should lie as follows, but that any party may investigate an offence that it becomes aware of.'

136 Carrying on or attempting to carry on (or knowingly allowing to be carried on)

licensable activities otherwise than under and in accordance with an authorisation

Surrey Police or Licensing Authority'

It would seem that all live outdoor music at the Harriers fell under a temporary license and as there has been no substantiated breach, it would seem that the events have been in accordance with the Licensing authority.

I find it hard to comprehend that the complaints have stemmed from only one neighbour. The initial license was agreed 3 years ago by all immediate local residence, the complainant being one of them.

I take personal offence at the attack upon those well respected members of the community continuing a licensed, traditional business in a traditional way. Part of the commercial platform of a thriving and encompassing establishment is to have and maintain the well attended events in question that only occur spiradically throughout the year. The pub has been authorised to conduct these activities and I do hope the council will support the diversity of a trading business, employer of local people and an asset to the community.

As there has been no previous inspections or cause prior to the complaints, I believe the Risk grade of the Merry Harriers would be classified as low risk. The protocol would then suggest that the council take a 'lighter touch in respect of low-risk premises that are well run.'

Pubwatch has been attended often by a representative of the Harriers and even with this interface directly to the licensing officer very little assistance has been received in relation to mediation of the parties by the current officer.

Protocol States:

3.4 The Licensing Authority is a signatory to the 'Enforcement Concordat: Good Practice

Guide for England and Wales', which sets out a number of principles aimed at promoting good enforcement. This Protocol has been drafted in line with these principles and confirms the Parties' commitment to implementing the principles in all enforcement action undertaken in respect of the Act. The principles are:

- *Standards: setting clear standards*
- *Openness: clear and open provision of information*
- *Helpfulness: helping business by advising on and assisting with compliance*
- *Complaints: having a clear complaints procedure*
- *Proportionality: ensuring that enforcement action is proportionate to the risks involved*
- *Consistency: ensuring consistent enforcement practice*

I would ask that the officer justify His/Her position on this review and follow up any deviations from protocol with explanations. What advice and assistance has been given to the Harriers? It seems the representatives of the council have taken a more proactive role in prosecution than good governance.

Please don't detract from the social, cultural and morale functions that our local pub offers to the community by placing further limitations on it.



(123)

WAVERLEY B.C.	
CHIEF EXECUTIVE'S OFFICE	
PRM	
DATE	31 AUG 2010 RECD
DATE ACK:	
PASS TO FOR ATTN:	
ACK. CODE:	
FILE No:	

Licencing Section,
 Waverley Borough Council,
 Godalming,
 Surrey GU7 1HR

23rd August 2010-08

Dear Sirs. Licencing Act 2003 The Merry Harriers, Hambledon

I understand that the Merry Harriers have been threatened with having their licence removed because of a complaint from a recently arrived neighbour about "excessive noise". This seems to be totally unnecessary.

The Merry Harriers is owned by Mr. and Mrs. Stoneley, not by a brewery. Since they bought it they have transformed it from a very "run down" pub into a lively, flourishing one. They have improved it out of all recognition, so that many local people enjoy drinks and delicious meals there. They have organised "events" which have been enthusiastically supported, and it has become an important and very pleasant meeting place for the Village. Villages are fast losing places where their inhabitants can meet up and it would be very sad if the Merry Harriers had to close after all their improvements and generosity and the enthusiastic support of the Village.

I have never heard any complaints about excessive noise, but if it really is an issue would it not be possible to come to some agreement over timing or activities there rather than forcing it to close?

I enclose one of their advertisements from the Hambledon Parish magazine to give you some idea of the enterprising activities the Merry Harriers organise, with great success.

Yours faithfully,



1244

Licensing Section
Waverley Borough Council
The Burys
Godalming
GU7 1HR

27th August 2010

Dear Sirs

Music nights at the Merry Harriers, Hambledon

I find it hard to express my outrage at this ridiculous review.

The Merry Harriers is well run and a valuable village asset. It must be allowed to continue its entertainment which is a nuisance to no-one. That one person perceives things differently is their problem, not that of the village.

Yours faithfully



125

Licensing Section
Waverley Borough Council
The Burys
Godalming
GU7 1HR

30th August 2010

Dear Sirs

Review of Licence at the Merry Harriers, Hambledon

I understand that complaints made by one person have led to the above.

I wish to add my full support to the licensee in fighting this review.

Before the present landlord and his wife bought the Merry Harriers, it like many other village pubs was dying. It is now thriving and providing an important part of the social life of the village. A friendly welcome is always assured.

The new owners always support village functions and activities and now I together with others wish to support them in their efforts to retain a music license.

In order to remain viable public houses have to do more than provide drink. Live music is a welcome attraction and I cannot believe that an average of less than one evening of musical entertainment a month can be considered excessive or indeed intrusive, particularly if the music finishes at a reasonable time.

