
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 4 OCTOBER 2023

Present: Councillors M Bunday, Powell-Vaughan and Whitbread

Apologies: None

14. **ELECTION OF CHAIR**

RESOLVED that Councillor M Bunday, as Chair of the Licensing Committee, would be Chair for the purposes of this meeting.

15. **STATEMENT FROM THE CHAIR**

The Chair noted that the hearing was a virtual meeting, with the participants to the hearing participating online.

The Sub-Committee would move into private session in order to receive legal advice when determining issues, the parties to the hearing press and the public unless otherwise excluded by the Licensing Act 2003 (Hearings Regulations 2005), would be invited to return immediately following that private session at which time the matter would be determined and the decision of the Sub-Committee announced.

The online live stream of the meeting would end when the Sub-Committee moved into private session and for the press and the public who had not attended in person the decision of the Sub-Committee would be published on the Council's website.

16. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Sub-Committee meeting on 20 July 2023 be approved and signed as a correct record.

17. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

RESOLVED:

- i) That the Sub-Committee move into private session in order to receive legal advice when determining issues, the parties to the hearing press and the public unless otherwise excluded by the Licensing Act 2003 (Hearings Regulations 2005), would be invited to return immediately following that private session at which time the matter would be determined and decision of the Sub-Committee announced;
- ii) And that the online live stream of the meeting would end when the Sub-Committee moved into private session and for the press and the public who had not attended in person the decision of the Sub-Committee would be published on the Council's website.

18. **APPLICATION FOR A VARIATION OF A PREMISES LICENCE - RITAS 48-49 OXFORD STREET, SOUTHAMPTON SO14 3DP**

All parties will receive formal written confirmation of the decision and reasons.

This hearing was held as a remote hearing with all parties attending virtually using Microsoft Teams and was streamed live online for the press and public to view via the Live Events platform.

The Sub-Committee considered very carefully the application for a variation of the premises licence at Ritas, 48-49 Oxford Street, Southampton, SO14 3DP. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 were borne in mind whilst making the decision.

The Sub-Committee made its decision on the basis of all the evidence submitted, both in writing and given orally at the hearing.

The Sub-Committee noted that representation had been made by one resident in support of the application, and two residents and a local ward councillor on behalf of other residents objecting to it. No other responsible authority had made representations.

The application was for a variation to the current licensable hours. The applicant wished to extend live music by one hour, recorded music by half an hour, to extend the sale of alcohol by one hour and to make this both on and off the premises to allow deliveries, and extend the licensable area of the premises to include the front and back areas. The applicant also wanted to add late night refreshment, but this was withdrawn at the meeting.

The Sub-Committee heard evidence from the applicant, his representative, Mr Beavan, Mr Goodall, Mr Timberlake and Cllr Paffey, who spoke on behalf of Cllr Bogle, both orally at the hearing and in written representations.

Having considered all of the above the Sub-Committee decided to grant the variation of the licence in accordance with the application subject to the suggested additional conditions suggested by the Applicant in their application and their email dated 29 September 2023. The sub-committee also imposed the following condition:

a minimum of two SIA accredited staff shall be in attendance at the premises between 7:30pm until the close of the premises, every Friday and Saturday and the day preceding a Bank Holiday weekend or festive occasions (e.g. Christmas or Easter).

Noting that the application for late night refreshment was withdrawn, no decision was made on that application.

Reasons:

Legislation provides for a presumption of the granting of a variation of a premises licence, subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the community.

The Sub-Committee heard from local residents Mr Beavan, Mr Goodall and the local ward Councillor Paffey, opposing the application and the Applicant, his representative Mr Semper, and Mr Timberlake for the applicant Ritas.

The Sub-Committee has listened to the concerns of the local residents which included additional noise, crime and disorder.

Whilst the Sub-Committee noted the concerns of the residents, it noted that most of the concerns appeared to be caused by other premises in the area. There was a suggestion by one of the residents that a noise nuisance complaint against the Applicant was being investigated by Environmental Health, however the Environmental Health department entered no responses when consulted and the complaint was not included in the paperwork. The sub-committee concluded that it could only give little weight to this, given the lack of supporting paperwork or corroboration from Environmental Health.

Generally, residents are concerned that any additional extension to licensable activities will lead to an increase in public nuisance. Accordingly, the Sub-Committee had to determine to what extent, if at all, the proposed variation would lead to additional issues at the premises. Given the lack of responses from the Responsible Authorities, the sub-committee determined this to be speculation based on the operation of other premises, not based on how the Applicant itself operates.

The Sub-Committee were satisfied that the further eleven conditions sent by the Applicant's representative in their email of 29 September, along with those suggested in their original application, and the additional condition imposed above, sufficiently promoted the Licensing Objectives. Given the increased hours, the larger footprint, and the amount of people that will be in the premises late at night, the Sub-Committee were uncomfortable with the lack of security at a time when residents were leaving the premises.

Members of the public should be assured that there is a general right to review a premises licence which can be brought by residents or responsible authorities, where there is evidence that the objectives are not being met. In the event that the premises causes issues of concern the licence, in its entirety, can be considered at that stage where the evidence supports it.

The Sub-Committee acknowledged the genuine concerns of the residents and were sympathetic to them, but was limited to dealing with the application in accordance with the Licensing Objectives.

There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons which will set out that right in full.