

Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 4th October, 2023
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Virtual Meeting

This meeting is open to the public

Members

Three Members drawn from the Licensing Committee

Contacts

Democratic Support Officer
Melanie Morley
Email: Melanie.Morley@southampton.gov.uk

Executive Director Place
Adam Wilkinson
Email: Adam.Wilkinson@southampton.gov.uk

PUBLIC INFORMATION

The Members of the Licensing Committee are Councillors A Bunday, M Bunday, Beaurain, Mrs Blatchford, Kenny, Moulton, Noon, Powell-Vaughan, Whitbread and Windle.

Role of the Sub-Committee

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act 2003 and Gambling Act 2005, including:-

- Determination of applications for review of premises licences and club premises certificates;
- Determination of representations to applications for premises licences and club premises certificates, variations and various permits;
- Determination of police objections to applications for:
 - Variation of designated premises supervisors
 - Transfer of premises licences
 - Personal licences for the sale of alcohol
- Determination of objections to temporary event notices.

Relevant Representations

Those who have made relevant representations may address the meeting about the matter in which they have an interest. New matters, not raised within a written representation, can not be relied upon at the hearing.

When dealing with Licensing Act matters the Sub-Committee must only take into account the following statutory Licensing Objectives:-

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

Likewise, when dealing with Gambling Act matters the Sub Committee must only take into account the statutory Licensing Objectives below:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Southampton: Corporate Plan 2022-2030 sets out the four key goals:

- Strong Foundations for Life.- For people to access and maximise opportunities to truly thrive, Southampton will focus on ensuring residents of all ages and backgrounds have strong foundations for life
- A proud and resilient city - Southampton's greatest assets are our people. Enriched lives lead to thriving communities, which in turn create places where people want to live, work and study
- A prosperous city - Southampton will focus on growing our local economy and bringing investment into our city.
- A successful, sustainable organisation - The successful delivery of the outcomes in this plan will be rooted in the culture of our organisation and becoming an effective and efficient council.

Fire Procedure:- In the event of a fire or other emergency a continuous alarm will sound, and you will be advised by Council officers what action to take.

Access:- Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Smoking policy:- The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room, you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public. Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so. Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Dates of Potential Meetings for the Municipal Year
Meetings are scheduled on a weekly basis usually at 4pm on a Wednesday evening.

CONDUCT OF MEETING

Terms of Reference

The terms of reference are contained in the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Licensing Act 2003 (Hearings) Regulations 2005 and the Council Procedure Rules as set out in Part 4 of the Constitution, so far as it is applicable.

Quorum 3

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council, and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision-making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 **ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

2 **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

3 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

4 **STATEMENT FROM THE CHAIR**

5 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 20 July 2023 and to deal with any matters arising, attached.

6 **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

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

7 **APPLICATION FOR A VARIATION OF A PREMISES LICENCE - RITAS 48-49 OXFORD STREET, SOUTHAMPTON SO14 3DP** (Pages 5 - 48)

Hearing to consider an application for a variation of a premises licence in respect of Ritas, 48-49 Oxford Street, Southampton SO14 3DP.

Tuesday, 26 September 2023

Executive Director Communities, Culture & Homes

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 20 JULY 2023

Present: Councillors M Bunday, Mrs Blatchford and Whitbread

9. **ELECTION OF CHAIR**

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

10. **STATEMENT FROM THE CHAIR**

The Chair noted that the hearing was a hybrid hearing, with some of the participants in the room and other parties to the hearing participating online. One of the objectors had submitted a request to attend the hearing in person, which had been agreed by the Chair of the Licensing Committee in consultation with Democratic and Legal Services. The option to attend the hearing in person or remotely had been offered to all relevant parties.

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

RESOLVED: that the minutes for the Sub- Committee meeting on 28 June 2023 be approved and signed as a correct record.

12. **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.

