

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 variety 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