

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

When calling please ask for:

Ema Dearsley, Democratic Services officer
Policy and Governance

E-mail: ema.dearsley@waverley.gov.uk

Direct line: 01483 523224

Calls may be recorded for training or monitoring

Date: 2 February 2018

Membership of the Licensing Sub-Committee B

Cllr Bob Upton
Cllr Robert Knowles

Cllr Libby Piper

Dear Councillors

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

DATE: MONDAY, 12 FEBRUARY 2018

TIME: 10.00 AM

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

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance

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NOTE FOR MEMBERS

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

AGENDA

1. **ELECTION OF CHAIRMAN**

To elect a Chairman for the Sub-Committee B meeting.

2. **MINUTES**

To agree the Minutes of the Meeting held on 11 December 2017 which had been laid on the table half an hour before the start of the meeting.

3. **LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - BADA BAR LTD, 10 QUEEN STREET, GODALMING, SURREY GU7 1BD (Pages 5 - 70)**

The purpose of the report is to enable the Sub-Committee to consider an application from Bada Bar Ltd for a new premises licence for Bada Bar Ltd, 10 Queen Street, Godalming, Surrey GU7 1BD, where 1 relevant representation has been received.

Recommendation

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

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

- **To grant the licence application subject to such conditions as are consistent with the operating schedule modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions;**
- **To exclude from the scope of the licence any of the licensable activities to which the application relates;**
- **To refuse to specify a person as the premises supervisor;**
- **To reject the application.**

4. **EXCLUSION OF PRESS AND PUBLIC**

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

Recommendation

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

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

5. LEGAL ADVICE

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

**For further information or assistance, please telephone
Ema Dearsley, Democratic Services officer, on 01483 523224 or by
email at ema.dearsley@waverley.gov.uk**

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WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE B – 12 FEBRUARY 2018

Title:

**LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE –
BADA BAR LTD, 10 QUEEN STREET, GODALMING, SURREY GU7 1BD
[Wards Affected: All Godalming Wards]**

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application from Bada Bar Ltd for a new premises licence for Bada Bar Ltd, 10 Queen Street, Godalming, Surrey GU7 1BD, where 1 relevant representation has been received.

Background

2. An application has been received for a new premises licence for this ground floor premises Tapas Bar intended for use as Tapas style bar offering Asian Fusion dishes. In brief, the application proposes that the licence will authorise ground floor areas for late night refreshment and the sale of alcohol for consumption on the premises only.

Activities Sought under this Licence Application

3. The applicant seeks to license the premises as shown below. An extract of the relevant pages from the application form is attached at Annexe 1. Also attached to this report at Annexe 2 is a plan showing the surrounding properties. The previous occupants of the premises, which traded as 'Corretto', held a premises licence, a copy of which is attached at Annexe 3. In summary, the applicant seeks the following activities in the new licence, if granted. Please see the application at Annexe 1 for full details of the proposed licensable activities.

- Late Night Refreshment: (Indoors only)
2300 to 0000 Friday & Saturday
- Sale of Alcohol: (On the premises only)
1200 to 2230 Tuesday to Thursday
1200 to 2330 Friday & Saturday
1200 to 1530 Sunday
- Opening hours:
1200 to 2300 Tuesday to Thursday
1200 to 0000 Friday & Saturday
1200 to 1600 Sunday

Licensing Objectives

4. The four Licensing Objectives of the Licensing Act 2003 are set out below. Any representations for consideration must relate to one or more of these objectives, and representations must be from the responsible authorities under this legislation and/or any other persons.
 1. the prevention of crime and disorder
 2. public safety
 3. the prevention of public nuisance
 4. the protection of children from harm

Representations received

Responsible Authorities

5. There have been no relevant representations received from any of the Responsible Authorities.

Surrey County Council Child Employment Services acting as a Responsible Authority have agreed two additional conditions with the applicant, a copy of these are attached at Annexe 4.

Other Persons

6. Besides Responsible Authorities, “other persons” may make representations. There has been one (1) relevant representation from “other persons”. The representation is attached at Annexe 5.

As a relevant representation regarding public nuisance has been received from “other persons”, information about the enforcement history of the premises was requested from Environmental Health. A copy of this information is attached at Annexe 6.

What the Sub-Committee may do

7. The Sub-Committee, after hearing from the applicant and those making representations, must take one or more of the steps listed below (if any) as it considers appropriate for the promotion of the Licensing Objectives. Reasons must be given by the Sub-Committee for any decision made, since there is an opportunity for any applicant or any objector to appeal to the Magistrates’ Court against the Licensing Sub-Committee’s decision. The steps are:
 - Grant the licence subject to such conditions as are consistent with the operating schedule, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions;
 - Exclude from the scope of the licence any of the licensable activities to which the application relates;
 - Refuse to specify a person as the designated premises supervisor;

- Reject the application.

8. In addition the Sub-Committee should have regard to Waverley's statement of Licensing policy and guidance issued by the Secretary of State. Revised Guidance for licensing authorities issued by the Home Office under Section 182 of the Licensing Act 2003 is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607237/182Guidance_05_04_17.pdf

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

- Conditions – paragraphs 1.16-1.17 and 10.1 to 10.66
- The Licensing Objectives – paragraphs 2.1–2.31
- Hearings - paragraphs 9.31 to 9.44

Recommendation

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

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

- To grant the licence application subject to such conditions as are consistent with the operating schedule modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions;
- To exclude from the scope of the licence any of the licensable activities to which the application relates;
- To refuse to specify a person as the premises supervisor;
- To reject the application.

Background Papers

Application referred to above; representations referred to above.

CONTACT OFFICER:

Name: Paul Hughes

Telephone: 01483 523189

E-mail: paul.hughes@waverley.gov.uk

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

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wk/201709096
17/11/18

ANNEXE 1

Application for a premises licence to be granted 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/We Jihyun Kim

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Bada Bar LTD 10 Queen Street			
Post town	Godalming	Post code	GU7 1BD

Telephone number at premises (if any)	01483 671 663
Non-domestic rateable value of premises	£23,750

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Bada Bar LTD
Address 10 Queen Street Godalming GU7 1BD
Registered number (where applicable) 10994734
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01483 671 663
E-mail address (optional) weare@badatapas.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year	

Please give a general description of the premises (please read guidance note1)
 We are planning to sell Asian Fusion small/sharing dishes(tapas) as well as alcohol in premise, 10 Queen Street GU7 1BD. The layout has not been changed since last tenants have left but we had to carry out works as majority of the areas were unacceptable to serve food and alcohol. The floor had been taken off through out the property and the level of hygiene was extremely low. The front area is where bar & tables are located and kitchen & toilets are located at the rear of the property. We are at the last stage of the works and aiming to open to public mid Jan 2018.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri	23:00	24:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23:00	24:00			
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises <input checked="" type="checkbox"/>	
				Off the premises <input type="checkbox"/>	
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	12:00	21:30 22:30			
Wed	12:00	21:30 22:30			
Thur	12:00	21:30 22:30			
Fri	12:00	23:30			
Sat	12:00	23:30			
Sun	12:00	15:30			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Jihyun Kim	
Address 79C Church Walk Meadrow	
Postcode	GU7 3JG
Personal Licence number (if known) LN/000006066	
Issuing licensing authority (if known) Waverley Council	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	12:00	22:00 23:00	
Wed	12:00	22:00 23:00	
Thur	12:00	22:00 23:00	
Fri	12:00	24:00	
Sat	12:00	24:00	
Sun	12:00	16:00	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Operating Schedule providing the hours of operation and licensable activities during those hours.
Provide good training for staff on the Licensing Act (Training Record), to make or authorize each sale.
Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
CCTV system installed with recording option available.
Any person who appears to be drunk/aggressive shall not be allowed on the premises.

b) The prevention of crime and disorder

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
Staff shall be aware of the licensing laws.
Any person who appears to be drunk or aggressive shall not be permitted on the premises.
No bottles or glasses shall be taken off the premises.
The premises licence holder shall register with crime prevention initiatives run by Surrey Police.

c) Public safety

Staff shall be trained in licensing laws.
The premises licence holder shall fully support any directives received from the authorities.
There shall be prompt clearing of glasses throughout operating hours.
The premises licence holder shall maintain full risk assessments appropriate for the premises operation.
A CCTV system shall be installed with recording option available.

d) The prevention of public nuisance

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
All customers shall be reminded of consideration to the public and noise levels when entering and leaving the premises.
Customers will be asked not to stand around loudly talking in the street outside the premises.
Doors and windows shall be kept closed.

e) The protection of children from harm

There shall be training of all staff to ensure compliance with the laws in relation to the consumption of alcohol by persons under 18 years of age, including prevention of an adult buying alcohol for children.
Under 18s shall only be permitted on the premises with a responsible adult.
Proof of ID shall be asked for if someone appears under age using photo driving licence, passport or Home Office approved ID cards displaying the national proof of age standard scheme (PASS hologram)."

Kate Halsall

From: jihyun kim <jihyunkim@hotmail.co.uk>
Sent: Thursday 21 December 2017 10:21
To: Licensing Policy
Subject: Premises License 2302G3410/2852

Dear Kate,

I would like to request amendment on Premises Licence I have applied on Wednesday 20th Dec, Reference 2302G3410/2852.

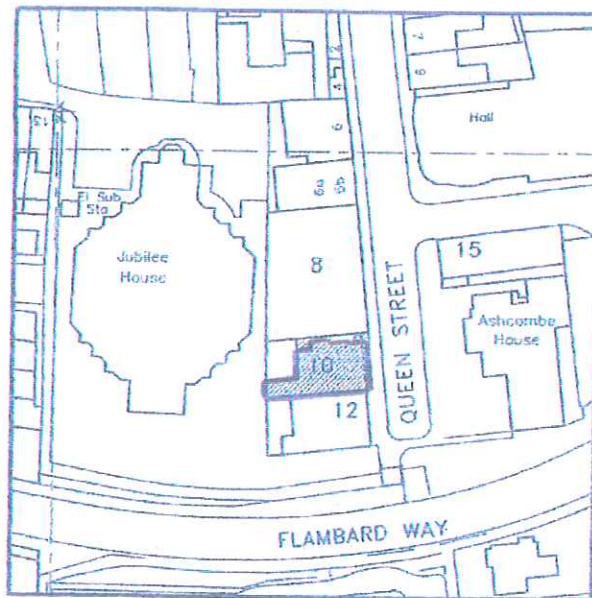
The change needs to be made is opening hours of Tuesday, Wednesday and Thursday from 12:00-22:00 to 12:00-23:00. This also means supply of alcohol hours should change from 12:00-21:30 to 12:00-22:30.

Could you also advise me which authorities I should contact regarding this request? I know you have explained me before but cannot remember.

Thank you for your help.

Kind regards
Jihyun

Sent from my iPhone



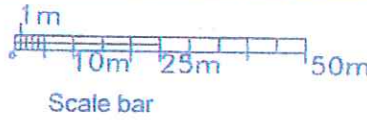
DO NOT SCALE
 (except for planning purposes)
 Contractors must verify all dimensions at the site before setting-out, commencing work, or making any shop drawings.
 This drawing has been prepared without soil survey and report.
 Any discrepancy whatsoever between any information contained on this drawing and any other document or drawing must be drawn to the attention of the architect by the contractor before the work is executed.

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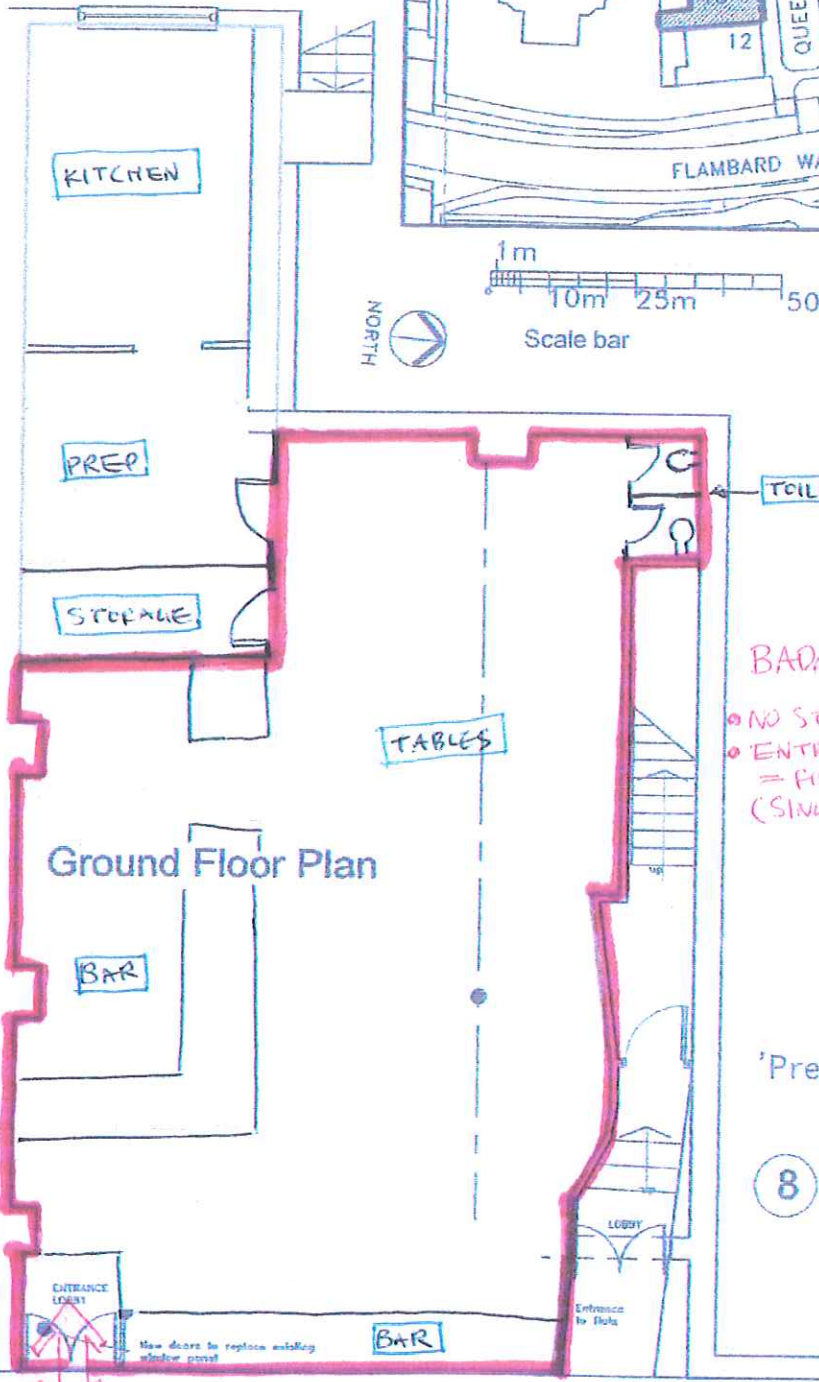
NORTH

Location Plan



Scale 1 : 1250

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BADA BAR LTD

- NO STEPS/LIFTS
- ENTRANCE = FIRE EXIT (SINGLE DOOR)

'Prezzo'



REF	REVISION	DATE	BY

R.D.A. ARCHITECTS
 ARCHITECTS AND PLANNING CONSULTANTS
 1A, CHURCH STREET,
 GODALMING,
 SURREY, GU7 1EO.
 TELEPHONE 01483 423601.
 11, GROSVENOR CRESCENT,
 WESTMINSTER,
 LONDON, SW1X 7ED.
 TELEPHONE 020 7235 3316.