I am assured by the landlord that every effort has already been made to reduce the likelihood of the music causing annoyance and it is worthy of note that of the houses in the immediate vicinity of the Merry Harriers the complaints have come from a single household.

I among many others in Hambledon (and elsewhere) would be most distressed if a complaint from one person should be allowed to spoil the enjoyment of many and jeopardise the future of our village pub.

Yours faithfully



126

Licensing Section
Waverley Borough Council
The Burys
Godalming
GU7 1HR

30th August 2010

Dear Sirs

Licensing of the Merry Harriers, Hambledon

Music has provided a way for communities to gather together since mankind first walked the earth. In many ways, it is one of the most important differences between us and the animal kingdom.

For this particular community, music nights at the Merry Harriers are a great sociable way for young and old to come together.

Those that do not wish to join in the spirit of the community should not be allowed to spoil the enjoyment of those who do.

Yours faithfully

127



Licensing Section
Waverley Borough Council
The Burys
Godalming
GU7 1HR

30th August 2010

Dear Sirs

Licence Review at the Merry Harriers, Hambledon

For the first time in many years, this village has a pub that it can be proud of. Now it would that the whim of one resident - who chose to live next door to a pub - has put it under threat.

The frequency and timing of music at the Harriers could not be considered intrusive except by the most unreasonable of people.

The current licence - and licensee - should remain in place.

Yours faithfully



128

Licensing Section
Waverley Borough Council
The Burys
Godalming
GU7 1HR

5th August 2010

Dear Sirs

Licence Review at the Merry Harriers, Hambledon

I wish to give my support to the licensee of the above in her fight against this unnecessary waste of taxpayer's money.

The pub is a vital part of the village and provides a much needed amenity. It is very much community led and has become a focal point for the village since the new owners took over two years ago.

That one complainant - and I don't know anyone in the village who has ever spoken to him - can cause such a fuss is beyond comprehension.

Live music must be kept at the Merry Harriers. Any alternative would be an abomination.

Yours faithfully

131



Licensing Section
Waverley Borough Council
The Burys
Godalming
GU7 1HR

30th August 2010

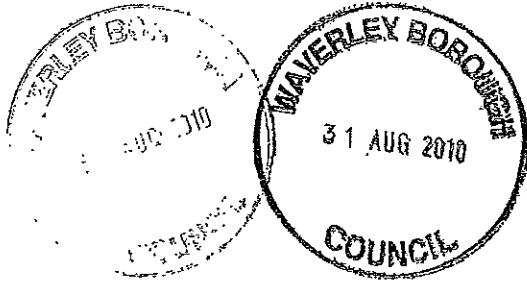
Dear Sirs

Music at the Merry Harriers, Hambledon

Have the Council nothing better to do than pander the wishes of one [REDACTED] person, ignoring the rising tide of anger in the community?

Leave our pub alone. Better still, just tell the complainant to move. [REDACTED]
[REDACTED]

Yours faithfully



133

Licensing Section
Waverley Borough Council
The Burys
Godalming
GU7 1HR

26 August 2010

Dear Sirs

Music at the Merry Harriers, Hambledon

I wish to add my name to those who support the continuation of live music at the Merry Harriers.

People living next door to buildings that form a vital part of the community should not have the right to influence village life, particularly if they play no part in it.

It is not the Harriers licence that needs to be reviewed but the ridiculous processes which mean that one person can cause such waste of ratepayer's money. The bill for this shambles will be shared amongst every resident of Waverley. [REDACTED]

Yours faithfully



134

Licensing Section
Waverley Borough Council
The Burys
Godalming
GU7 1HR

21st August 2010

Dear Sirs

Music nights at the Merry Harriers, Hambledon

As the Merry Harriers nearest neighbour for twenty-eight years (at one point our premises are a mere three yards from each other) I find it hard to express my outrage at this ridiculous review.

The village pub has had many ups and downs over the years and although it was very run down before the present owners moved in, it generated a good deal of noise, as a twice weekly meeting place for motorcycle enthusiasts, with scrambling in the back field and the annual "Wobbly Hill" race meeting. Before this, it was a regular live music venue.

The Merry Harriers is now a well run valuable village asset, providing employment to local people. It must be allowed to continue it's entertainment which is a nuisance to no-one. That one person perceives things differently is their problem, not that of the village.

Yours faithfully

135

The Merry Harriers

Hambledon

GU8 4DR

Licensing Committee

Waverley Borough Council

The Burys

Godalming



30th August 2010

Dear Sirs

License Review for the Merry Harriers

We are in receipt of your application for review of the premises license.

