

Notice of Meeting

Licensing Sub-Committee

Date: Monday 27 March 2023

Time: 9.30 am

Venue: Conference Room 1, Beech Hurst, Weyhill Road, Andover,
Hampshire SP10 3AJ

For further information or enquiries please contact:

Sally Prior - 01264 368000
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Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
Andover, Hampshire,
SP10 3AJ

www.testvalley.gov.uk

The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

Membership of Licensing Sub-Committee

MEMBER

WARD

Councillor G Bailey

Blackwater

Councillor T Burley

Andover Harroway

Councillor P Lashbrook

Bellinger

In the event of a member selected becoming unavailable, the Head of Legal and Democratic Services is authorised to select a replacement from the membership of the Licensing Committee.

Licensing Sub-Committee

Monday 27 March 2023

AGENDA

**The order of these items may change as a result of members
of the public wishing to speak**

- 1 Appointment of Chairman**
- 2 Apologies**
- 3 Declarations of Interest**
- 4 Licensing Procedure Rules** **4 - 6**

Procedure Rules for Licensing Sub-Committee
- 5 Application for variation of a Premises Licence - The Ark Bar, 43 London Street, Andover SP10 2NU** **7 - 38**

To determine an application for the variation of a Premises Licence for The Ark Bar, London Street, Andover

ITEM 4

Licensing Procedure Rules - Licensing Sub-Committee

Application

These Procedure Rules shall apply to all hearings of applications and other matters pursuant to the Licensing Act 2003 and subordinate legislation and any amendments thereto, and the Gambling Act 2005 and subordinate legislation and any amendments thereto.

Terms of Reference of the Licensing Sub-Committee:

1. Ward Members will have no involvement in the decision making process.

Procedure for hearing licensing applications:

1. The Council's Scheme of Public Participation will not apply.
2. At the start of the hearing the Chairman will explain the procedure to all those present.
3. The Hearing shall take place in public. The Sub-Committee may exclude the public from all or part of the hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
4. A party to whom notice has been given may attend the hearing and may be assisted or represented by a person whether or not that person is legally qualified.
5. The hearing shall take the form of a discussion led by the Sub-Committee.
6. Cross-examination will not be permitted unless the Sub-Committee considers it is required for it to consider the representations, application or notice as the case may require.
7. The Sub-Committee may impose a maximum period of time for each party to address the Sub-Committee.
8. To facilitate the discussion the following procedure will be followed in all cases except for reviews when 8(b) shall apply and interim steps hearings for expedited summary reviews when 8(c) shall apply:
 - (a)
 - (i) The Licensing Manager of the Council or their representative will present the facts of the application and action taken, to the Sub-Committee.
 - (ii) The Applicant or their representative may address the Sub-Committee.

- (iii) Other parties may address the Sub-Committee in the following order:
 - Responsible authorities
 - Other parties
 - (b)
 - (i) The Licensing Manager of the Council or their representative will present the facts of the review, and action taken, to the Sub-Committee.
 - (ii) The person requesting the review may address the Sub-Committee.
 - (iii) The licence holder may address the Sub-Committee.
 - (iv) Other parties may address the Sub-Committee in the following order:
 - Responsible authorities
 - Other parties
 - (c)
 - (i) The Licensing Manager of the Council or his representative will present the facts giving rise to the review, and will outline any action taken, to the Sub-Committee.
 - (ii) The Police officer requesting the review or his representative may address the Sub-Committee.
 - (iii) The licence holder or their representative may address the Sub-Committee.
9. The Sub-Committee may permit the applicant or any party to question any other party.
10. The members of the Sub-Committee may ask any questions of the Licensing Manager or their representative, or of any party or other person appearing at the hearing.
11. Documentary or other evidence may be produced at the hearing with the consent of all the parties.
12. Where a party fails to attend or be represented and the Sub-Committee considers it necessary in the public interest it may adjourn the hearing to a specified date or hold the hearing in a party's absence.
13. The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and refuse to permit that person to return or permit them to return only on such conditions as the Sub-Committee may specify. Any such person may submit to the Sub-Committee in writing before the end of the hearing any information which they would have been entitled to give orally had they not been required to leave.

14. The Sub-Committee may ask questions of its legal adviser.
15. The Sub-Committee will deliberate in private.
16. The Sub-Committee may request advice in private of its legal adviser regarding the drafting of reasons.
17. In the case of a hearing under the sections and circumstances set out in Regulation 26(1) of the Licensing Act 2003 (Hearings) Regulations 2005 (or any amending legislation), the Sub-Committee will make its determination at the conclusion of the hearing.

In any other case, the Sub-Committee will make its determination either at the conclusion of the hearing or within the period of five working days beginning with the day or the last day on which the hearing was held.