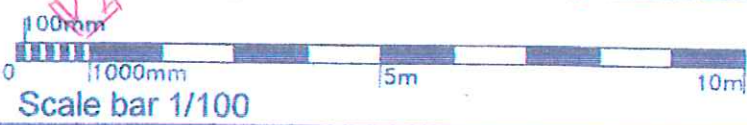
CLIENT:
W. Bolt Esq.

PROJECT TITLE:
**Ground Floor Shop
 10, Queen Street,
 Godalming, Surrey GU71BD**

DRAWN: SKC CHECKED: [initials]
 TRACED: [initials] c/c Mr. RDA
 SCALE: 1:1250 & 1:100 © AC DATE: February 2015

DRAWING TITLE:
Lease Plan

CODE	PROJECT No.	DRAWING No.
LP	1170	08



Scale bar 1/100

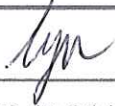
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

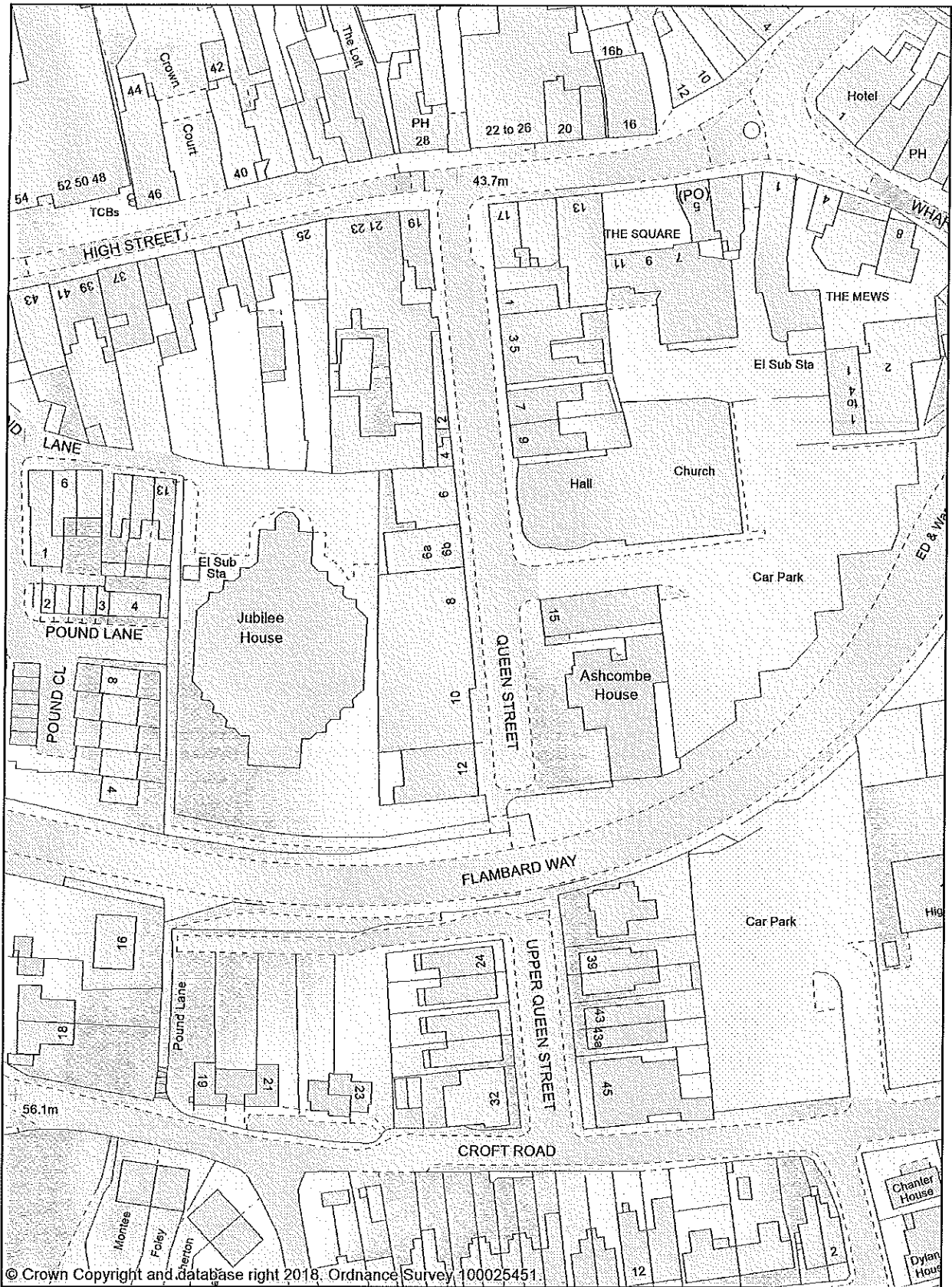
Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	20.12.2017
Capacity	

For joint applications signature of 2nd applicant authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

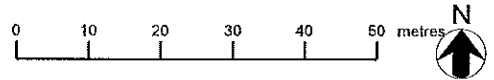
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			



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Waverley Borough Council
 The Bursys, Godalming
 Surrey, GU7 1HR
 Telephone: 01483 523333
 Fax No: 01483 426337



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Licensing Act 2003
 Premises Licence - Summary

Corretto 10 Queen Street Godalming Surrey GU7 1BD	Licence number:	LN/000005077	
	Valid from:	1st April 2016	
	Valid until		
	Telephone:		
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Provision of regulated entertainment:-			
Live Music and Recorded Music	Monday- Saturday Sunday	12:00 12:00	23:00 22:00
Sale by Retail of Alcohol	Monday - Thursday Friday Saturday Sunday	12:00 12:00 10:00 10:00	23:00 01:00 01:00 22:00
Non-standard Timings:	All Bank Holiday Sundays to allow the sale of alcohol until 01:00 hours. Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day to allow the sale of alcohol until 01:00 hours.		

The opening hours of the premises:
 07:30-23:00 Monday to Thursday
 07:30-01:00 Friday
 09:00-01:00 Saturday
 09:00-22:00 Sunday

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

Name & (registered) address of holder of premises licence:
 Corretto Esp Ltd
 Suite A2 Linden House
 Unit 12 Woodside Park
 Catteshall Lane
 Godalming
 Surrey
 GU7 1LG

Registered number of holder, for example company number, charity number (where applicable):
 09343657

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:
 Mr Benjamin Timothy Westhead

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

Licensing Act 2003
Premises Licence - Detail

Corretto 10 Queen Street Godalming Surrey GU7 1BD	Licence number:	LN/000005077	
	Valid from:	1st April 2016	
	Valid until		
	Telephone:		
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Provision of regulated entertainment:-			
Live Music and Recorded Music	Monday- Saturday Sunday	12:00 12:00	23:00 22:00
Sale by Retail of Alcohol	Monday - Thursday Friday Saturday Sunday	12:00 12:00 10:00 10:00	23:00 01:00 01:00 22:00
Non-standard Timings:	All Bank Holiday Sundays to allow the sale of alcohol until 01:00 hours. Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day to allow the sale of alcohol until 01:00 hours.		

The opening hours of the premises: 07:30-23:00 Monday to Thursday
 07:30-01:00 Friday
 09:00-01:00 Saturday
 09:00-22:00 Sunday

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

Name & (registered) address of holder of premises licence: Corretto Esp Ltd
 Suite A2 Linden House
 Unit 12 Woodside Park
 Catteshall Lane
 Godalming
 Surrey
 GU7 1LG

Registered number of holder, for example company number, charity number (where applicable): 09343657

Name of designated premises supervisor where the premises licence authorises the supply of alcohol: Mr Benjamin Timothy Westhead

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.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
6. For the purposes of the condition set out in paragraph 5—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
 - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$
 where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(b).
7. Where the permitted price given by Paragraph (b) of paragraph 6 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 6 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annexe 2 – Conditions consistent with the operating schedule

Live Music	Monday	12:00 hours to 23:00 hours
	Tuesday	12:00 hours to 23:00 hours
	Wednesday	12:00 hours to 23:00 hours
	Thursday	12:00 hours to 23:00 hours
	Friday	12:00 hours to 23:00 hours
	Saturday	12:00 hours to 23:00 hours
	Sunday	12:00 hours to 22:00 hours

Further Detail

N/A

Non-Standard Timing

All Bank Holiday Sundays to allow live music until 01:00 hours.

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day to allow live music until 01:00 hours.

Location of activity : Indoors

Recorded Music	Monday	12:00 hours to 23:00 hours
	Tuesday	12:00 hours to 23:00 hours
	Wednesday	12:00 hours to 23:00 hours
	Thursday	12:00 hours to 23:00 hours
	Friday	12:00 hours to 23:00 hours
	Saturday	12:00 hours to 23:00 hours
	Sunday	12:00 hours to 22:00 hours

Further Detail

Occasional DJ for functions.

Non-Standard Timing

All Bank Holiday Sundays to allow recorded music until 01:00 hours.

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day to allow recorded music until 01:00 hours.

Location of activity : Indoors

Alcohol BOTH ON/OFF premises	Monday	12:00 hours to 23:00 hours
	Tuesday	12:00 hours to 23:00 hours
	Wednesday	12:00 hours to 23:00 hours
	Thursday	12:00 hours to 23:00 hours
	Friday	12:00 hours to 01:00 hours
	Saturday	10:00 hours to 01:00 hours
	Sunday	10:00 hours to 22:00 hours

Further Detail

N/A

Non-Standard Timing

All Bank Holiday Sundays to allow the sale of alcohol until 01:00 hours.

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day to allow the sale of alcohol until 01:00 hours.

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

Designated Premises Supervisor

Name: Mr Benjamin Timothy Westhead

Address: 2 Westfields
Witley
Godalming
Surrey
GU8 5ND

Personal Licence Number (If known): LN/000005013

Issuing Licence authority (If known): Waverley Borough Council

Opening Hours	Monday	07:30 hours to 23:00 hours
	Tuesday	07:30 hours to 23:00 hours
	Wednesday	07:30 hours to 23:00 hours
	Thursday	07:30 hours to 23:00 hours
	Friday	07:30 hours to 01:00 hours
	Saturday	09:00 hours to 01:00 hours
	Sunday	09:00 hours to 22:00 hours

Further Detail

N/A

Non-Standard Timing

All Bank Holiday Sundays to allow opening until 01:00 hours.
Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day to allow opening until 01:00 hours.

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

None.

ELEMENTS OF OPERATING SCHEDULE TO ADDRESS LICENSING OBJECTIVES:

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

The Premises Licence Holder and DPS shall carry out risk assessments with due care and consideration of the four Licensing Objectives.

b) The prevention of crime and disorder

A CCTV system shall be in place covering all licensed areas, including public entry and exit points. The CCTV system shall continuously record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All CCTV recordings shall be stored for a minimum period of 31 days.

Viewing of the CCTV recordings shall be made available immediately upon request of the Police and any other Responsible Authority.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times the premises is open to the public.

This staff member shall be able to show the Police or authorised officer recent data or footage with the absolute minimum delay when requested.

Non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

A record of any incidents or crime or disorder or refusal of sales of alcohol shall be kept detailing the date and time, the nature of the incident and the name of any members of staff involved.

The record shall be made available for inspection at the premises by the Police or other authorised officer at all times when the premises is open.

c) Public Safety

The premises shall be maintained in a safe manner at all times.
All exits shall be clear of hazards.

d) The prevention of public nuisance

All refuse shall be disposed of in an appropriate manner.
Staff shall be instructed to maintain all external areas in a clean and presentable manner at all times.
Notices shall be displayed asking customers to leave the premises in a respectful manner.

e) The protection of children from harm

All staff shall be trained in the law about the sale of alcohol.
Such training shall include challenging every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusals register.
Such training (including refresher training) shall be logged and provided not less than every 12 months.
The training log shall be made available for inspection by the Police and "authorised persons".
A "Challenge 25" proof of age scheme shall be operated at the premises where the only acceptable forms of identification shall be a photographic driving licence card, passport or proof of age scheme with the PASS hologram.
The premises shall operate a "No ID, no sale" policy at all times.

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

N/A

Annexe 4 – Plans

Attached

Kate Halsall

From: [REDACTED]
Sent: Thursday 11 January 2018 12:49
To: Licensing Policy
Subject: Re: Licensing Act 2003

Hi Kate,

Sorry for the late reply.
 Yes, I am happy with the additional condition.
 Thank you.

