

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in Conference Room 1, Beech Hurst, Weyhill Road, Andover
on Monday, 27 March 2023 at 9.30 am

Attendance:

Councillor G Bailey

Councillor P Lashbrook

Councillor T Burley

Also in attendance

Councillor I Andersen

1

Appointment of Chairman

Resolved:

That Councillor Lashbrook be appointed as Chairman for the duration of the meeting.

2

Apologies

There were no apologies for absence.

3

Declarations of Interest

There were no declarations of interest.

4 **Application for variation of a Premises Licence - The Ark Bar,
43 London Street, Andover SP10 2NU**

The Licensing Manager presented the application submitted by Mr Jason Wyatt for the variation of the existing Premises Licence in respect of premises known as The Ark Bar, London Street, Andover SP10 2NU.

The application as submitted sought an extension to the provision of live music until 2400 hours (currently 2300 hours), an extension in the hours for provision of recorded music until 0100 hours the following morning (currently 2300 hours) and an extension in the time for supply of alcohol to 0030 hours (currently 2300 hours) with the premises to close at 0100 hours. In addition, the application sought removal of the condition "the venue shall use polycarbonate, plastic or paper drinking vessels".

The application had attracted representations objecting to the application which necessitated it being determined at a hearing.

The Applicant was invited to address the Licensing Sub-Committee. He explained to Members that having taken into consideration comments from Environmental Health, the Police and having gained a better understanding of the area, he wished to amend the request to extend his operating hours as follows:

- Live music until 2300 hours
- Last orders at midnight
- Recorded music and close of business - 0030 hours

The Applicant informed the Committee that he was providing a safe environment where people can come and feel safe and enjoy a relaxing night out. He felt that the conditions that were being placed on his licence were disproportionate to those of other venues of a similar nature.

PC Brian Swallow was invited to address the committee on behalf of the Police. He gave some statistics around incidents that had occurred in London Street over a 12 month period and advised that unfortunately due to the location the request for the variation would undermine the Licensing objectives of public safety and public nuisance. He raised concern over the fact that the applicant had rejected the offer of a condition to provide an extra member of door staff or a Welfare Officer which would mitigate the variations.

With regards to the request to remove the condition around the provision of polycarbonate, plastic or paper drinking vessels, it was felt that this would not promote the Licensing objective around public safety and if the committee were minded to grant the variation, it was suggested that the previously discussed conditions should be included.

The Environmental Health Officer was invited to address the Sub-Committee. He advised members that his main concern was that there was no evidence to show that sound insulation between the bar and the residential flats was adequate and therefore the Licensing objective 'Prevention of Public Nuisance' would not be upheld if this variation was granted. They had made an appointment to measure the noise level, but unfortunately the meeting had not gone ahead.

All parties were given the opportunity of asking questions of each other.

The Committee retired to deliberate and returned to ask further questions to enable them to make a more informed decision.

Members wished it to be noted that they would like to support businesses in Andover and would encourage the applicant to work with the environmental health team and the police should they wish to re-submit an application for variation.

Resolved:

That the Licensing Sub-Committee refused the application for variation of the Premises Licence for the following reasons:

In promoting the licensing objective the Council must have due regard for duty of care to staff, customers, local residents and the general public and the prevention of crime and disorder, public nuisance and public safety.

We have carefully considered the submissions of the Environmental Health, Police and Mr Wyatt and have reached the conclusion that no evidence that the transfer of noise from the premises to the residential properties above has been submitted to show that the position has changed since the last committee in 2011.

We were disappointed to note that an appointment to attempt to quantify levels of noise was cancelled in June 2022 as this would have potentially greatly assisted us.

Therefore on the grounds of public nuisance we are not granting this application. Secondly we note that the police have raised issues with regard to prevention of crime and disorder and the impact on the night time economy, but the committee is not satisfied with the level of evidence submitted by either party.

(The meeting terminated at 11.48 am)