18. A record of the hearing will be taken in a permanent and intelligible form.

ITEM 5 Application for variation of a Premises Licence – The Ark Bar, 43 London Street, Andover SP10 2NU

1 The application

- 1.1 The application is by Jason Wyatt for the variation of the existing Premises Licence in respect of premises known as The Ark Bar at 43 London Street, Andover SP10 2NU. The application as submitted seeks 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 seeks removal of the condition “the venue shall use polycarbonate, plastic or paper drinking vessels”.
- 1.2 The application has attracted representations objecting to the application which necessitates it being determined at a hearing. A copy of the application is attached as Annex 1 to this report. A copy of the existing licence is attached as Annex 2 to this report.

2 Background

- 2.1 The premises are described in the application as follows: The premises will be used as a live music venue and bar. There will be a wide verity of genres of music, catering for all ages, primarily on a Friday and Saturday evening. The bar is also there to be used during the day by the community by appointment only or walk-in. The premises is split over two floors, ground and lower ground floors. The bar, stage and toilets are all on the first floor. The premises is located on London Street, a busy high street with other similar hospitality style businesses.

3 Promotion of the Licensing Objectives

- 3.1 The applicant makes the following comments in relation to the steps taken to promote the four licensing objectives. These comments are taken directly as entered in the application:
 - a) General – In addition to everything already contained within my current license, I would like to add the following. My current license was submitted by a 3rd party agent and therefore I believe the personal touch was missing from my original application. What didn't come across was the fact that we are very different from the other 3 late night venues in the same street. Our aim is to maintain a viable business whilst ensuring we carry out all the licensing objectives and be continuously mindful of the duty of care we have towards our staff, customers, local residents and the general public. The Ark Bar is more than just a place to consume alcohol, it is a place where people can come and feel safe and enjoy a relaxing night out. Ark stands for the "act of random kindness" and the whole ethos in everything we do is to be mindful of people's mental wellbeing. We are and will continue to engage with local

businesses and charities to try and help our amazing community. We have already made contact with Councillor Andersen about being a safe place during the day and have chosen the Yellow Brick Road Project as our charity to work with in partnership. The bar is totally in line with the future vision of the town and will help the local economy. Although I am fully aware that it only takes one or two individuals to make trouble, I am also confident that from the minute people walk through the door they realise it is a different atmosphere. Our first month has shown us that it is possible to attract the right clientele. I have added notes to each objective that I believe are in addition to what our current license and conditions show. This is not meant to be a sign of laziness, I just feel that the conditions on our current license are adequate to ensure the objectives are met and maintained.

b) The prevention of crime and disorder - In addition to our current conditions - extending the hours will reduce the potential queues at the other venues and therefore provide more choice. I do not feel adding any further door staff is required as I am working with a very reputable company that already work other doors within the street. This company completely understand our ethos and their staff treat our customers with respect which tends to breed the same in return. All our policies are in place to support a very strict zero tolerance on drugs and staff have been trained accordingly.

c) Public safety - in addition to our current conditions - we have policies in place for fire safety and staff have been trained accordingly. No alcohol is allowed outside the building. We offer table service as well as service at the bar.

d) The prevention of public nuisance – in addition to our current conditions - customers leaving the building are encouraged not to linger. Giving more choice, means less people on the street queueing. I do not see any need for noise limiters as the sound coming from the other 3 venues is well above an average of between 85-90 db and this has been recorded several times whilst being stood in our car park. This noise is a mixture of music and people so I would find it extremely unfair if conditions were imposed on me.

e) The protection of children from harm - in addition to our current conditions - we will be actually working with the young people of the community. No alcohol will be on sale during this time. The focus is helping them with activities which will be supported through trained staff from the various charities.

The measures to promote the licensing objectives are of relevance when considering the representations received.

4 Relevant Representations – Responsible Authorities

4.1 **Hampshire Fire and Rescue Service** – does not wish to make any representations.

- 4.2 **TVBC Housing and Environmental Health** – the Environmental Protection Team has submitted a representation objecting on the grounds of the prevention of public nuisance. That representation appears as Annex 4 to this report.
- 4.3 **TVBC Planning and Building Service** – has no objections or comments to this application.
- 4.4 **Hampshire and Isle of Wight Constabulary** – the Police have submitted a representation recommending refusal of the application. This appears as Annex 3 to this report.

5 Relevant Representations – Other Persons

- 5.1 M Humphrey – objects on the grounds of the prevention of public nuisance as set out in Annex 5 attached to this report.

6 Policy Considerations

- 6.1 The representations raise concerns relating to aspects of all four licensing objectives. It is therefore considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (December 2022 edition) are relevant.