From: Kate Halsall <Kate.Halsall@waverley.gov.uk> on behalf of Licensing Policy
 <Licensing.Policy@waverley.gov.uk>
Sent: 08 January 2018 10:47:58
To: [REDACTED]
Subject: FW: Licensing Act 2003

Dear [REDACTED]

Please see below email regarding your application. Are you happy for the below additional conditions to be included in your premises licence? Many thanks.

Regards

Kate Halsall
Licensing Administrator, Policy and Governance
 Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR
 01483 523033 (ext 3033)
www.waverley.gov.uk/licensing

From: Jo Booth CSF [mailto:joanne.booth@surreycc.gov.uk] **On Behalf Of** Child Employment/CSFC/SCC
Sent: Wednesday 27 December 2017 12:13
To: Licensing Policy
Subject: RE: Licensing Act 2003

Dear Kate

Thank you for sending us a copy of the application for a premises licence in relation to the Bada Bar Ltd in Godalming

I note that the applicant intends to introduce some good measures to ensure all staff are trained in age restricted sales such as alcohol, however would it be possible to include in the staff training (which should be documented) training on the awareness of Child Sexual Exploitation? - as per the guidance on Surrey County Council's expectations found at www.surreycc.gov.uk/premiseslicence

Following increased awareness of the dangers to children due to child sexual exploitation (CSE) we wish to ensure licensed premises holders also understand the responsibilities they have to protect children from harm with specific regard to child sexual exploitation (CSE), A short leaflet is attached which gives further explanation Children who are being exploited may not be aware they are being exploited. The perpetrators often use the purchasing of food and alcohol as a way of enticing the child. As premises such as bars and restaurants serving alcohol are believed to be the sort of premises that may be used by perpetrators and their victims, it is important that owners/managers train their staff in awareness of the signs and symptoms that might indicate CSE and know how to report any concerns.

Surrey police have recently launched 'Operation Makesafe', providing information which managers can access and use to make their staff aware of the signs and know how to report concerns. Further details are available from <http://www.surreycommunitysafety.org.uk/operation-makesafe/>

This community information page include [redacted] managers can show to their staff and posters for licensed premises which managers can print and display where the staff can readily be reminded. This training can easily be included in the training that the applicant will be undertaking on the many facets of the law and social responsibility, and then logged as usual

If the following details could be included in the application I would have no objection to it going forward:

- Staff will be trained regarding the protection of children from harm, including the awareness of Child Sexual Exploitation, and on how to make a referral if any concerns are raised for children or any suspected perpetrator. This could be through watching the operation makesafe video
- Displaying the operation makesafe poster (or similar) in prominent positions to remind staff of the signs and symptoms and how to refer concerns about Child Sexual Exploitation

Further information and resources that may be useful to owners/managers when training staff can be found at: www.surrey.police.uk/cse and www.surreycc.gov.uk/premiseslicence

Kind regards
Joanne

Joanne Booth
County Child Employment Enforcement & Strategy Manager
Quadrant Court
35 Guildford Road
Woking
GU22 7QQ
01483 518464 (office) 07971 664861 (mobile)
email joanne.booth@surreycc.gov.uk
GCSX email joanne.booth@surreycc.gcsx.gov.uk (for content upto restricted)

All applications for performance licences must be received on the new standard performance licence application form V3 available from www.surreycc.gov.uk/childemployment This form when fully completed should be sent to childemployment@surreycc.gov.uk together with a copy of the child's photo, birth certificate, copy of contract if issued, and authorisation from school for any school absence. Applications should be received more than 5 full working days before the first performance. Sending everything together in one email will enable us to issue licences promptly.

From: Kate Halsall [<mailto:Kate.Halsall@waverley.gov.uk>] **On Behalf Of** Licensing Policy
Sent: 20 December 2017 11:57
To: Licensingwestern@surrey.pnn.police.uk
Cc: 'childemployment@surreycc.gov.uk'; SFRS Business Support/COM/SCC <sfrsbusiness.support@surreycc.gov.uk>; 'richard.stedman@surreycc.gov.uk'; Planning Enquiries <PlanningEnquiries@waverley.gov.uk>; David Ridley <David.Ridley@waverley.gov.uk>; Public Health/PHE/SCC <public.health@surreycc.gov.uk>; Planning Enforcement <Planning.Enforcement@waverley.gov.uk>; Environmental Health <environmentalhealth@waverley.gov.uk>; TSD ExternalMail/COM/SCC <trading_standards@bucksandsurreytradingstandards.gov.uk>; 'alcohol@homeoffice.gsi.gov.uk' <alcohol@homeoffice.gsi.gov.uk>
Subject: Licensing Act 2003

Hello All

Premises Type	Address	Application	Applicant	Last Repts Date
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Kate Halsall

From:
Sent: Wednesday 10 January 2018 18:28
To: Licensing Policy
Subject: Re: Representation request for Premises Licence application by Bada Tapas - 10 Queen Street, Godalming.
Attachments: Kit_ex1.jpeg; Kit_ex2.jpeg; Kit_ex3.jpeg; Kit_ex4.jpeg; Kit_ex5.jpeg; Noise_log sheets.docx; Venta_acoustic_rep_flat1.pdf; Venta_acoustic_rep_flat2.pdf

To whoever it may concern,

We are a group of residents and interested parties and we would like to make a representation in regards of the Premise Licence application by Bada Tapas for the ground floor premises in 10 Queen Street, Godalming.

Our representation relates to the licensing principle of **Prevention of Public Nuisance**, as we believe the licence will likely have adverse effects on the promotion of this objective.

Premises sound insulation:

Based on past experiences with a similar type of business, a Tapas Bar, Corretto, located on 10 Queen Street that was closed last July, noise has been a problem for the flats above and around the premise. As documented by the case "Ben Westhead v Waverley Borough Council", music has been audible and caused nuisance (even when played at relatively low levels) when the premises were occupied by Corretto, both in the flats above and to the other residents of the street. After our complains to the Council, the Environmental Health services deemed necessary to issue an Abatement Notice, and since then no structural work has been carried out (that we are aware of) in the premises to address this problem. Therefore, there's no certainty the issue won't arise again as, even if the Premise Licence application by Bada Bar doesn't include the playing of music, the Licence itself allows the play of "incidental music", which will likely affect the residents nonetheless given the poor sound insulation.

As a confirmation for the fact that in general, sound insulation between the ground floor premises and the flats above does not meet the Building Regulations requirements between residential dwellings, a sound insulation test was carried out on September 2016 by Venta Acoustics. The test results state (see point "5. Discussion" in the document "Venta_acoustic_rep_flat1" attached): *"In its current form, the floor build-up is not considered acoustically fit for purpose for between dwellings, let alone to reasonably allow a restaurant or commercial premises to operate below a residential dwelling."*

A video showing how sound was perceived in flat 2 and in the communal area of 10 Queen St. during Corretto tenure is **attached**, as well as a diary recording the past nuisance problems the residents of flat 2 had.

Kitchen ventilation system:

In addition to the noise problem, there's also the issue with the premise kitchen, located in the back of the building right below flat 2 bedroom. Noise coming from the kitchen staff is very much audible inside the flat bedroom, but the main issues are caused by the ventilation system. The vent engine is attached directly to the kitchen ceiling, making vibrations to the structure very noticeable and annoying when it's turned on (see Acoustic report attached "Venta_acoustic_rep_flat2", point 4.3). Fumes and smell have also been an issue under previous owners (which was a Tapas Bar as well), and was never addressed. To our knowledge, and as suggested by the pictures **attached**, no major work has been carried out in the kitchen to solve this problem. Additionally, the pictures clearly show that the whole ventilation system (particularly the extraction canopy) doesn't seem to comply to legal standards, according to this guidance [here](#) (we realise this publication was withdrawn last September so it's not legally binding, but we think it can be taken as general guidance).

It must be noted that the same extraction system is also causing nuisance to the care home located across the garden, Jubilee House Care Home. The structure has several windows facing the garden, and the waste coming from the kitchen window regularly soiled the garden under the previous owners' tenure. More importantly, the fumes and odours coming from the premise prevented the care home patients to open their window without suffering from smells and smoke.

Late night traffic and parking issues:

One last issue worth mentioning is the heavy traffic and parking problem in the street. The presence of a late-night bar in the street, a cul-de-sac which already has a chronic lack of parking spaces and traffic issues, is very likely going to worsen these issues. Considering also the fact that as residents, we still have no access to dedicated resident parking, we feel a business of this kind will make things even worse. A business where alcohol is served with opening hours up until midnight will also generate (as we experienced with Corretto) the usual nuisance generated by people leaving the premises (taxis, doors slamming, chatting and smoking outside), which is very antisocial.

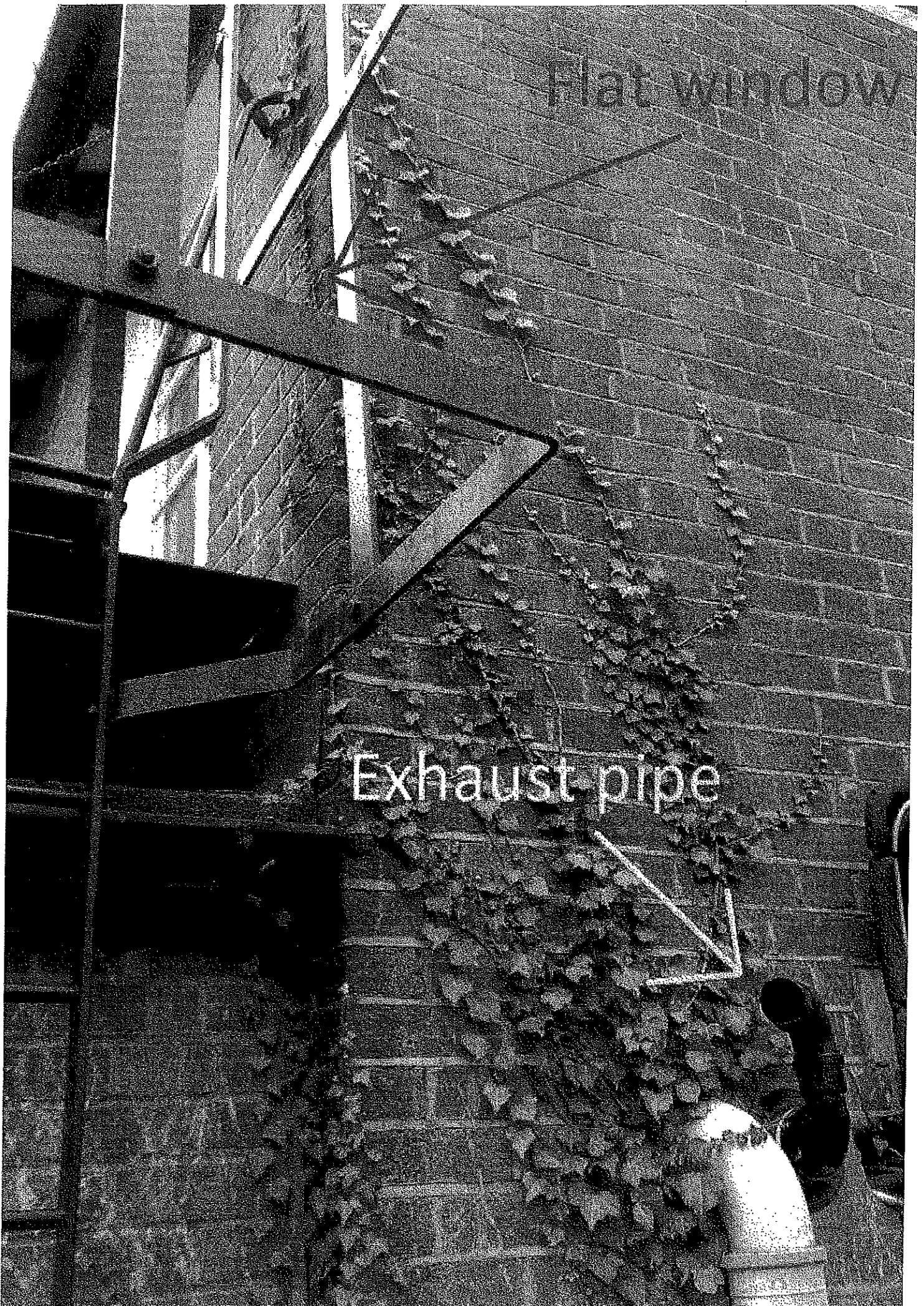
For all the above reasons we ask the Waverley Licensing Authority to consider our representation regarding the Premise Licence application by Bada Tapas.

We residents feel that in its current state, the premise is not fit to house a restaurant or a tapas bar. We ask that at the very least improvement works to the premise are carried out to increase noise insulation, and also that the kitchen ventilation and exhaust system has to be re-done up to standard, before a licence is issued, in accordance to 8.5.1 in section 8 of the Licensing Policy statement.

We are open to any question regarding the above, and we'd be glad to provide any additional information you might request.