The licensing objectives under the 2003 Act and the duty to prevent a public nuisance apply to the licensing authority rather than the licensee. As there is no indication that any public nuisance is being caused, and private nuisance complaints are not the concern of the licensing authority, then it would appear that the authority is complying with its obligations under the licensing objectives and such a review is an inappropriate response.

Quoting directly from the submission made by Julie Gregory we make the following comments:

1. Review Papers: "On 26th April 2010, the complainant called to say that they had experienced very loud music again on Saturday night".

Fact: The band on this night was the Instigators, musicians who usually play in St. Peter's Parish Church with vocals provided by the Rev. Stephanie Couvela, the local vicar. The music was acoustic, without amplification or drums. Sound insulation was installed for the first time this night. Staff checked at the boundaries of the complainant's property several times during the night and the music was not audible.

2. Review Papers: "On 1st June 2010 the complainant called the Council again to say that the pub was now playing loud opera music and that this was the third Sunday in a row that loud opera music had been played".

Fact: We have never played opera music on Sundays, (see the attached listing of our May events as published in the Parish magazine). We have no licence for live music on Sundays and no facilities to

play recorded music outside. We have already told Ms Gregory that the complainant must be mistaken and that any such music must come from elsewhere. No attempt has been made to investigate the facts behind this complaint. It is an offence under Section 158 of the Licensing Act to knowingly or recklessly make a false statement in connection with an application for review.

Assumption: We had furnished the complainant and other neighbour's with a full list of forthcoming events and invited them to a coffee morning with the Chairman of the Parish Council to discuss any issues. The complainant did not attend. One of the events listed was a solo opera singer on one Saturday night. Our belief is that what the complainant has heard is probably a neighbour's stereo or radio and in their agitated state has made incorrect assumptions.

3. Review Papers: "On 1st July 2010, the Council Environmental Health Department started to receive lots of letters in support of the Merry Harriers. The letters were mostly of the same format and wording but a few were written independently".

Fact: This letter was independently prepared by members of the Parish Council and we believe that over 150 were sent to Martin Shorten, along with many individual letters of support, reflecting the anger felt by the community. The other neighbours bordering the Merry Harriers also drafted their own letter of support, as did other bodies in the village. According to Waverley's website, the Council endeavour to reply to all correspondence within ten days. Not one reply has been received to date.

4. Review Papers: "Officers were shown a noise limiter that had been installed. Mr and Mrs Stoneley were unsure of how the noise limiter worked."

Fact: The noise limiter had been tested and in use on the last two live music nights. We were fully aware of how it operated. We were not familiar with the workings of a hand held noise monitor that we had purchased to monitor noise at the complainant's boundary and this was demonstrated to us.

5. Review Papers: "On 9th July, Norsonic 140 recording equipment was installed in the complainant's house. Assessment of the recordings confirmed that excessively loud music was emitted from the pub intermittently between 18:56 and 22:37 hours."

Fact: There was no music in or outside the pub on this night. When there is music, it does not start before 20:30 hours. It is an offence under Section 158 of the Licensing Act to knowingly or recklessly make a false statement in connection with an application for review.

Assumption: Noise recorded was from a party with outside music at nearby residential premises, a frequent happening in the village during the summer.

6. Review: On 16th July, officers visited the complainant's property....Music from the Merry Harriers was clearly heard..."

Fact: This event was carried out under a TEN. The licensing objective of public nuisance cannot be applied to such a notice.

7. Review Papers: "We therefore request that the licence conditions be modified to : - (i) expressly forbid the activities of live music, recorded music, or those of a similar nature, at any time in the outside of the premises; and (ii) require the use of noise insulation and a noise limiter to prevent audibility....."

Fact: Outside events are not listed on our licence and are covered by TENs and average 2 per annum – the wedding of two long standing village residents and the coming together of the community to celebrate the anniversary of the pub's re-birth in July are the only ones to have taken place this year. Should these be refused, owners of adjacent land have volunteered for such events to be staged on their land, possibly closer to the complainant. Noise limiter and insulation have been in use since April.

Assumption: The requests make no sense and at best would lead to outside events taking place in a less controlled environment.

Further facts of note:

- When we first applied for a music licence in 2008, the Parish Council wrote to all neighbouring properties expressing their support and requesting any objections. None were made.
- The limitations on our music licence – only on the last Saturday of every month; to finish before midnight and to keep doors and windows closed and curtained - were proposed by ourselves in order to limit nuisance from the start. Waverley made no additional proposals.
- When the complainant subsequently did complain to the Parish Council, they suggested he approached us as we were "reasonable people". No such approach was made [REDACTED]
- Our monthly event listing is posted in the Parish Magazine every month which is delivered to every household in the village. A list of all summer events was delivered this year to all properties sharing a boundary with us, when all neighbours were invited to attend a meeting with us and the Chair of the Parish Council (1st May 2010) to discuss any issues. The complainant failed to attend.
- Live music is played here for approximately 0.75% of our licensed opening hours yet accounts for 14% of our revenue. At present the pub is some way from making a profit (audited accounts available). The pub provides employment for four Hambledon residents

and six from the surrounding villages of Milford, Witley and Chiddingfold. The proposed licence modifications would result in either closure or loss of local employment.