2.1-2.6 – Crime and disorder

2.7-2.9 – Public safety

2.15-2.21 – Public nuisance

8.41-8.49 – Steps to promote the licensing objectives

9.1, 9.3-9.12, 9.31-9.44 – Determining applications

10.1-10.10, 10.13-10.15, 10.61-10.66 – Conditions

A copy of the Secretary of State’s Guidance will be provided at the meeting for Members of the Sub Committee. Additional copies can be obtained from the GOV.UK website.

- 6.2 It is considered that the following extracts from the Licensing Authority’s own Statement of Licensing Policy are relevant to this application:

Section A: Prevention of Crime and Disorder

Section B: Public Safety

Section C: Prevention of Public Nuisance

The Statement of Licensing Policy has either previously been provided for Members of the Sub Committee or will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Legal and Democratic Service or downloaded from the Council’s website.

7 Observations

7.1 The Committee is obliged to determine this application with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council's own Statement of Licensing Policy. The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- a) Grant the application as requested
- b) Modify the conditions of the licence, by altering or omitting or adding to them. (The Committee may where appropriate attach different conditions to different parts of the premises concerned and/or to different licensable activities).
- c) Reject the whole or part of the application (for example by allowing only some of the licensable activities or permitting them to take place at times other than those requested).

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote one or more of the four licensing objectives:

- a. Prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Premises Licence application for The Ark Bar, London Street, Andover			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	5		
Author:	Michael White	Ext:	8013
File Ref:	N/A		
Report to:	Licensing Sub-Committee	Date:	27 March 2023



Test Valley
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@testvalley.gov.uk
 Telephone: 01264 368013

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

14,250

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VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The premises will be used as a live music venue and bar. There will be a wide verity of genres of music, catering for all ages, primarily on a Friday and Saturday evening. The bar is also there to be used during the day by the community by appointment only or walk-in. The premises is split over two floors, ground and lower ground floors. The bar, stage and toilets are all on th first floor. The premises is located on London Street, a busy high street with other similar hospitality style businesses.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of live music take place indoors or outdoors or both? Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Indoors
 Outdoors
 Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The live music will be both amplified and unamplified depending on the type of act.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

I ANTICIPATE ACTIVITIES TO GO ON LONGER ON CHRISTMAS AND NEW YEARS EVE BUT THESE WILL BE SUBJECT TO SUBMITTING A TENS

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes
 No

Standard Days And Timings

MONDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

ALL THE RECORDED MUSIC WILL BE AMPLIFIED

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

I ANTICIPATE ACTIVITIES TO GO ON LONGER ON CHRISTMAS AND NEW YEARS EVE BUT THESE WILL BE SUBJECT TO SUBMITTING A TENS

Continued from previous page...

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

I ANTICIPATE ACTIVITIES TO GO ON LONGER ON CHRISTMAS AND NEW YEARS EVE BUT THESE WILL BE SUBJECT TO SUBMITTING A TENS

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Continued from previous page...

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

I ANTICIPATE ACTIVITIES TO GO ON LONGER ON CHRISTMAS AND NEW YEARS EVE BUT THESE WILL BE SUBJECT TO SUBMITTING A TENS

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

POLYCARB - I WOULD LIKE THIS CONDITION REMOVED AS THE COST AND AVAILABILITY OF POLYCARB GLASSWEAR IS NOT VIABLE FOR MY BUSINESS BEING A VERY SMALL INDEPENANT COMPANY. I WOULD ALSO LIKE TO ADD THAT DURING THE FIRST MONTH OF OPENING WE HAVE HAD NO RELATED INCIDENTS TO SMASHED GLASSWEAR AND BOTTLES ARE ALREADY ALLOWED TO BE SERVED. IN ADDITION, NO ALCOHOL IS ALLOWED TO LEAVE THE PREMISES. FURTHERMORE, THE BAR IS DIFFERENT THAN THE OTHER BUSINESSES OPERATING LATE LICENSES IN THE STREET AND IS GENERALLY VIEWED AND TREATED AS MORE OF A CLASSY ESTABLISHMENT.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

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

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

List here steps you will take to promote all four licensing objectives together.