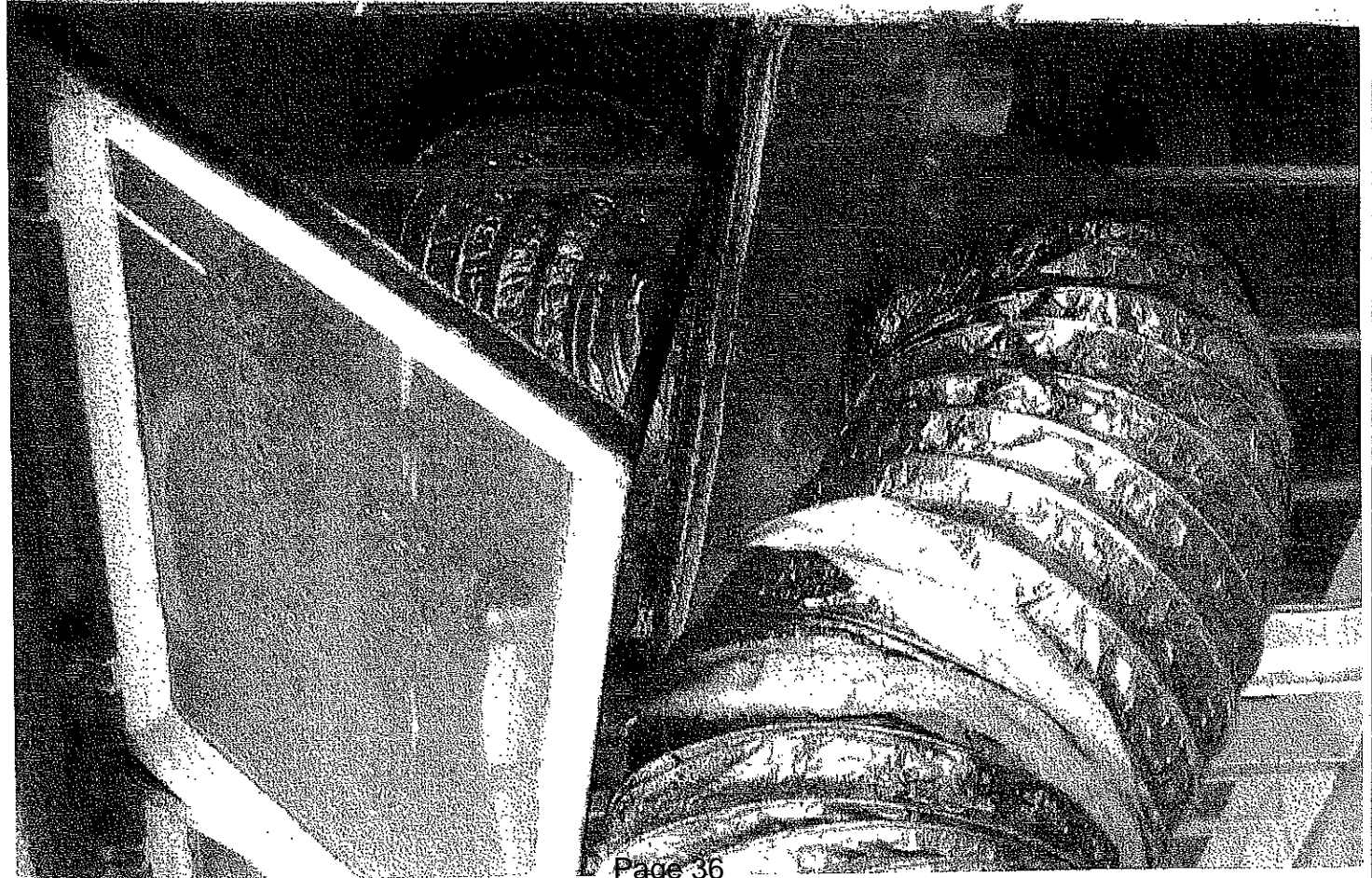
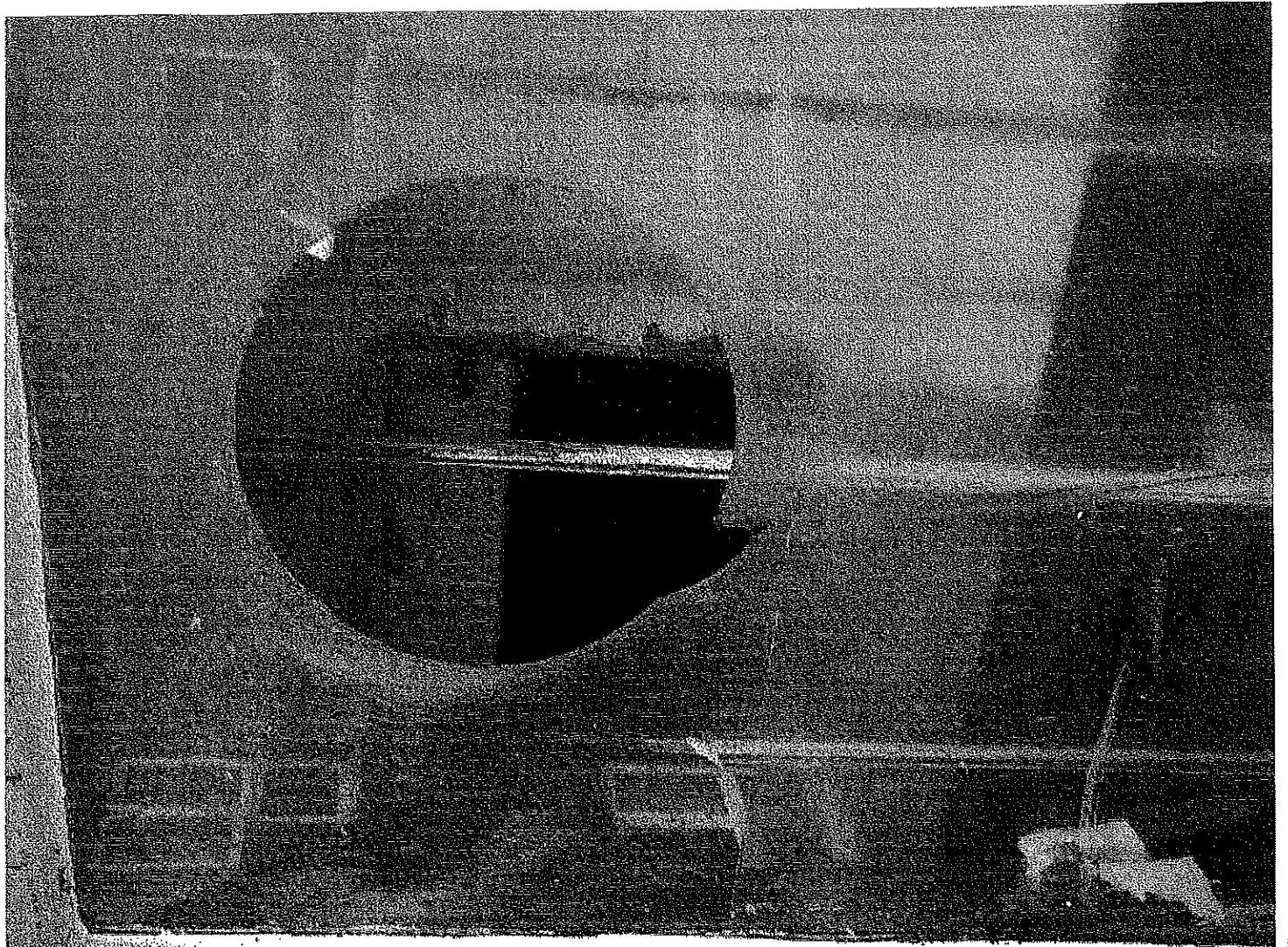
Thank you for your attention.

Kind regards,











GUIDANCE ON COMPLETION OF NOISE/SMOKE DISTURBANCE DIARIES

If legal action is to be taken to stop noise/smoke amounting to a nuisance it is possible that the matter will have to be heard in Court. Whether it is the Council or an individual who take the action, the Court will want to know which residents have been affected by noise/smoke and will ask for details of specific incidents.

It is therefore essential that an accurate, detailed record is kept of the noise/smoke. If there are any inaccuracies in the record, the Court will challenge the validity of the whole diary.

Below are notes on each column of the diary.

DATE OF OCCURRENCE

Put here the date when the noise/smoke happened.

TIME NOISE/SMOKE STARTED / FINISHED

Remember to put the time either as am / pm or as the 24 hour clock time.

DESCRIPTION OF NOISE/SMOKE / SOURCE(S) / LEVEL

A description of the noise/smoke should include an indication of its level, nature and where it can be heard/smelt on your premises. The source(s) should be identified as accurately as possible, such as stereo, diesel, cement mixer, circular plane or other sound generating equipment.

EFFECT OF NOISE/SMOKE UPON YOU

The Court will want to know how the noise/smoke is materially affecting the use and / or enjoyment of your premises. Factors of particular importance include whether the noise/smoke is affecting your work, leisure or sleep; the degree of annoyance and possible effects on mental or physical health.

DIARY OF NOISE/SMOKE DISTURBANCES

This is the Diary of (Name):

Address:

Age (if over 21 enter "Over 21"): Over 21

Telephone number:

Premises where noise/smoke is originating: Corretto

Person(s) responsible for noise/smoke:

Date of Occurrence	Time Noise/Smoke Started	Time Noise/Smoke Finished	Description of Noise/Smoke/Source(s)/Level	Effect of Noise/Smoke upon you
22-07-2016	7pm	1am	Music is probably played by a DJ or recorded, it's loud, and can be heard over the TV in the living room.	Causes distress, sleep is possible only wearing earplugs.
23-07-2016	8pm	1am	Music is played LIVE with drums and live basses, and it's extremely noisy. The floor vibrates in the living room, which is basically inhabitable as bass pounding can be heard over loud TV. Complaining with the manager (Natalie) causes no effect. Police is called too. Sleep is difficult even wearing earplugs, because of bass and drums vibrations.	It is very distressing and annoying, causes headache and affects mood. I'm very irritable because of this situation where I feel powerless.
24-07-2016	7pm	11.30pm	Live music is being played again. Basses and drums are very audible and make the floor vibrate. Again the noise is very upsetting, and it's impossible to even watch TV.	It is very distressing and annoying. Mood is affected.

25-07-2016	8.30pm	11pm	<p>Music volume is much lower. Music starts at around 8.30 and it lasts until 23pm, but it can still be heard from the bedroom, which is above the backroom of Corretto, until around midnight. I suspect they play music after the closing time in there as well. Even if the music is still audible, it's much less distressing and can be ignored if TV is on.</p>	Slightly annoying, but ignorable.
26-07-2016	7.30pm	11pm	<p>Music volume is again low. Still audible but not that annoying. It starts at 7.30 and lasts until 23pm, but again music is still audible from the backroom of the bar until midnight.</p>	Slightly annoying, but ignorable.
27-07-2016	7pm	11pm	<p>Music volume is low, audible but doesn't cause annoyance.</p>	Slightly annoying, but ignorable.
28-07-2016	7pm	12am	<p>Music is audible since 7pm, but it starts being a nuisance at around 8pm. The music played is live, has lots of bass pounding which makes the floor shake, and is played at extremely high volume. Video recorded.</p>	The pounding is very irritating, is heard above TV and is cause of a lot of distress. Causes headache and affects mood.
29-07-2016	8pm	1.30am	<p>We're not home until midnight, we notice the music starting at around 8pm and then we leave for the evening. When we're back, the music is very much audible from our living room, basses pounding as usual until after 1am. Also the fan in Corretto's kitchen, below our bedroom has been left on, and along with the music makes going asleep difficult.</p>	The pounding is as usual very distressing. We both begin to notice physical effects we believe are caused by this stressing situation. Sweating, headache, and general irritability.
30-07-2016	8pm	1am	<p>Music level is slightly better after directors came to speak to us, but it's still way over what's acceptable. The pounding of basses is still loud and annoying, being audible over TV and conversation in the living room. Environmental officers visit our flat to witness the noise.</p>	The noise is constant, and as music can't be heard but only the pounding of basses, this makes it even more distressing. Sleep is very difficult as is even watch TV.

Diary of Noise/Smoke Disturbance Continuation Sheet

Page No:

Date of Occurrence	Time Noise/Smoke Started	Time Noise/Smoke Finished	Description of Noise/Smoke/Source(s)/Level	Effect of Noise/Smoke upon you
31-07-2016	8pm	11pm	Live music is played, basses are very audible and annoying, as the floor in the living room vibrates.	The pounding noise is a nuisance as usual, it can be heard over normal conversation and over TV. Sleep is possible only wearing earplugs.
01-08-2016	8pm	10.30pm	Music volume is higher than the usual Monday. The basses are very much audible from the living room, and floor vibrates as a result.	The pounding, even if lower than the week end, is still very much annoying. Basses are audible over TV and conversation.
02-08-2016	8pm	10.30pm	Basses can still be heard, but the volume is lower. Having the TV on makes the noise almost unnoticeable.	Slightly annoying, but ignorable.
03-08-2016	8pm	10.30pm	The pounding of basses can be heard, but the volume is low. Having the TV on makes the noise almost unnoticeable.	Slightly annoying, but ignorable.
04-08-2016	8pm	11pm	The volume level is back to week-end levels, which is high. There's live music, the basses are as usual pounding through the living room and can be heard over the TV.	The pounding is very annoying, after a tiring day at work it's causing me a strong headache and to be very irritable.

Diary of Noise/Smoke Disturbance Continuation Sheet

Page No:

Date of Occurrence	Time Noise/Smoke Started	Time Noise/Smoke Finished	Description of Noise/Smoke/Source(s)/Level	Effect of Noise/Smoke upon you
05-08-2016	8pm	12pm	DJ music is played, with loads of basses that are making the floor vibrate as usual. Basses are heard over the TV in the living room. Loud music stops at 11pm, but can still be heard until 1am.	The pounding is very annoying as usual, and causes distress throughout the evening. After 11pm volume goes down noticeably, I can still hear the music but it causes less distress.
06-08-2016	8pm	1am	Live music is played at extraordinary high levels. Basses pound heavily everywhere in the flat, causing vibrations in the furniture too. Unlike most of the other times, I can hear the voice of the singer at the mic too. The noise goes well over the TV, and even having headphones on I can hear the beatings. The volume decreases after 11pm, but music can still be heard until 1am.	The level of noise is utterly unacceptable. I can't watch TV, I can't of course do anything requiring any level of concentration. The noise and the frustration caused by it is having physical effects as well: headache, increased sweating, high irritability, anxiety.
07-08-2016	8pm	12am	Live music is played again at extreme levels. Basses pound heavily everywhere, causing vibrations in the furniture too. The noise goes well over the TV, and even having headphones on I'm unable to watch TV. The volume decreases after 10.30pm, but music can still be heard until 12am.	Pounding and vibrations are extreme. Furniture and appliances too are pounding with the basses. I'm unable to do any activity whatsoever as the noise is causing extreme frustration and stress. I'm very nervous, I'm sweating and I'm shaking because of the tension the situation is causing me.