13. **APPLICATION FOR PREMISES LICENCE - CHILLI FLAMES, 7 BEDFORD PLACE, SOUTHAMPTON, SO15 2DB**

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

This hearing was held as a hybrid hearing with some people attending in person and some people 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 has considered very carefully the application as submitted. Representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

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 Section 17 have been considered whilst making the decision.

At the outset of the meeting, it was established that the Applicant amended the application so that the terminal hour Thursday to Saturday would be 04:00. The applicant also confirmed that he agreed the conditions proposed by Hampshire Constabulary. It was noted that none of the responsible authorities had made representations.

The Sub-Committee heard from the Applicant, Mr Thayalan, one of the objectors, Ms L Barter and a supporter of the application, Mr V Pulen. On questioning around issues of noise and public safety the Sub-Committee was satisfied with the responses provided by the Applicant.

Having considered all of the above the Sub-Committee agreed to grant the licence in accordance with the amended application so that the terminal hour Thursday to Saturday would be 04:00; and subject to the conditions set out in the email from PC Mark Hawley dated 7th June 2023.

Reasons:

The Sub-Committee received legal advice that the premises fell within a Cumulative Impact Area and so there was a rebuttable presumption not to grant the application. The Sub-Committee would need to be satisfied that the applicant had demonstrated that the presumption could be reasonably rebutted to grant the application.

The Sub-Committee has listened to the concerns of the local residents, but those concerns largely related to speculation as to what might happen at the premises. The Sub-Committee received legal advice that speculation as to what may happen cannot be considered.

Where those concerns were speculative but potentially cumulatively impacted on the Licensing Objectives the Sub-Committee noted that no responsible authority had raised a concern. Legal Advice was given that the responsible authorities are regarded as experts in their respective fields.

This together with responses provided by the Applicant to questioning regarding steps to address potential issues alongside the revised application with conditions proposed by the police; the Sub-Committee decided that the presumption not to grant had been rebutted and the application could and should be granted on those terms.

Residents should be assured that if the concerns they have raised do materialise they have the right to seek a review of the licence which would be heard by the Sub-Committee.

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.

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Agenda Item 7

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT HEARING TO CONSIDER AN APPLICATION FOR VARIATION OF A PREMISES LICENCE – **Ritas 48 - 49 Oxford Street**
Southampton SO14 3DP

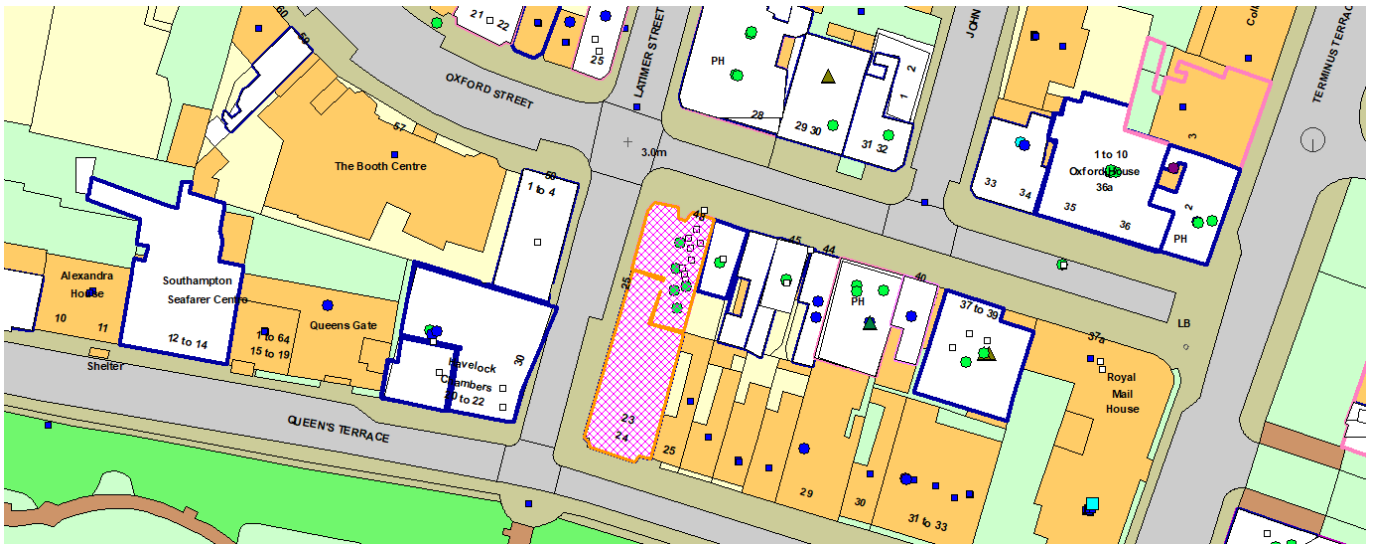
DATE OF HEARING **Wednesday 04 October 2023 16.00**