IN ADDITION TO EVERYTHING ALREADY CONTAINED WITHIN MY CURRENT LICENSE, I WOULD LIKE TO ADD THE FOLLOWING. MY CURRENT LICENSE WAS SUBMITTED BY A 3RD PARTY AGENT AND THEREFORE I BELIEVE THE PERSONAL TOUCH WAS MISSING FROM MY ORIGINAL APPLICATION. WHAT DIDN'T COME ACROSS WAS THE FACT THAT WE ARE VERY DIFFERENT FROM THE OTHER 3 LATE NIGHT VENUES IN THE SAME STREET. OUR AIM IS TO MAINTAIN A VIABLE BUSINESS WHILST ENSURING WE CARRY OUT ALL THE LICENSING OBJECTIVES AND BE CONTINUOUSLY MINDFUL OF THE DUTY OF CARE WE HAVE TOWARDS OUR STAFF, CUSTOMERS, LOCAL RESIDENTS AND THE GENERAL PUBLIC. THE ARK BAR IS MORE THAN JUST A PLACE TO CONSUME ALCOHOL, IT IS A PLACE WHERE PEOPLE CAN COME AND FEEL SAFE AND ENJOY A RELAXING NIGHT OUT. ARK STANDS FOR THE "ACT OF RANDOM KINDNESS" AND THE WHOLE ETHOS IN EVERYTHING WE DO IS TO BE MINDFUL OF PEOPLES MENTAL WELL BEING. WE ARE AND WILL CONTINUE TO ENGAGE WITH LOCAL BUSINESSES AND CHARITIES TO TRY AND HELP OUR AMAZING COMMUNITY. WE HAVE ALREADY MADE CONTACT WITH COUNCILLOR ANDERSON ABOUT BEING A SAFE PLACE DURING THE DAY AND HAVE CHOSEN THE YELLOW BRICK ROAD PROJECT AS OUR CHARITY TO WORK WITH IN PARTNERSHIP. THE BAR IS TOTALLY INLINE WITH THE FUTURE VISION OF THE TOWN AND WILL HELP THE LOCAL ECONOMY. ALTHOUGH I AM FULLY AWARE THAT IT ONLY TAKES ONE OR TWO INDIVIDUALS TO MAKE TROUBLE, I AM ALSO CONFIDENT THAT FROM THE MINUTE PEOPLE WALK THROUGH THE DOOR THEY REALISE IT IS A DIFFERENT ATMOSPHERE. OUR FIRST MONTH HAS SHOWN US THAT IT IS POSSIBLE TO ATTRACT THE RIGHT CLIENTELE. I HAVE ADDED NOTES TO EACH OBJECTIVE THAT I BELIEVE ARE IN ADDITION TO WHAT OUR CURRENT

Continued from previous page...

LICENSE AND CONDITIONS SHOW. THIS IS NOT MEANT TO BE A SIGN OF LAZINESS, I JUST FEEL THAT THE CONDITIONS ON OUR CURRENT LICENSE ARE ADEQUENT TO ENSURE THE OBJECTIVES ARE MET AND MAINTAINED.

b) The prevention of crime and disorder

IN ADDITION TO OUR CURRENT CONDITIONS - EXTENDING THE HOURS WILL REDUCE THE POTENTIAL QUES AT THE OTHER VENUES AND THEREFORE PROVIDE MORE CHOICE. I DO NOT FEEL ADDING ANY FURTHER DOOR STAFF IS REQUIRED AS I AM WORKING WITH A VERY REPUTABLE COMPANY THAT ALREADY WORK OTHER DOORS WITHIN THE STREET. THIS COMPANY COMPLETELY UNDERSTAND OUR ETHOS AND THEIR STAFF TREAT OUR CUSTOMERS WITH RESPECT WHICH TENDS TO BREED THE SAME IN RETURN. ALL OUR POLICIES ARE IN PLACE TO SUPPORT A VERY STRICT ZERO TOLERANCE ON DRUGS AND STAFF HAVE BEEN TRAINED ACCORDINGLY.

c) Public safety

IN ADDITION TO OUR CURRENT CONDITIONS - WE HAVE POLICIES IN PLACE FOR FIRE SAFETY AND STAFF HAVE BEEN TRAINED ACCORDINGLY. NO ALCOHOL IS ALLOWED OUTSIDE THE BUILDING. WE OFFER TABLE SERVICE AS WELL AS SERVICE AT THE BAR.

d) The prevention of public nuisance

IN ADDITION TO OUR CURRENT CONDITIONS - CUSTOMERS LEAVING THE BUILDING ARE ENCOURAGED NOT TO LINGER. GIVING MORE CHOICE, MEANS LESS PEOPLE ON THE STREET QUEUEING. I DO NOT SEE ANY NEED FOR NOISE LIMITERS AS THE SOUND COMING FROM THE OTHER 3 VENUES IS WELL ABOVE AN AVERAGE OF BETWEEN 85-90 dB AND THIS HAS BEEN RECORDED SEVERAL TIMES WHILST BEING STOOD IN OUR CAR PARK. THIS NOISE IS A MIXTURE OF MUSIC AND PEOPLE SO I WOULD FIND IT EXTREMELY UNFAIR IF CONDITIONS WERE IMPOSED ON ME.

e) The protection of children from harm

IN ADDITION TO OUR CURRENT CONDITIONS - WE WILL BE ACTUALLY WORKING WITH THE YOUNG PEOPLE OF THE COMMUNITY. NO ALCOHOL WILL BE ON SALE DURING THIS TIME. THE FOCUS IS HELPING THEM WITH ACTIVITIES WHICH WILL BE SUPPORTED THROUGH TRAINED STAFF FROM THE VARIOUS CHARITIES.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm. You can make payments to Test Valley Borough Council online using a debit card only. You will need your debit card details to complete an online payment.