22-08-2016	7.00pm	11pm	Music is audible as usual, especially basses. At Corretto seem to have changed the amp position or something like that, as now the noise is more concentrated in the bedroom area while usually the living room was where the music was louder. The volume is not too loud but it's still annoying.	The basses are a nuisance, even if the volume is lower than the week end. As the sound is less audible in the living room we can have dinner and watch TV fairly calmly, but once in the bedroom the pounding is very much audible and stressful. Sleep is possible only wearing earplugs.
23-08-2016	7.00pm	11pm	The pounding of basses can be heard in the living room and in the bedroom, but the volume is back to normal levels.	The background noise can be heard while watching TV or having conversation. Sleeping is difficult unless wearing earplugs.
24-08-2016	8.30pm	11pm	The basses can be heard in the living room and in the bedroom, but the volume is back to normal levels.	The background noise can be heard while watching TV or having conversation. Sleeping is difficult unless wearing earplugs.
25-08-2016	8.30pm	11pm	The pounding of basses can be heard, but the noise is not continuous and the volume is not too high.	Still annoying, but ignorable.
26-08-2016	8.30pm	00.30am	The pounding of basses can be heard, but the noise is not continuous and the volume is not too high. Complaining with Bruce for music being played after 11pm is effective, but music stops after midnight.	Still annoying, but ignorable.
27-08-2016	8.30pm	11pm	The pounding of basses can be heard, but the noise is not continuous and the volume is not too high.	Still annoying, but ignorable.
28-08-2016	7.30pm	11pm	Live band is playing, basses are very loud and intrusive in the whole flat. Complaining with the managers results in the live music stopping at around 10pm, but only after an hour of messaging back and forth.	Live music is obviously not suitable. The basses are very loud as usual and prevent a peaceful enjoyment of any activity.
29-08-2016	7.30pm	11pm	Music can be heard in the background but is tolerable.	A bit annoying, but ignorable.

08-08-2016	8:30pm	11pm	The pounding of basses can be heard, but the volume is back to normal levels.	Still annoying, but ignorable.
08-08-2016	8:30pm	11pm	The pounding of basses can be heard, but the volume is back to normal levels.	Still annoying, but ignorable.
17-08-2016	8:30pm	11pm	The pounding of basses can be heard, but the volume is back to normal levels.	Still annoying, but ignorable.
18-08-2016	8:00pm	11pm	There's live music on, the volume itself is not that high but the basses vibrate clearly through the floor in the living room.	The pounding of basses is a nuisance even when watching TV. It can be heard over conversations and causes headache and distress.
19-08-2016	8:00pm	11pm	Basses can be heard over the TV and are noisy but only on certain times. For long times the volume can be noticed but it's acceptable.	The pounding of basses is a nuisance when watching TV. It can be heard over conversations but it's not continuous.
20-08-2016	10:00am	After 12:30pm	Basses and music can be heard since morning in the living room and bedroom as well. In the evening, since 8pm the music is heavy on basses, which resound through the floor in the living room.	The background noise through the whole day prevents any form of concentration. The basses in the evening can be heard over TV and the pounding is very anxiety-inducing.
21-08-2016	7:00pm	10:30pm	Live music is on, and can be heard loudly in the living room and bedroom. Basses are very noisy, and make the floor vibrate.	The pounding noise is very annoying, induces anxiety and headache. While watching TV the noise can be heard clearly and causes irritability.

30-08-2016	7.30pm	11pm	Music can be heard in the background but is tolerable.	A bit annoying, but ignorable.
31-08-2016	7.30pm	11.30pm	Music is high and bass can be heard pounding through the floor. It is not continuous as some songs are worse than others. Complained with Bruce, music is lowered but not enough. I text him again and finally the volume is lowered at acceptable levels.	The background noise can be heard while watching TV or having conversation. The pounding causes distress and anxiety.
01-09-2016	7.30pm	11pm	Music can be heard in the background but is tolerable.	A bit annoying, but ignorable.
02-09-2016	7.30pm	00.30am	Music volume is high and bass heavy. It is not continuous. Complained with Bruce, music is lowered but not enough. I have to text him several times before the volume is set to suitable levels. Music can still be heard way after 11pm, even if it's not too loud.	The background noise can be heard while watching TV or having conversation over dinner. The pounding causes distress and anxiety.
03-09-2016	8.30pm	11pm	Music can be heard in the background but is tolerable. Sometimes bass is still audible and annoying but is not continuous.	A bit annoying especially when it gets bass-heavy, but acceptable.
04-09-2016	8.30pm	10.30pm	Music can be heard in the background but is tolerable.	A bit annoying, but ignorable.
05-09-2016	7.30pm	11pm	Music volume is very low, almost inaudible.	No disturbance.
06-09-2016	8.30pm	11pm	We've been informed by directors audio setting has been modified to reduce noise. Nevertheless, music is a bit too loud so I message one of the directors. After 20 mins he replies and music is lowered to acceptable levels.	Bass can be heard while watching TV and having conversation. It's unnerving and causes distress.

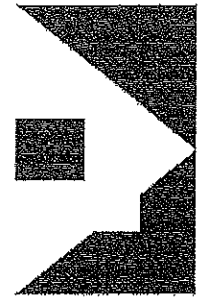
07-09-2016	8:30pm	11pm	Music can be heard in the background but is tolerable.	A bit annoying, but ignorable.
08-09-2016	8:00pm	11pm	Live music is on, and can be heard loudly in the living room. We and Louis complain with directors, who come in and witness the noise themselves. Live music is then turned off at around 9pm, and normal music after that can be heard in the background but is tolerable.	Live music levels are intolerable and prevent any activity, even watching TV.
09-09-2016	8:00pm	11pm	Music can be heard in the background but is tolerable.	A bit annoying, but ignorable.
10-09-2016	8:00pm	After 12pm	Bass is loud and the pounding can be heard in the living room. I complained with the directors, and music is lowered after 15mins. Music is still audible at around midnight.	Bass can be heard while watching TV and having conversation. It's unnerving and causes distress.
17-09-2016	8:30pm	23pm	Bass is loud and the pounding can be heard in the living room. I complained with the directors, and music is lowered almost immediately. Music is low but still audible at around midnight.	Bass can be heard while watching TV and having conversation. It's unnerving and causes distress.
22-09-2016	8:30pm	23pm	Bass is audible pounding through the floor. After complaining with the director volume is lowered after around 20 mins and become still audible but ignorable.	Bass can be heard while watching TV and having conversation. It's unnerving and causes distress.
23-09-2016	8:30pm	9:30pm	Bass is audible pounding through the floor. After complaining with the director volume is lowered but is still audible, although ignorable.	Bass can be heard while watching TV and having conversation. It's unnerving and causes distress.
24-09-2016	8:30pm	midnight	Bass is audible pounding through the floor. After complaining with the director volume is lowered and become still audible but ignorable.	Bass can be heard while watching TV and having conversation. It's unnerving and causes distress.
27-09-2016	10pm	23pm	Music starts unusually late, with bass very audible in the living room as usual. After immediate complain (by Flat 1 tenant) music is lowered but not much as it's still audible until 23.	Bass pounding is a nuisance while watching TV or having conversation. It's distressing and causes anxiety.

29-09-2016	9pm	23pm	Live music is being played once again from 9pm, with the usual results: very loud noise and bass pounding through the whole living room. I make an immediate complaint to Bruce, he says he wasn't aware live music was planned for the evening (!). It makes it stop after half an hour, after that music is back to usual levels, still audible but more ignorable.	Bass pounding is a nuisance while watching TV or having conversation. It's distressing and causes anxiety.
30-09-2016	8.30pm	23pm	Music with heavy pounding bass can be heard through the floor in the living room. Complaints are made to Bruce, which after claiming to have lowered the music (half an hour after our first message) effectively refuses to acknowledge the disturbance claiming "the cause of the noise is your floor" (!). As a result the noise goes on until 23pm.	The pounding of the bass is very annoying and can be heard while watching TV or having conversation. It's very distressing and causes me an headache.
21-10-2016	8.30pm	23.30pm	Bass is audible pounding through the floor. It remains audible until after 11.30pm	Bass pounding is a nuisance while watching TV or having conversation. It's distressing and causes anxiety.
28-10-2016	8.30pm	9pm	Music is loud and can be heard through the floor. After around 20 minutes, I go downstairs to complain directly with the bar staff, and they agree to lower the volume.	Bass pounding is a nuisance while watching TV and having conversation at dinner. It's distressing and causes anxiety.

Sat 5/11	Started at 8.30 - stopped at 00.30pm	Music lowered after Louise's complaint
Wed 9/11	Went loud at 10.30pm - Stopped at 11pm	Music lowered after my complaint
Thu 10/11	Started and stopped at 8pm after immediate complaint	Music lowered after my complaint
Fri 11/11	Started at 8.30 - Stopped at 11.30pm	Music lowered after my complain

08-02-17	Wednesday	5:30pm (back from work)	10pm	Not audible from bar, but music is coming from their kitchen from 5:30 (when I'm back from work) and lasts until around 10pm	Paolo
09-02-17	Thursday	5:30pm (back from work)	10:30pm	No music audible from the bar, but bass noise is coming from their kitchen from 5:30 (when I'm back from work) and lasts until around 10:30pm	Paolo
10-02-17	Friday	5:30pm (back from work) from kitchen; 9:30 from bar	12am	Music from the bar is audible until 11:30. Music from Corretto kitchen is audible from 5:30 (when I'm back from work) to around midnight	Paolo
11-02-17	Saturday	1pm from kitchen; 9:30pm from bar	12am	Music from the bar is audible until 11:30. Music from Corretto kitchen is audible from 5:30 (when I'm back from work) and lasts until around midnight	Paolo
14-02-17	Tuesday	5:30pm (back from work)	11pm	Music is audible from the bar since around 9pm, and from the kitchen too from 5:30pm. Both last until around 11pm	Paolo
15-02-17	Wednesday	5:30pm (back from work)	10:30pm	Not audible from bar, but music is coming from their kitchen from 5:30 (when I'm back from work) to around 10pm	Paolo
16-02-17	Thursday	5:30pm (back from work)	10:30pm	Not audible from bar, but music is coming from their kitchen from 5:30 (when I'm back from work) to around 10pm	Paolo
17-02-17	Friday	5:30pm (back from work)	11:30pm	Music from the bar is ignorable, but music is coming from the kitchen below our bedroom from 5:30 (when I'm back from work) to around 11:30pm, when I go down to complain with kitchen staff	Paolo
18-02-17	Saturday	1pm from kitchen; 9:30pm from bar	12am	Music from the bar is audible until 11:30, when we move to the other room, where music from Corretto kitchen is audible from 5:30 (when I'm back from work) to around midnight	Paolo
21-02-17	Tuesday	5:30pm (back from work)	around 10pm	Not audible from bar, but music is coming from their kitchen from 5:30 (when I'm back from work) to around 10pm	Paolo
22-02-17	Wednesday	5:30pm (back from work)	around 10pm	Not audible from bar, but music is coming from their kitchen from 5:30 (when I'm back from work) to around 10pm	Paolo
23-02-17	Thursday	12pm from kitchen	10:30pm	Not audible from bar, but music is coming from their kitchen from 12 in the morning and lasts all day until around 10pm	Giovanna
24-02-17	Friday	12pm from kitchen	11:30pm	Not audible from bar, but music is coming from their kitchen from 12 in the morning and lasts all day until around 10pm	Giovanna

25-02-17	Saturday	1pm from kitchen; 9.30pm from bar	11.30pm	We're out for the evening until 11pm. Once back, music from the bar and kitchen is audible until 11.30, I go down to complain with kitchen staff at around 11.30pm	Paolo
28-02-17	Tuesday	5.30pm (back from work)	around 10pm	Not audible from bar, but music is coming from the kitchen from 5.30 (when I'm back from work) to around 10pm	Paolo
01-03-17	Wednesday	1pm from kitchen	around 10pm	Not audible from bar, but music is coming from the kitchen from 1pm and lasts until around 10pm	Giovanna
02-03-17	Thursday	5.30pm (back from work)	around 10pm	Not audible from bar; but music is coming from the kitchen from 5.30 (when I'm back from work) and lasts until around 10pm	Paolo
03-03-17	Friday	5.30pm (back from work)	10.30pm	Music from the bar is ignorable, but not so much from the kitchen-therefore in our bedroom, I go down to complain with kitchen staff at 10.30pm	Paolo
04-03-17	Saturday	1pm from kitchen; 9.30pm from bar	11.45pm	Not home until 11pm. Music from the bar is audible until 11.30 when we move to the other room, where music from Corretto kitchen is audible until around midnight	Paolo
17-03-17	Friday	10.30pm (we weren't home before that)	around 12am	We're not home until 10.30pm. Music is audible in the living room well after 11pm.	Paolo
18-03-17	Saturday	11pm (we weren't home before that)	around 1am	We're not home until 11pm. Music is audible in the living room until 1am.	Paolo
24-03-17	Friday	10.30pm	Past 12am	Music from the bar is turned up after 10, and remains audible well after midnight.	Paolo
25-03-17	Saturday	11pm (we weren't home before that)	around 1am	We're not home until 11pm. Music is audible in the living room until 1am.	Paolo



Venta Acoustics

Report VA1574.160913.SIT2

Corretto, 10 Queen Street, Godalming

**Sound Insulation Tests
Corretto to Apartment 2.2**

13 September 2016

**Corretto ESP Limited
10 Queen Street
Godalming
GU7 1BD**

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2. Test Procedures and Equipment..... 1

3. Test Results..... 2

4. Results Analysis 2

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Attachments

- VA1574/AB4 – AB5 Airborne Sound Insulation Test Results
- Appendix A Acoustic Terminology

1. Introduction

Corretto, 10 Queen Street, Godalming is a small restaurant in Godalming that has experienced noise complaints from the apartments above due to amplified music, specifically with regard to low frequency noise.

Venta Acoustics have been previously commissioned by Corretto ESP Ltd to undertake an evaluation of the sound insulation between their restaurant and different areas of apartment 2.1, the results of which are summarised in report ref. VA1574.160831.SIT.