- Between 25/10/09 and 27/02/10 (over four months), only one amplified music event was held – on New Year's Eve. The complainant again called Environmental Health. Surely noise on New Year's Eve, when the pub has historically been licensed until 4am, cannot be considered unreasonable.
- A pub in a neighbouring village advertises live music outside every Sunday throughout the summer, features some of the same bands and has close neighbours. By what perverse logic can music once per month (generally inside) be a public nuisance and music outside once per week not be a public nuisance? The answer has to be the single complainant. If their complaint is upheld, then two similar villages are being treated totally differently by the Council.
- Before buying the pub, I (Colin Stoneley) was Principal Environmental Consultant at Mouchel Group. Part of my responsibility was the management of the Acoustics and Vibration team worldwide. This application for review is poorly investigated, error strewn and procedurally inept.

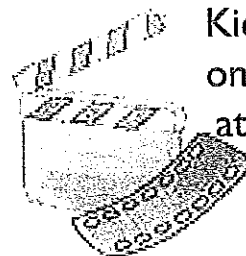
Julie Stoneley (licensee)



Colin Stoneley (associate)

Merry May

"Don't knock the weather. Ninetenths of people couldn't start a conversation if it didn't change once in a while" - Kin Hubbard



Kids Movie
on Sundays
at 3.30pm



Friday 30th April - Monday 3rd May: Merry Cider Festival.

Following on from last years successful Cider Festival we will have a huge range of ciders from all over the UK.

Live music all weekend acts tbc. Camping available first come first served. This years Cider Festival includes:

Saturday 1st May: Morris Dancing and Breakfast

from 7am. Yes we have an ancient licence that allows us to open at 7am on May 1st. **Morris Morning and Austin Night!** The first full day of the Cider Fest with 7am opening after the Morris Men dance on Hydon's Ball at dawn and then again outside the pub after a hearty breakfast. Full English served till 10 am. Sample any one of twenty ciders during the day and enjoy live music from covers band the Austin Maestros at 8pm.



Sunday 2nd & Monday 3rd: More Cider merriment with occasional acoustic music from Tom Briggs.

Wednesday 5th: The ever expanding Book Club! Anyone wanting to join should contact Camilla on camilla.edmiston@btinternet.com



Saturday 8th: 65 years on from VE Day, join us to celebrate with our Ration Book Menu and the sound of swing. Fancy Dress - drinks at 1945 prices for the winner! 3 courses £20.00 Booking essential.

daily horror

VE-DAY!

Tuesday 11th: A little earlier than usual this month owing to the Merry Landlord's birthday: Steak night - 2 rumps with chips or salad and a bottle of house wine for £25 per couple. Again, booking essential.



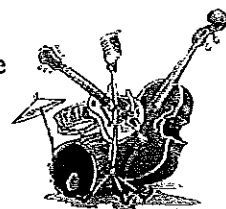
Saturday 15th: Colin & Bob's near-legendary 60's - 90's Quiz has moved to the week-end. We keep saying that will be it for a while but the crowd keeps growing and shouting 'More!' It's loud, raucous mayhem and it starts at 8pm (ish).

Tuesday 25th: Blind Wine Tasting. This one's a lot of fun - Patrick Brady (from our wine merchant Hennings of Pulborough) will invite you to blind taste four reds and four whites. The tasting notes will be in front of you - all you need to do is match the notes to the wines. Prize for the person with the most correct matches. Our Big Cheeseboard will help revive your palate. £12 per head.



Booking essential, deposit required.

Saturday 29th: Live Music : From South Africa via Brighton, one of the biggest acts we've had the pleasure to host so far, the Bushman Brothers. The Bushmans are established session musicians who have played with some of the biggest names in the business. Check out some of the videos on YouTube if you don't believe us.



May 12th - Europa League Final: Fulham??? v ?
May 15th - FA Cup Final: Chelsea v Portsmouth
May 22nd - Champions League Final

If you would like to go onto our mailing list for future events, just leave a card or jot your email address down and hand it to one of the bar staff. Tel: 01428 682883 email: merryharriers@btconnect.com



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Waverley Borough Council
 The Burs, Godalming, Surrey
 GU7 1HR
 Telephone: 01483 523333
 Fax No: 01483 523118



The Merry Harriers, Hambledon

Scale 1/2500 Date 2/9/2010
 Centre = 496736 E 139118 N

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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.