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

I/we understand it is an offence, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/test-valley/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

ANNEX 2

Schedule 12 Part A Premises Licence

Regulation 33,34

Current Premises Licence number PREM/22/0615

Previous Premises Licence number (if any)

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description,

43 London Street Andover Hampshire SP10 2NU

Telephone number

Where the licence is time limited the dates -

Licensable activities authorised by the licence

Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Supply by retail of alcohol

Standard timings Everyday 10:00 - 23:00

The opening hours of the premises

Every day 10:00 - 23:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Jason Wyatt
4 Wolversdene Gate
Wolversdene Road
Andover
Hampshire
SP10 2FX

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

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: PERS/22/1947
Licensing Authority: Test Valley Borough Council

This premises licence is issued by Test Valley Borough Council as licensing authority under part 3 of the Licensing Act 2003 and regulations made thereunder

Date licence originally granted 11th day of August 2022
Date this licence printed 20 February 2023

Test Valley Borough Council
Beech Hurst
Weyhill Road
Andover
Hampshire
SP10 3AJ

Annex 1 – Mandatory Conditions

- 1 Section 19 - Mandatory Conditions: Where licence authorises supply of alcohol
- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence:
- (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- 2 Section 21 - Mandatory Condition: Door Supervision
- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires such a condition to be imposed:
- (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with licences authorising plays or films), or
- (b) In respect of premises in relation to:
- (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
- (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section:
- (a) "security activity" means an activity to which paragraph 2 (1)(a) of that Schedule applies, and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule

- 3 1. 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.
2. For the purposes of the condition set out in paragraph 1 -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (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.
3. Where the permitted price given by Paragraph (b) of paragraph 2 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.
- 4.-(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

EXPLANATORY NOTE

(This note is not part of the Condition)

Sections 19A and 73A of the Licensing Act 2003 (as inserted by section 32 of and Schedule 4 to the Policing and Crime Act 2009) provide for the Secretary of State to prescribe by order up to nine mandatory conditions applicable to relevant premises licences and club premises certificates. Relevant premises licences and relevant club premises certificates are those authorising the sale and supply of alcohol to the public in licensed premises or to members or guests of clubs in club premises. The Schedule to the Order sets out a mandatory condition which applies to relevant premises licences and club premises certificates.

Paragraph 1 provides that the condition requires a relevant person to ensure that no alcohol is supplied from the premises to which the licence or certificate relates at a price below the permitted price.

Paragraph 2 contains relevant definitions for the purposes of paragraph 1. The permitted price is defined as the aggregate of the duty chargeable in relation to the alcohol on the date of its sale or supply and the amount of that duty multiplied by a percentage which represents the rate of VAT chargeable in relation to the alcohol on the date of its sale or supply. A relevant person is defined as a premises licence holder, designated premises supervisor or personal licence holder (in relation to premises in respect of which there is a premises licence) and a member or officer of a club who is present and able to prevent a supply of alcohol (in relation to premises in respect of which there is a club premises certificate).

Paragraph 3 provides that the permitted price is rounded up to the nearest penny.

Paragraph 4 provides that a change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

4 SCHEDULE - Mandatory Licensing Conditions

1. (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.

Annex 2 – Conditions consistent with the operating Schedule

Waste shall not be disposed of outside between the hours of 2100 and 0800.

A prominent and clear notice will be displayed at the public exit to the effect that customers should be considerate to local residents by leaving the premises and area quietly.

SIA NUMBERS

On Friday and Saturday From 19:00 until the closing time of the venue one frontline door supervisor SIA registered security staff shall be employed at the venue.

This number is to include only frontline door supervisor SIA staff employed solely on door supervisor / security duties, i.e. safety and security at the venue.

SECURITY GENERAL

All persons who are frontline door supervisor SIA registered and whose position or role profile is solely security at the venue, shall wear a fluorescent and reflective blue tabard, clearly marked security at all times

All front door refusals are to be recorded promptly, including the reason i.e. too intoxicated, barred suspicion of drugs etc.

If a person is ejected from the venue by a member of staff, a record shall be made of the incident including details of the staff members involved and a summary of the circumstances. This shall be completed as soon as practicable but prior than the end of that persons shift.