Following this, Venta Acoustics has returned to undertake new tests to apartment 2.2, which was recently occupied. The results of the tests will be evaluated against the current Building Regulation requirements as summarised in Approved Document E *Resistance to the passage of sound* (2003 Edition) for comparative purposes.

2. Test Procedures and Equipment

Tests were undertaken by Jamie Duncan, in full general accordance with BS EN ISO 140 *Acoustics – Measurement of sound insulation in buildings and of building elements Part 4: Field measurements of airborne sound insulation between rooms*.

High volume 'pink' noise was generated from two loudspeakers in the source room, positioned so as to obtain a diffuse sound field within the space. A spatial average of the resulting one-third octave band noise levels was obtained within both the source and the receive room.

In order to correct for room reverberant characteristics, the reverberation time (RT) was measured in the receive room using an interrupted broadband noise source and the RT function of the NTi XL2 sound level meter. Six microphone positions and two loudspeaker positions were used to obtain an average result.

Background noise levels were measured in the receive room in order to correct the received noise measurements for the influence of the prevailing noise climate as in accordance with BS EN 140 part 4.

The prevailing background noise in the apartment was traffic noise from the surrounding streets.

The following equipment was used for the sound insulation tests.

Manufacturer	Model Type	Serial No	Calibration	
			Certificate No.	Date
NTI Class 1 Integrating SLM	XL2	A2A-11586-E0	42530-A2A-11586-E0	9/6/16
Larson Davis Calibrator	CAL200	13069	42530-13069	9/6/16
Electro Voice Speaker	ZLX-12P-EX	095208361761760076	-	-
Electro Voice Speaker	ZLX-12P-EX	095208361761760087	-	-
Unbranded WAV player	-	-	-	-
Unbranded WAV player	-	-	-	-

Table 2.1 – Equipment used for the tests

3. Test Results

The airborne sound insulation tests of Weighted Standardised Level Difference, $D_{nT,w} + C_{tr}$. Attached figures VA1574/AB4 – AB5 shows the one-third octave band spectrum results of the test for airborne sound insulation, as summarised here:

Test Element	Source	Receive	Test Result ($D_{nT,w} + C_{tr}$)
Floor	Restaurant	Living Room	40 dB
	Restaurant	Bedroom	47 dB*

Table 3.1 – Measured airborne sound insulation

* Stagger in room layout hence higher sound insulation performance.

4. Results Analysis

By way of a comparison, current Building Regulations for dwellings formed by conversion require the airborne sound insulation between dwellings to be at least $D_{nT,w} + C_{tr}$ 43dB while purpose built new dwellings should achieve at least $D_{nT,w} + C_{tr}$ 45dB. The Robust Details scheme typically achieves sound insulation performance of around $D_{nT,w} + C_{tr}$ 50dB while modern “super prime” residential apartments are usually designed to achieve around $D_{nT,w} + C_{tr}$ 53dB - 55dB.

The sound insulation performance between the restaurant and the living room do not currently meet the Building Regulation requirements for sound insulation between dwellings.

The performance between the restaurant and the bedroom achieves a performance of $D_{nT,w} + C_{tr}$ 47dB, but it is likely that this is due to the layout of the rooms, with a fair percentage of the floor area of the bedroom being above the corridor, not the restaurant.

5. Discussion

The Building Regulations deal with sound insulation through the use of Approved Document E *Resistance to the passage of sound* (2003 Edition). As highlighted previously, this document specifically addresses sound insulation between dwellings. In this situation, only one element of the construction is a residential dwelling. However, requirement E1 states:

Dwelling-houses, flats and rooms for residential purposes shall be designed and constructed in such a way that they provide reasonable resistance to sound from other parts of the same building and from adjoining buildings.

The regulations go on to state:

A higher standard of sound insulation may be required between spaces used for normal domestic purposes and communal or non-domestic purposes.

From previous experience, many councils require an improvement in sound insulation of 5dB or more in such situations. Therefore, in this situation, with a commercial premises below a residential apartment, the floor should reasonably be designed to achieve at least $D_{nT,w} + C_{tr} 48 - 50$ dB. The measured sound insulation performance is well below this standard.

It may be argued then that the floor construction has not been designed or constructed in a way that provides reasonable resistance to sound, or even meets the requirements of the Building Regulations.

In its current form, the floor build-up is not considered acoustically fit for purpose for between dwellings, let alone to reasonably allow a restaurant or commercial premises to operate below a residential dwelling.

6. Conclusions

Sound insulation test have been undertaken between Corretto restaurant and apartment 2.2 above at 10 Queen Street, Godalming.

The sound insulation test results fail to meet the requirements of the Building Regulations for converted dwellings in one room, with the other room achieving the requirement.

Jamie Duncan MIOA

Airborne Sound Insulation Test

Figure : VA1574/AB4

Standardised level difference according to ISO 140-4

Field measurements of airborne sound insulation between rooms

(NB Higher $D_{nT,w} + C_u$ figures denote better sound insulation performance)

Construction Tested:
Unknown

Frequency Hz	D_{nT} dB
100	23.3
125	26.6
160	28.9
200	37.8
250	49.9
315	51.6
400	51.3
500	54.6
630	61.7
800	63.6
1k	64.6
1.25k	66.6
1.6k	68.2
2k	67.0
2.5k	68.6
3.15k	71.5

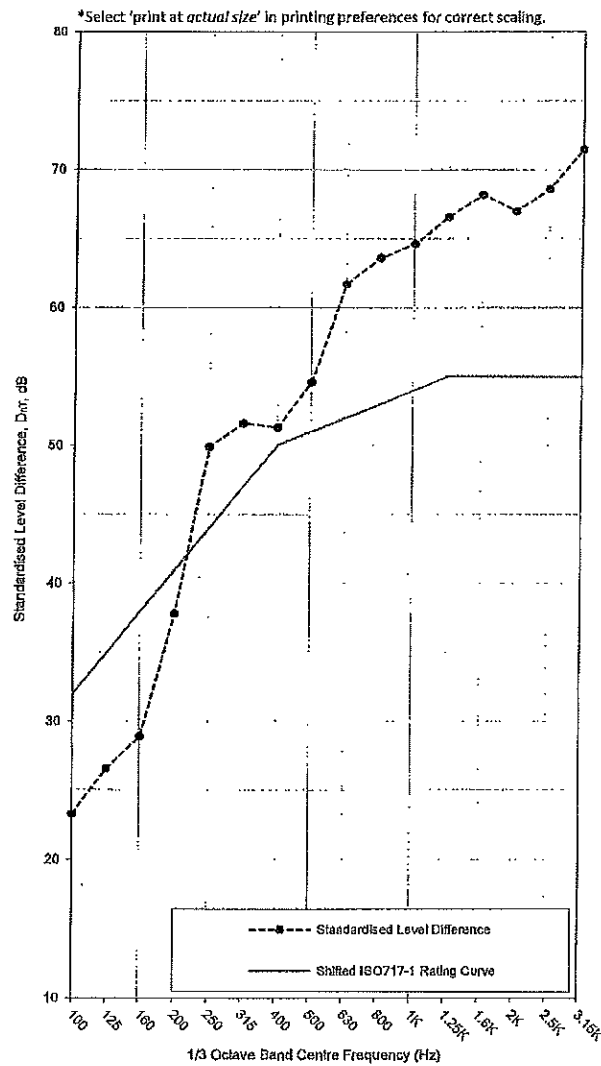
Limit of measurement, $D_{nT} \geq 68.2$
 Limit of measurement, $D_{nT} \geq 67.0$
 Limit of measurement, $D_{nT} \geq 68.6$
 Limit of measurement, $D_{nT} \geq 71.5$

Shift Curve By:	-1 dB
Sum of Adverse Deviations =	29.4 dB
$C_{tr} =$	-11 dB
$D_{nT,w} =$	51 dB

$$D_{nT,w} + C_{tr} = 40 \text{ dB}$$

Evaluation based on field measurement results obtained in one-third octave bands by an engineering method.

Test Standard: BS EN ISO 140-4
 Rating Standard: BS EN ISO 717-1
 Test Date: 13/09/2016



Project Number: VA1574

Client: Corretto ESP Ltd
 Site: Corretto, 10 Queen Street



Airborne Sound Insulation Test

Figure : VA1574/AB5

Standardised level difference according to ISO 140-4

Field measurements of airborne sound insulation between rooms

(NB Higher $D_{nT,w} + C_{tr}$ figures denote better sound insulation performance)

Construction Tested:
Unknown

Frequency Hz	D_{nT} dB
100	29.1
125	33.4
160	37.4
200	44.4
250	52.7
315	55.5
400	55.3
500	57.1
630	62.6
800	65.6
1k	66.9
1.25k	65.8
1.6k	67.7
2k	64.6
2.5k	65.0
3.15k	68.1

Limit of measurement, $D_{nT} \geq 66.9$

Limit of measurement, $D_{nT} \geq 65.8$

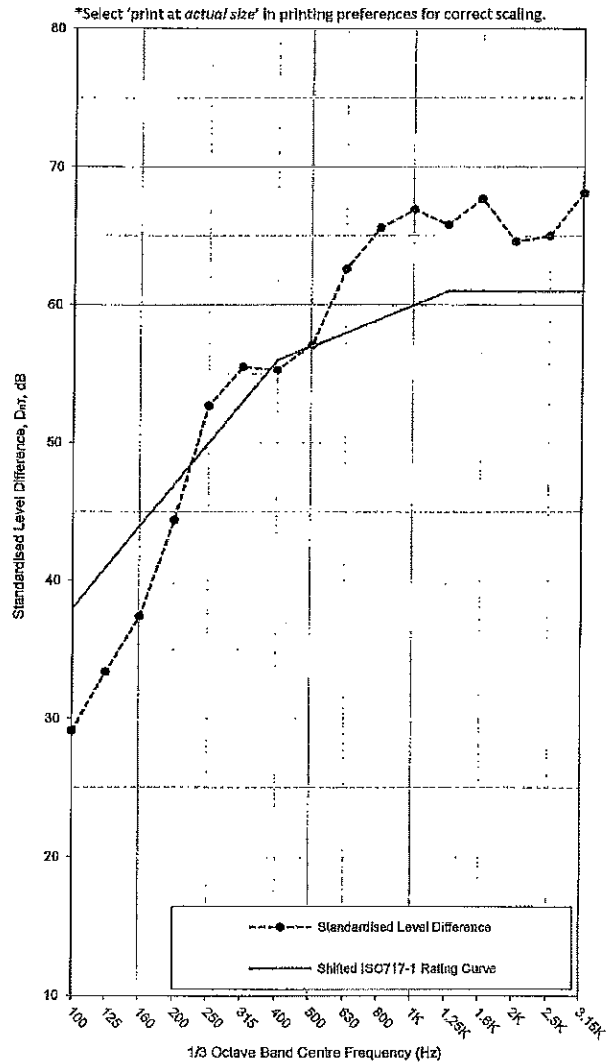
Limit of measurement, $D_{nT} \geq 67.7$

Shift Curve By:	5 dB
Sum of Adverse Deviations =	26.4 dB
C_{tr} =	-10 dB
$D_{nT,w}$ =	57 dB

$D_{nT,w} + C_{tr} = 47 \text{ dB}$

Evaluation based on field measurement results obtained in one-third octave bands by an engineering method.

Test Standard: BS EN ISO 140-4
Rating Standard: BS EN ISO 717-1
Test Date: 13/09/2016



Project Number: VA1574

Client: Corretto ESP Ltd
Site: Corretto, 10 Queen Street



APPENDIX A



Acoustic Terminology & Human Response to Broadband Sound

1.1 Acoustic Terminology

The human impact of sounds is dependent upon many complex interrelated factors such as 'loudness', its frequency (or pitch) and variation in level. In order to have some objective measure of the annoyance, scales have been derived to allow for these subjective factors.

Sound	Vibrations propagating through a medium (air, water, etc.) that are detectable by the auditory system.
Noise	Sound that is unwanted by or disturbing to the perceiver.
Frequency	The rate per second of vibration constituting a wave, measured in Hertz (Hz), where 1Hz = 1 vibration cycle per second. The human hearing can generally detect sound having frequencies in the range 20Hz to 20kHz. Frequency corresponds to the perception of 'pitch', with low frequencies producing low 'notes' and higher frequencies producing high 'notes'.
dB(A):	Human hearing is more susceptible to mid-frequency sounds than those at high and low frequencies. To take account of this in measurements and predictions, the 'A' weighting scale is used so that the level of sound corresponds roughly to the level as it is typically discerned by humans. The measured or calculated 'A' weighted sound level is designated as dB(A) or L_A . A notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (e.g. 8 hour, 1 hour, etc).
L_{eq}:	The concept of L_{eq} (equivalent continuous sound level) has primarily been used in assessing noise from industry, although its use is becoming more widespread in defining many other types of sounds, such as from amplified music and environmental sources such as aircraft and construction. Because L_{eq} is effectively a summation of a number of events, it does not in itself limit the magnitude of any individual event, and this is frequently used in conjunction with an absolute sound limit.
R	<i>Sound Reduction Index.</i> Effectively the <i>Level Difference</i> of a building element when measured in an accredited laboratory test suite in accordance with the procedures laid down in BS EN ISO 10140-2:2010 and corrected for its size and the reverberant characteristics of the receive room.
D	The sound insulation performance of a construction is described in terms of the difference in sound level on either side of the construction in the presence of a sound source on one side and the reverberant characteristics of the adjoining 'receive' space. <i>D</i> is the arithmetic <i>Level Difference</i> in decibels between the source and receive sound levels when filtered into frequency bands.
D_{nT}	<i>Weighted Standardised Level Difference.</i> As defined in BS EN ISO 717-1, representing the <i>Weighted Level Difference</i> , when standardised for reference receiving room reverberant characteristics.
R_w D_w	Value of parameter, determined as above, but weighted in accordance with the procedures laid down in BS EN ISO 717-1 to provide a single-figure value.
$D_{nT,w}$ $D_{n,e,w}$	
$D_{n,f,w}$	
C, C_{tr}	Spectral adaptation terms to be added to a single number quantity such as $D_{nT,w}$, to take account of the sound insulation within frequency ranges of particular interest.

