

TEST VALLEY BOROUGH COUNCIL
LICENSING SUB-COMMITTEE

HEARING ON: Monday 27 March 2023

PREMISES: The Ark Bar, 43 London Street, Andover, SP10 2NU

1. PRESENT

SUB-COMMITTEE

Councillor Philip Lashbrook (in the Chair)

Councillor Gordon Bailey

Councillor Tony Burley

APPLICANT

Mr Jason Wyatt

Ms Lily Ward

RESPONSIBLE AUTHORITIES

**Hampshire and Isle of Wight Constabulary
Represented by PC Brian Swallow**

**TVBC Environmental Services
Represented by Mr Michael Thorne and Ms Lorna Taylor**

INTERESTED PARTIES

N/A

OTHERS

Legal Officer – Mrs Tracey Wilson

Committee Officer – Mrs Sally Prior

Licensing Officer – Mr Michael White

NATURE OF APPLICATION

Variation of a Premises Licence

DECISION

In reaching its decision on this application, the Sub-Committee had had due regard to the National Guidance issued by the Secretary of State under s182 of the Licensing Act 2003, to the Council's own Statement of Licensing Policy, and together also to the written representations duly made prior to today's hearing, and to the oral representations made here today.

Resolved:

That the Licensing Sub-Committee refuse 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.

SIGNED (Chairman)

DATED