A nominated member of security shall be positioned at the entrance / exit doors and shall be responsible for counting persons in and out of the venue. They shall use a device suitable for counting as approved by the police licensing department responsible for the area. As such, an accurate number of persons in the venue shall be known at all times the venue is operating under its premises licence. This number is to include staff.

At the terminal hour of operation, the licence holder shall ensure that adequate numbers of door supervisors are employed to assist with the management of customers leaving the venue as well as those remaining in the vicinity of the premises. One member of door staff is to patrol the vicinity of the venue for 15 minutes after closing, to assist with safe dispersal from the area. The door staff are to be identified by wearing high visibility tabards as used during normal door staff duties

SECURITY REGISTER

The licence holder shall maintain a duty register giving details of each and every person employed in the role of a security/door person and shall provide upon request by any Police Officer or Council

Officer, the following details:-

- (a) The licence number, name, and residential address and telephone number of that person;
- (b) The time at which he/she commenced that period of duty, with a signed acknowledgement by that person;
- (c) The time at which he/she finished the period of duty, with a signed acknowledgement by that person;
- (d) Any times during the period of duty when he/she was not on duty;
- e) If that person is not employed directly by the licence holder or venue but via a security contractor company, then details of this company shall also be supplied (company name and out of office contact details)
- (f) The register shall be kept on the premises so that it can be readily inspected by an authorised officer of the Council or Police Officer;
- (g) The duty register shall comprise of a bound, consecutively page-numbered book and the licence holder shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations to same

BWV

At times when the venue is operating under its premises licence, all SIA security staff shall wear and operate body worn video (BWV) recording equipment.

All ejections shall be recorded.

The equipment shall be maintained and the images shall be made available as soon as practicable but at least within 48 hours to the police on request as long as the request is lawful with regards to data protection legislation.

The equipment shall record high definition colour images and be able to capture sound, specifically conversation. The equipment shall be able to operate in all levels of illumination, images shall be time / date stamped.

The BWV shall be of a similar specification to those currently utilised by Hampshire Constabulary and as such shall be of sufficient quality to produce evidential data.

There shall be sufficient number of devices or batteries at the venue to ensure that the devices are able to operate continually.

Where the equipment fails the police licensing department responsible for the area, shall be notified immediately in writing or by e- mail as soon as is practicable and the defect rectified within 14 days of the failure.

Data obtained on the BWV shall downloaded as soon as practicable and be retained at the venue for at least 28 days.

CCTV

A colour recording CCTV system that captures images from the main public areas shall be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination.

The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).

The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act.

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours and provide an estimated time for their repair

PUBWATCH

The premises licence holder shall ensure that a representative of the premises (whenever possible the DPS) attends regular pub watch meetings or meetings of any similar scheme, so long as such a scheme is in existence and welcomes participation of the venue representative.

The DPS or their representative shall ensure that descriptions of disorderly/banned individuals are circulated to other licensed venues via the Pubwatch or similar scheme.

The DPS shall work in cooperation with Hampshire Constabulary and other licensed venues by refusing entry to any person who has been included on the 'banned list

WRITTEN POLICIES

Written policies on the ejection of customers and the refusal of entry of customers shall be implemented following agreement with the Police licensing department responsible for the area.

A written policy on how the venue shall tackle and deal with drugs and drug prevention shall be implemented following agreement with the Police licensing department responsible for the area.

REFUSALS

A record shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the record is checked, signed and dated on a weekly basis by the venue manager/manageress.

The refusals record shall be kept and maintained at the premises and shall be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.
The record of refusals shall be retained for 12 months.

POLYCARB

The venue shall use polycarbonate, plastic or paper drinking vessels. Glass bottles are acceptable

CHALLENGE 25

There shall be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification shall include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol shall be made to or for that person.
'Challenge 25' posters shall be displayed in prominent positions at the premises.

STAFF TRAINING

Staff shall be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records shall be kept of such training which shall be signed and dated by the member of

staff who has received that training.

All staff shall receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

In addition to their training a written test related to the training given shall be conducted before the staff member is permitted to sell or authorise alcohol. The test shall consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate shall be retrained and re-tested. Anyone not attaining the pass rate shall not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There shall be a minimum of two sets of questions to be used in the training which shall be rotated upon each subsequent six month training session.

All training records shall be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records shall be kept for a minimum period of two years. Training records shall be kept on the licensed premises to which they relate to.

All staff shall be trained in order to recognise the signs of drunkenness, drug abuse, under age customers, vulnerability and predatory behaviour or any activity which may lead to crime and disorder.