1.2 Octave Band Frequencies

In order to determine the way in which the energy of sound is distributed across the frequency range, the International Standards Organisation has agreed on "preferred" bands of frequency for sound measurement and analysis. The widest and most commonly used band for frequency measurement and analysis is the Octave Band. In these bands, the upper frequency limit is twice the lower frequency limit, with the band being described by its "centre frequency" which is the average (geometric mean) of the upper and lower limits, e.g. 250 Hz octave band extends from 176 Hz to 353 Hz. The most commonly used octave bands are:

APPENDIX A



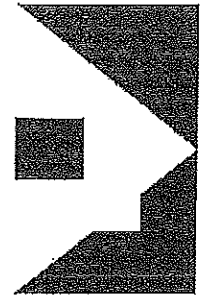
Acoustic Terminology & Human Response to Broadband Sound

Octave Band Centre Frequency Hz | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | 8000

1.3 Human Perception of Broadband Noise

Because of the logarithmic nature of the decibel scale, it should be borne in mind that sound levels in dB(A) do not have a simple linear relationship. For example, 100dB(A) sound level is not twice as loud as 50dB(A). It has been found experimentally that changes in the average level of fluctuating sound, such as from traffic, need to be of the order of 3dB before becoming definitely perceptible to the human ear. Data from other experiments have indicated that a change in sound level of 10dB is perceived by the average listener as a doubling or halving of loudness. Using this information, a guide to the subjective interpretation of changes in environmental sound level can be given.

Change in Sound Level dB	Subjective Impression	Human Response
0 to 2	Imperceptible change in loudness	Marginal
3 to 5	Perceptible change in loudness	Noticeable
6 to 10	Up to a doubling or halving of loudness	Significant
11 to 15	More than a doubling or halving of loudness	Substantial
16 to 20	Up to a quadrupling or quartering of loudness	Substantial
21 or more	More than a quadrupling or quartering of loudness	Very Substantial



Ventura Acoustics

Report VA1574.160831.SIT

Corretto, 10 Queen Street, Godalming

Sound Insulation Investigation

01 September 2016

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registered company no. 10139494

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Attachments

VA1574/AB1 - AB3 Airborne Sound Insulation Test Results

Appendix A Acoustic Terminology

1. Introduction

Corretto, 10 Queen Street, Godalming is a small restaurant in Godalming that has experienced noise complaints from the apartment above due to amplified music, specifically with regard to low frequency noise.

Venta Acoustics have been commissioned by Corretto ESP Ltd to undertake an evaluation of the sound insulation between their restaurant and different areas of the apartment. The results of the tests will be evaluated against the current Building Regulation requirements as summarised in Approved Document E *Resistance to the passage of sound* (2003 Edition) for comparative purposes.

2. Test Procedures and Equipment

Tests were undertaken by Jamie Duncan, in full general accordance with BS EN ISO 140 *Acoustics – Measurement of sound insulation in buildings and of building elements Part 4: Field measurements of airborne sound insulation between rooms*.

High volume 'pink' noise was generated from two loudspeakers in the source room, positioned so as to obtain a diffuse sound field within the space. A spatial average of the resulting one-third octave band noise levels was obtained within both the source and the receive room.

In order to correct for room reverberant characteristics, the reverberation time (RT) was measured in the receive room using an interrupted broadband noise source and the RT function of the NTi XL2 sound level meter. Six microphone positions and two loudspeaker positions were used to obtain an average result.

Background noise levels were measured in the receive room in order to correct the received noise measurements for the influence of the prevailing noise climate as in accordance with BS EN 140 part 4.

The prevailing background noise in the apartment was plant noise from the kitchen extract system servicing Prezzo, which is located at 1st floor roof level, outside the apartment's windows.

The following equipment was used for the sound insulation tests.

Manufacturer	Model Type	Serial No	Calibration	
			Certificate No.	Date
NTi Class 1 Integrating SLM	XL2	A2A-11586-E0	42530-A2A-11586-E0	9/6/16
Larson Davis Calibrator	CAL200	13069	42530-13069	9/6/16
Electro Voice Speaker	ZLX-12P-EX	095208361761760076	-	-
Electro Voice Speaker	ZLX-12P-EX	095208361761760087	-	-
Unbranded WAV player	-	-	-	-
Unbranded WAV player	-	-	-	-

Table 2.1 – Equipment used for the tests

3. Test Results

The airborne sound insulation tests of Weighted Standardised Level Difference, $D_{nT,w} + C_{tr}$. Attached figures VA1574/AB1 – AB3 shows the one-third octave band spectrum results of the test for airborne sound insulation, as summarised here:

Test Element	Source	Receive	Test Result ($D_{nT,w} + C_{tr}$)
Floor	Restaurant	Living Room	47 dB
	Restaurant	Bedroom	55 dB*
	Kitchen	Bedroom	43 dB

Table 3.1 – Measured airborne sound insulation

* Diagonal test: undertaken purely for informative purposes

4. Results Analysis and Site Observations

By way of a comparison, current Building Regulations for dwellings formed by conversion require the airborne sound insulation between dwellings to be at least $D_{nT,w} + C_{tr}$ 43dB while purpose built new dwellings should achieve at least $D_{nT,w} + C_{tr}$ 45dB. The Robust Details scheme typically achieves sound insulation performance of around $D_{nT,w} + C_{tr}$ 50dB while modern “super prime” residential apartments are usually designed to achieve around $D_{nT,w} + C_{tr}$ 53dB - 55dB.

However, this guidance is intended for between dwellings, rather than between a commercial premises and a residential dwelling. From previous experience, many councils require an improvement in sound insulation of 5dB or more in such situations.

4.1 Noise Climate in Local Area

Background noise levels in the apartment are not notably quiet, mainly due to the extract fan associated with Prezzo outside the rear of the apartments. It is likely that noise levels drop to much lower levels later at night once the adjacent restaurant kitchen closes for the night.

Traffic noise could be heard from vehicles on Flambard Way and it is expected that this becomes the dominant noise source later at night.

4.2 Restaurant to Living Room

The measured sound insulation of the floor between the restaurant and the apartment provides a reasonably good level of acoustic separation at mid to high frequencies, but the low frequency performance is relatively poor. This would correlate with the observations of the residents of the apartment who have stated they cannot hear voices or similar noise from the restaurant, but the bass from the music is the noticeable element.

The speakers in the restaurant are currently hung from the ceiling in mounts located at the opposite end of the room from the apartment, below a currently vacant apartment. Although they are rigidly

attached to the ceiling, the fact that the floor provided poor low frequency performance with the test speakers located at floor levels would indicate that the issue is not a structure borne noise issue.

4.3 Kitchen to Bedroom

Between the kitchen and the bedroom, the sound insulation performance is not especially good, and only just meets the requirements for party floors of dwellings in converted buildings. It also shows the same pattern of poor low frequency sound insulation performance. It was noted that during a second, informative test between the kitchen and the bedroom with the kitchen extract fan operating at full duty, there was a low level hum audible in the room at around 100Hz, with a low level of vibration perceptible from the floor directly above the unit.

The diagonal test between the restaurant and bedroom was for informative purposes and demonstrates there is much lower degree of sound transfer between these areas.

5. Discussion

The Building Regulations deal with sound insulation through the use of Approved Document E *Resistance to the passage of sound* (2003 Edition). As highlighted previously, this document specifically addresses sound insulation between dwellings. In this situation, only one element of the construction is a residential dwelling. However, requirement E1 states:

Dwelling-houses, flats and rooms for residential purposes shall be designed and constructed in such a way that they provide reasonable resistance to sound from other parts of the same building and from adjoining buildings.

It could be considered that in this situation, with a commercial premises below an apartment, the floor construction has not been designed or constructed in a way that provides reasonable resistance to sound. It should be noted that timber floor systems are characterised by poor low frequency performance and it is unlikely that a high level of protection against low frequency music noise can be reasonably achieved.

6. Conclusions

Sound insulation test have been undertaken between Corretto restaurant and the apartment above at 10 Queen Street, Godalming.

The sound insulation test results meet the requirements of the Building Regulations for converted dwellings, although one of the areas is a commercial premises. However, the low frequency performance between the restaurant and the apartment was noted to be relatively poor.

Jamie Duncan MIOA

Airborne Sound Insulation Test

Figure : VA1574/AB1

Standardised level difference according to ISO 140-4

Field measurements of airborne sound insulation between rooms

(NB Higher $D_{nT,w} + C_{tr}$ figures denote better sound insulation performance)

Construction Tested:
Construction unknown

Rooms Tested From : *Restaurant*
To : *Living Room*

Frequency Hz	D_{nT} dB
100	30.1
125	32.3
160	36.5
200	42.9
250	52.2
315	53.4
400	53.3
500	59.8
630	60.8
800	62.5
1k	63.6
1.25k	62.5
1.6k	65.5
2k	66.7
2.5k	69.5
3.15k	71.3

Limit of measurement, $D_{nT} \geq 59.8$

Limit of measurement, $D_{nT} \geq 62.5$

Limit of measurement, $D_{nT} \geq 63.6$

Limit of measurement, $D_{nT} \geq 62.5$

Limit of measurement, $D_{nT} \geq 65.5$

Limit of measurement, $D_{nT} \geq 66.7$

Limit of measurement, $D_{nT} \geq 69.5$

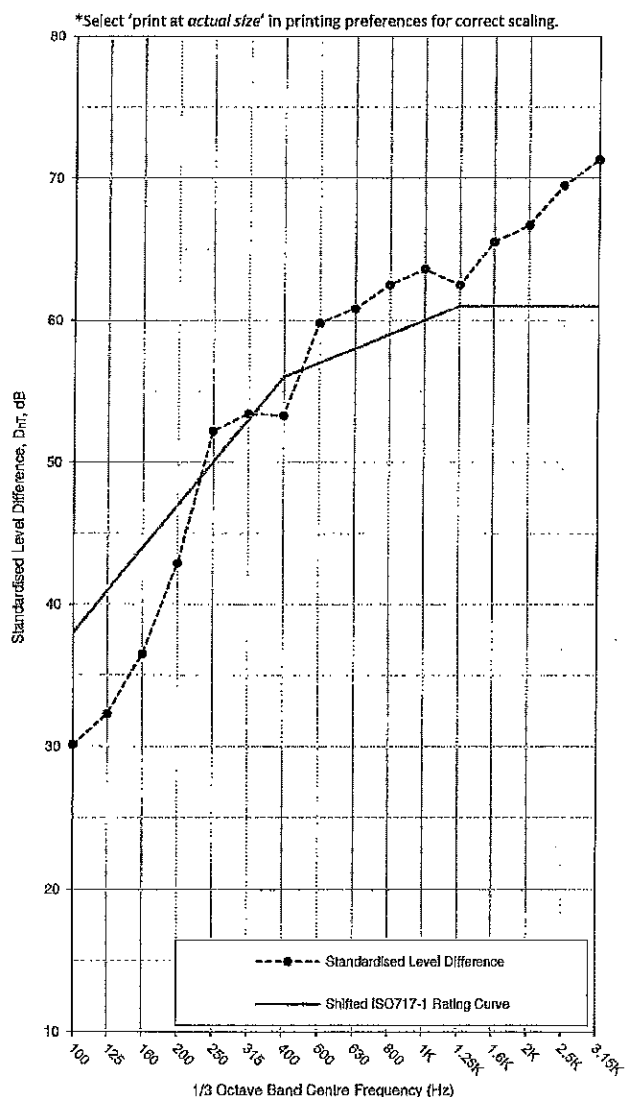
Limit of measurement, $D_{nT} \geq 71.3$

Shift Curve By:	5 dB
Sum of Adverse Deviations =	30.9 dB
C_{tr}	-10 dB
$D_{nT,w}$	57 dB

$$D_{nT,w} + C_{tr} = 47 \text{ dB}$$

Evaluation based on field measurement results obtained in one-third octave bands by an engineering method.