INCIDENT RECORDING

An incident record shall be provided and maintained at the premises. It shall remain on the premises at all times and shall be available to police for inspection upon request.

Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse shall be recorded. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry shall include what physical action occurred between each party.

The entry shall be timed, dated and signed by the author.

If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

At the close of business on each day the incident record shall be checked by the manager on duty where any entries shall be reviewed and signed. If incidents have occurred the duty manager shall de-brief door staff at the close of business.

Should there be no incidents then this shall also be recorded at the close of business.
This record shall be retained for 12 months

RADIO

The premises shall be incorporated into the Andover BID Radio scheme or similar scheme operating within the Andover town centre area.

The radio equipment shall be kept in working order at all times

The radio equipment shall be made available to and be monitored by the Designated Premises Supervisor or a responsible member of staff at all times that the premises are open to the public.

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

Plan, if attached, not reproduced to scale.

If no plan attached, contact the Licensing Authority



Form for representations/objections from Hampshire Constabulary

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

Hampshire Constabulary is a responsible authority and wish to make a -representation- under the Licensing Act 2003, regarding the:

<input type="checkbox"/>	1: New Premises licence/club prem certificate	Representation within 28 days
<input checked="" type="checkbox"/>	2: Variation of premises licence/club prem certificate	Representation within 28 days
<input type="checkbox"/>	3: Minor variation of premises licence/club prem certificate	Representation within 10 days
<input type="checkbox"/>	4: Variation of DPS	Object within 14 days
<input type="checkbox"/>	5: Transfer of premises licence	Object within 14 days
<input type="checkbox"/>	6: Standard temporary event notice	Object within 3 working days
<input type="checkbox"/>	7: Late temporary event notice	Object with 3 working days
<input type="checkbox"/>	8: Application for a personal licence	Object within 14 days
<input type="checkbox"/>	9: Provisional statement	Representation within 28 days
<input type="checkbox"/>	10: Ancillary sales notice	Object within 3 working days
<input type="checkbox"/>	11: Interim authority notice	Object within 2 working days

Name of Applicant:	Jason Wyatt
Name of Proposed DPS:	N/A

Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises:	43 London Street Andover Hampshire
Postcode:	SP10 2NU

Details of responsible authority applicant

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title / Rank:	PC
Surname:	Swallow	First Names:	Brian		
Current postal address :	C/O Bishops Waltham Police Station Hoe Road Bishops Waltham Hampshire				
Postcode:	SO32 1DS				
Daytime telephone number:					
E-mail address: (optional)					



Form for representations/objections from Hampshire Constabulary

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003



Form for representations/objections from Hampshire Constabulary

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

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

*Please select
one or more
boxes*

Please state the ground(s) for -representation-:

This application seeks to increase the licensable activity of the supply of alcohol from 23:00 hours daily until 00:30 and the opening hours from 23:30 until 01:00 hours daily. It also seeks to include both regulated and live entertainment to its existing licenced.

Although this venue was granted a new premises licence in April 2022, It did not open its doors until 3rd December 2022.

The initial application in 2022 was, firstly submitted incorrectly (it had the wrong postal address) so had to be re-submitted and the consultation period re-started. When It again came through I contacted the applicants agent via email with the following details:

I am disappointed by the lack of any communication to the police as an authority regarding this application as is strongly suggested within the LA2003 182 guidance. In its current format, I would formally object to this application in its entirety.

The application itself falls woefully short of any detail at all as to how the venue will promote the licensing objective of the prevention of crime and disorder. Just having a very basic CCTV condition within a night time economy venue in an area that suffers greatly from alcohol related anti-social behaviour and crime and disorder is totally insufficient.

There is no mention within the application of any vulnerability or welfare considerations .

No consideration for SIA security

No consideration for staff to wear bodyworn video (BWV)

No consideration for safety glassware

No consideration for drug awareness

Etc. etc.

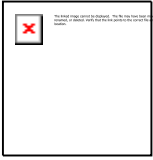
During the consultation period and having submitted a representation, the applicant took on board my advice and amended the application by reducing the licensable and opening hours and agreeing to conditions to support the licensing objectives. That licence was granted and is in effect now.

On the 5th of January 2023, I was somewhat surprised to see a variation application for the Ark Bar having again not had any communication from the applicant prior and knowing that it had only been operating for just over 4 weeks.

The application did not only seek the increases mentioned above but also the removal of a condition requiring the use of safety drinking vessels.

What was even more startling than that was that the applicant did not feel it necessary to enhance the safety and security at the venue to support the application.

Andover Town Centre does not “currently” benefit from a cumulative impact area but it certainly suffers from its fair share of alcohol related crime, disorder and anti-social behaviour. The Epicentre of these incidents is London Street. It is where the night time economy area is situated including this venue.



Form for representations/objections from Hampshire Constabulary

The issues of disorder in this area, like every other town and City across the country, increase the later into the evening you go. This is because when more alcohol is consumed, inhibitions are lowered, bravado increased, personal safety ignored and people begin to shout rather than talk. The most prevalent incident type that makes up these statistics are assaults. There are also sexual incidents and public order incident types. It was only last year that this area was host to one of the most serious of assaults having occurred in many years.

Permitting another venue to operate into the night time economy for this area will in all likelihood increase those statistics (specific details will be supplied in due course).

I am aware and support the positive action that the operator is taking by supporting local charities and encouraging new and local talent. It also supports the Test Valley statement of Licensing Policy (2.9). Unfortunately, as I explained to the applicant via his agent last year, this is the wrong location in the Town to attempt to do so.

The need to promote the licensing objectives and ensure that no more people become victims of crime, nearby residents are not caused nuisance and the safety of those in the area ensured greatly outweighs the need to support local musicians. I have voiced my concerns to the applicant via email but they have been dismissed.

Without any additional measures to support the applied for increases, the Chief Officer of Police is confident the licensing objectives cannot be promoted and requests that this application is refused.

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)

Refuse application unless conditions are added

Signature of Officer Completing

Name	<u>Brian Swallow</u>	Collar Number:	<u>2903</u>
Signature:	<u>B. Swallow</u>	Date:	<u>18/2/2023</u>

Signature of Authorising Officer

Name	<u>Stu Jackson</u>	Collar Number:	<u>3354</u>
Signature:	<u>S.Jackson</u>	Date:	<u>18/2/2023</u>

ANNEX 4

Dear Licensing Team,

I write with regard to the application to vary the Premises Licence for the ARK bar at 43 London Street. I am concerned that the proposed variation will be detrimental to the Licensing Objective 'Prevention of Public Nuisance' and therefore this service would like to make representations.

As a result of a Licence review in 2011, recorded and live music at 43 London Street was restricted to 23:00 hours to support the licensing objective 'Prevention of Public Nuisance'. An occupant of a flat above has objected to the current variation application based on levels of music noise from the ARK bar which currently are permitted until 23:00 hours. The proposed variation would mean the applicant could play live and recorded music until 01:00 hours.

No evidence has been presented to show that sound insulation between the bar and the flats is adequate and section 16(d) of the variation application suggests a less than serious approach to the Licensing objective 'Prevention of Public Nuisance', therefore, this service considers that there is a significant risk that the licensing objective will not be upheld should this variation be granted.

Regards,

Michael Thorne
Senior Environmental Protection Officer
Housing and Environmental Health Service

ANNEX 5

30/1/23
HI REFERENCE THE PLANNED APPLICATION FOR THE
ARK BAR 43 LONDON STREET ANDOVER SP10 2NU
TO HAVE LIVE MUSIC + RECORDED MUSIC. PLEASE COULD
THERE BE CLARIFICATION REFERENCE TIMES IS IT FROM 10AM
MONDAY TO SUNDAY 00:30 OR LIVE MUSIC MONDAY TO SUNDAY 10AM
TILL 00:00. I AM OBJECTING TO THIS APPLICATION AS I LIVE
DIRECTLY ABOVE PROPERTY IN QUESTION AND THE NOISE IS
THUNDERING THROUGH PROPERTY TO MY PROPERTY I AM ON
MEDICATION FOR MY SLEEP AS IT IS LET ALONE IF THEY
GET THERE APPLICATION APPROVED. THE NOISE WILL BE
AWFULL EVERYDAY OF THE WEEK
YOURS MARK HUMPHREY

On Mon, 30 Jan 2023, 16:30 White, Michael, <MWhite@testvalley.gov.uk> wrote:

Dear Mark

Thank you for your letter in relation to the above. Currently the premises are able to have live and recorded music until 2300 hours daily. The current application seeks to extend that until 0000 hours (12 midnight) for live music and 0100 hours for recorded music.

Please can you confirm if on the basis of this information you wish to object to the application. It would be helpful if you could explain exactly why you are objecting (repeating if necessary the comments you put in your letter). You do not have to send a letter of objection and can instead just reply to this email.

Regards

My concerns to this are based on me living directly above the ark bar 45b London Street Andover my property vibrates with the sound when they have music events on surely this is a noise act. Is there building sound proofed? Please confirm the hours of business because the ark bar is not open during the week at the moment but if they get the licence approved is it saying they can live music from Monday to Sunday 10.00 till 00.00 and also it saying recorded music Monday to Sunday 10.00 till 01.00 could you imagine bands rehearsing all day every day and live music all day everyday like I said in my letter.