Test Standard: *BS EN ISO 140-4*
Rating Standard: *BS EN ISO 717-1*
Test Date: *25/08/2016*



Project Number: VA1574

Client: *Corretto ESP Ltd*
Site: *Corretto, 10 Queen Street, Godalming*



Airborne Sound Insulation Test

Figure : VA1574/AB2

Standardised level difference according to ISO 140-4

Field measurements of airborne sound insulation between rooms
(NB Higher $D_{nT,w} + C_{tr}$ figures denote better sound insulation performance)

Construction Tested:
Construction unknown

Rooms Tested From : *Restaurant*
To : *Bedroom*

Frequency Hz	D_{nT} dB
100	41.9
125	45.5
160	43.7
200	48.8
250	55.9
315	57.1
400	59.1
500	59.3
630	61.4
800	62.8
1k	60.3
1.25k	56.2
1.6k	62.5
2k	62.9
2.5k	60.1
3.15k	66.9

Limit of measurement, $D_{nT} \geq 43.7$

Limit of measurement, $D_{nT} \geq 59.3$

Limit of measurement, $D_{nT} \geq 61.4$

Limit of measurement, $D_{nT} \geq 62.8$

Limit of measurement, $D_{nT} \geq 60.3$

Limit of measurement, $D_{nT} \geq 56.2$

Limit of measurement, $D_{nT} \geq 62.5$

Limit of measurement, $D_{nT} \geq 62.9$

Limit of measurement, $D_{nT} \geq 60.1$

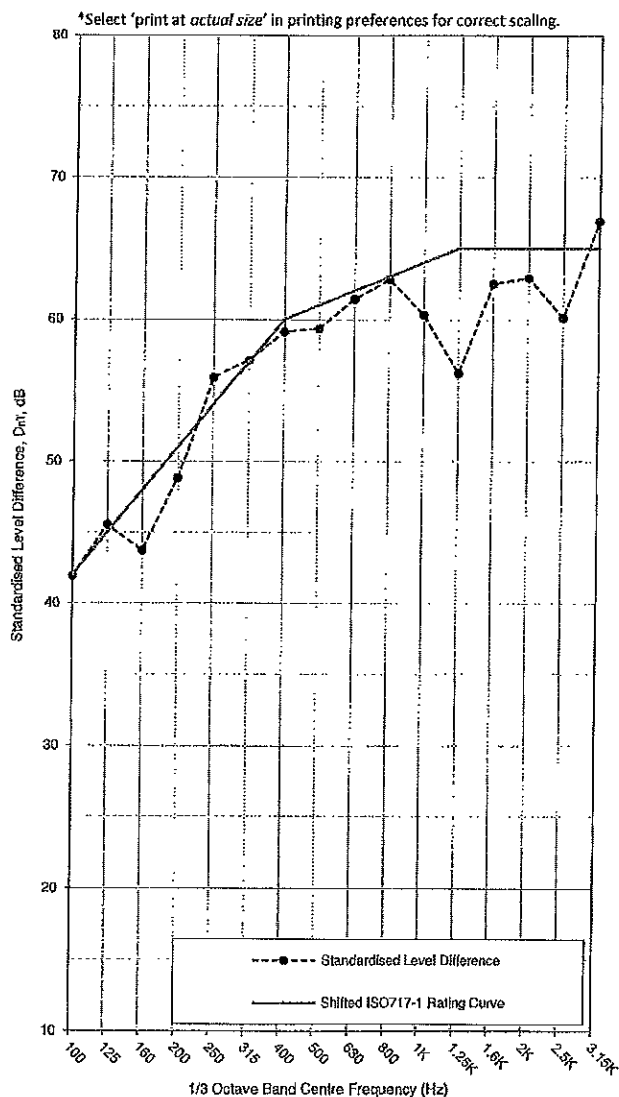
Limit of measurement, $D_{nT} \geq 66.9$

Shift Curve By:	9 dB
Sum of Adverse Deviations =	32.0 dB
C_{tr} =	-6 dB
$D_{nT,w}$ =	61 dB

$D_{nT,w} + C_{tr} = 55 \text{ dB}$

Evaluation based on field measurement results obtained in one-third octave bands by an engineering method.

Test Standard: BS EN ISO 140-4
Rating Standard: BS EN ISO 717-1
Test Date: 25/08/2016



Project Number: VA1574

Client: Corretto ESP Ltd
Site: Corretto, 10 Queen Street, Godalming



Airborne Sound Insulation Test

Figure : VA1574/AB3

Standardised level difference according to ISO 140-4

Field measurements of airborne sound insulation between rooms

(NB Higher $D_{nT,w} + C_{tr}$ figures denote better sound insulation performance)

Construction Tested:
Construction unknown

Rooms Tested From : *Kitchen*
To : *Bedroom*

Frequency Hz	D_{nT} dB
100	25.6
125	30.5
160	36.9
200	38.1
250	48.0
315	50.8
400	49.8
500	53.8
630	57.7
800	58.8
1k	59.6
1.25k	56.3
1.6k	62.2
2k	64.8
2.5k	68.4
3.15k	70.0

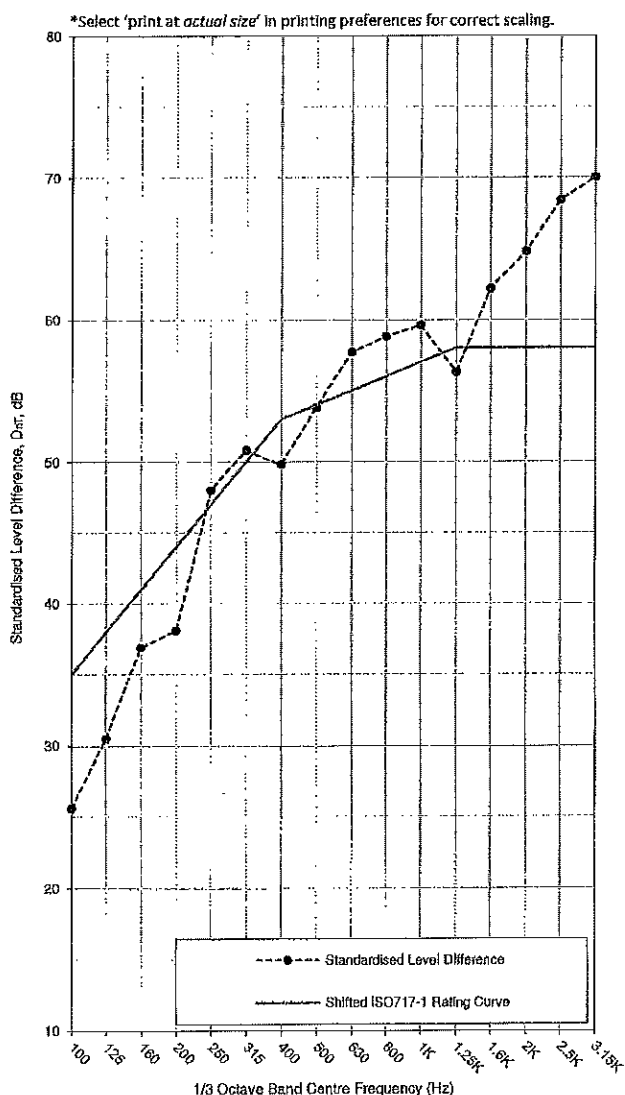
Limit of measurement, $D_{nT} \geq 58.8$
 Limit of measurement, $D_{nT} \geq 59.6$
 Limit of measurement, $D_{nT} \geq 56.3$
 Limit of measurement, $D_{nT} \geq 62.2$
 Limit of measurement, $D_{nT} \geq 64.8$
 Limit of measurement, $D_{nT} \geq 68.4$
 Limit of measurement, $D_{nT} \geq 70.0$

Shift Curve By:	2 dB
Sum of Adverse Deviations =	32.0 dB
$C_{tr} =$	-11 dB
$D_{nT,w} =$	54 dB

$$D_{nT,w} + C_{tr} = 43 \text{ dB}$$

Evaluation based on field measurement results obtained in one-third octave bands by an engineering method.

Test Standard: BS EN ISO 140-4
 Rating Standard: BS EN ISO 717-1
 Test Date: 25/08/2016

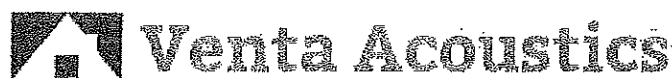


Project Number: VA1574

Client: Corretto ESP Ltd
 Site: Corretto, 10 Queen Street, Godalming



APPENDIX A



Acoustic Terminology & Human Response to Broadband Sound

1.1 Acoustic Terminology

The human impact of sounds is dependent upon many complex interrelated factors such as 'loudness', its frequency (or pitch) and variation in level. In order to have some objective measure of the annoyance, scales have been derived to allow for these subjective factors.

Sound	Vibrations propagating through a medium (air, water, etc.) that are detectable by the auditory system.
Noise	Sound that is unwanted by or disturbing to the perceiver.
Frequency	The rate per second of vibration constituting a wave, measured in Hertz (Hz), where 1Hz = 1 vibration cycle per second. The human hearing can generally detect sound having frequencies in the range 20Hz to 20kHz. Frequency corresponds to the perception of 'pitch', with low frequencies producing low 'notes' and higher frequencies producing high 'notes'.
dB(A):	Human hearing is more susceptible to mid-frequency sounds than those at high and low frequencies. To take account of this in measurements and predictions, the 'A' weighting scale is used so that the level of sound corresponds roughly to the level as it is typically discerned by humans. The measured or calculated 'A' weighted sound level is designated as dB(A) or L _A . A notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (e.g. 8 hour, 1 hour, etc).
L_{eq}:	The concept of L _{eq} (equivalent continuous sound level) has primarily been used in assessing noise from industry, although its use is becoming more widespread in defining many other types of sounds, such as from amplified music and environmental sources such as aircraft and construction. Because L _{eq} is effectively a summation of a number of events, it does not in itself limit the magnitude of any individual event, and this is frequently used in conjunction with an absolute sound limit.
R	<i>Sound Reduction Index.</i> Effectively the <i>Level Difference</i> of a building element when measured in an accredited laboratory test suite in accordance with the procedures laid down in BS EN ISO 10140-2:2010 and corrected for its size and the reverberant characteristics of the receive room.
D	The sound insulation performance of a construction is described in terms of the difference in sound level on either side of the construction in the presence of a sound source on one side and the reverberant characteristics of the adjoining 'receive' space. <i>D</i> is the arithmetic <i>Level Difference</i> in decibels between the source and receive sound levels when filtered into frequency bands.
D_{nT}	<i>Weighted Standardised Level Difference.</i> As defined in BS EN ISO 717-1, representing the <i>Weighted Level Difference</i> , when standardised for reference receiving room reverberant characteristics.
R_w D_w	Value of parameter, determined as above, but weighted in accordance with the procedures laid down in BS EN ISO 717-1 to provide a single-figure value.
D_{nT,w} D_{n,e,w}	
D_{n,f,w}	
C, C_r	Spectral adaptation terms to be added to a single number quantity such as D _{nT,w} , to take account of the sound insulation within frequency ranges of particular interest.

1.2 Octave Band Frequencies

In order to determine the way in which the energy of sound is distributed across the frequency range, the International Standards Organisation has agreed on "preferred" bands of frequency for sound measurement and analysis. The widest and most commonly used band for frequency measurement and analysis is the Octave Band. In these bands, the upper frequency limit is twice the lower frequency limit, with the band being described by its "centre frequency" which is the average (geometric mean) of the upper and lower limits, e.g. 250 Hz octave band extends from 176 Hz to 353 Hz. The most commonly used octave bands are:

APPENDIX A



Acoustic Terminology & Human Response to Broadband Sound

Octave Band Centre Frequency Hz | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | 8000

1.3 Human Perception of Broadband Noise

Because of the logarithmic nature of the decibel scale, it should be borne in mind that sound levels in dB(A) do not have a simple linear relationship. For example, 100dB(A) sound level is not twice as loud as 50dB(A). It has been found experimentally that changes in the average level of fluctuating sound, such as from traffic, need to be of the order of 3dB before becoming definitely perceptible to the human ear. Data from other experiments have indicated that a change in sound level of 10dB is perceived by the average listener as a doubling or halving of loudness. Using this information, a guide to the subjective interpretation of changes in environmental sound level can be given.

Change in Sound Level dB	Subjective Impression	Human Response
0 to 2	Imperceptible change in loudness	Marginal
3 to 5	Perceptible change in loudness	Noticeable
6 to 10	Up to a doubling or halving of loudness	Significant
11 to 15	More than a doubling or halving of loudness	Substantial
16 to 20	Up to a quadrupling or quartering of loudness	Substantial
21 or more	More than a quadrupling or quartering of loudness	Very Substantial



INTERNAL MEMORANDUM

To: Paul Hughes, Licensing Manager Your ref: WK/201709096

From: Victoria Buckroyd,
Environmental Health Manager My Ref: WK201709148

Date: 1st February 2018

LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE BADA TAPAS, 10 QUEEN STREET, GODALMING, SURREY, GU7 1BD

Environmental Health has not received any recent complaints that are relevant to the above application and therefore as a responsible authority has not made a representation in relation to this new licence application. However, as Environmental Health Manager I have been advised that representations have been received from other persons who have concerns in respect of public nuisance.

This memo sets out a summary of enforcement action that was taken in response to complaints made by residents relating to noise from music at the premises between November 2015 and May 2017, when it was operated by a different Licensee and was as a tapas bar known as 'Corretto' with live and recorded music.

Complaint History for Corretto, 10 Queen Street, Godalming

The Environmental Health Team received a number of complaints of noise affecting local residents late at night; the principal disturbance related to loud amplified music. An initial complaint was received in November 2015 from one resident and further complaints by other residents were received after March 2016 (In total the noise was alleged to affect 4 neighbouring properties).

Environmental Health Officers liaised with Licensing colleagues and the Manager, owners and Designated Premises Supervisor of Corretto, to try and resolve the issues relating to noise. Investigations into the complaints led to Environmental Health Officers establishing that a statutory nuisance existed as a result of amplified music. A Notice was served on Friday 5 August 2016 under the Environmental Protection Act 1990, section 79(1)(g), requiring noise nuisance from loud amplified music to be abated. Environmental Health investigations also established the premises were breaching their licence conditions with regards to permitted hours for music at the premises. In August 2016 Environmental Health raised an objection to

a Temporary Event Notice Application. This application was refused at committee due to the concerns raised by Environmental Health.

An Appeal against Waverley's abatement notice was lodged in September 2016. Environmental Health Officers and local residents gave evidence of the noise nuisance at Redhill Magistrates' Court in October and November 2016. Corretto commissioned a report from an acoustic consultant to be used in evidence to appeal the noise abatement notice. After careful consideration of the evidence the Court dismissed the appeal and the notice was upheld.

Complaints continued to be received and further visits were made in January 2017 and May 2017 to try to gain evidence and establish breaches of the noise abatement notice. Noise heard during the visits was deemed to be insufficient to establish a breach of the notice. The last complaint that Environmental Health received was in May 2017. From the records held by Environmental Health 'Corretto' ceased trading in July 2017.

Complaints were also received regarding noise and odour from the extraction system from the kitchen at the premises. From the information held on the Environmental Health records the investigation does not appear to have reached a conclusion as to whether a statutory noise or odour nuisance existed.

New Application:-

The application that has been made is for the sale of alcohol and does not include regulated entertainment (music). Environmental Health has not received any recent complaints of noise that are relevant to this application and therefore as a responsible authority has not made a representation for this new licence application.

Should residents be disturbed by either noise or odour from the premises they should contact Environmental Health by calling 01483 523393 or emailing environmentalhealth@waverley.gov.uk so that their complaint may be investigated further. It would be open to Environmental Health to review and investigate any matters under The Environmental Protection Act 1990.

Victoria Buckroyd
Environmental Health Manager