REPORT OF **SERVICE DIRECTOR – PLACE**

E-mail licensing@southampton.gov.uk

Application Date : 15th August 2023 Application Received 15th August 2023

Application Valid : 15th August 2023 Reference : **2023/02921/01SPRV**



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Representations from Responsible Authorities

Responsible Authority	Satisfactory?
Safeguarding Children	No Response
Fire Service	Satisfactory
Environmental Health - Licensing	No Response
Home Office	No Response

Public Health Manager	No Response	
Planning & Sustainability - Development Control - Licensing	No Response	
Police - Licensing	No Response	
Trading Standards	No Response	
Other Representations		
Name	Address	Contributor Type
Andrew and Lesley Goodall	63A Oxford Street Southampton SO14 3DL	Resident
Cllr Sarah Bogle	Lower Ground Floor East Wing Civic Centre SO14 7LY	Ward Councillor
Mr Colin Beaven	5 Oxford Mews Latimer Street Southampton SO14 3EE	Resident
Ms. Catherine Simpson	7 Oxford Mews Latimer Street Southampton SO14 3EE	Resident
Mr Stevie Timberlake	47A Oxford Street Southampton SO14 3DP	Resident - Supporting

Legal Implications

The legislation specifically restricts the grounds on which the sub-committee may refuse an application for variation of a premises licence or impose conditions. The legislation provides for a presumption of grant of an application for 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 local community. In doing so the sub-committee must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- its own statement of licensing policy
- the Statutory Guidance

An application may be refused in part and thereby only permit some of the licensable activities sought.

An applicant for variation of a premises licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court. Any other person, who made a valid representation, may appeal to the Magistrates' Court against the decision to grant the application or against any conditions imposed.

In considering this application the sub-committee is obliged to consider the application in accordance, in particular, with both the Licensing Act 2003(Hearings) Regulations 2005 (as amended) and the rules of natural justice.

The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

Only persons that made relevant representations or their representative, within the time limits, will be allowed to present evidence and this will be restricted to the points raised in their written representation. Any evidence used to expand upon specific points already raised in a written representation should be served upon all parties in good time before the hearing date in order to allow proper consideration. A failure to properly serve any such additional evidence in advance is likely to mean it cannot be produced or relied upon at the hearing.

The sub-committee must also have regard to:

- *The Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the sub-committee under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- *The Human Rights Act 1998*
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the sub-committee to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the sub-committee that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the sub-committee which affects another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

Copies of the application for variation of a premises licence and the representations to it are annexed to this report.

Equality Act 2010

Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act. It also requires the Council to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means having due regard to the need to removing or minimising disadvantages suffered, taking steps to meet the needs of persons, encouraging persons to participate in public life, tackling prejudice and promoting understanding. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

SUMMARY

This application is for a variation to the current licensable hours. The applicant wishes to extend Live Music by 1 hour, Recorded Music by half an hour and to extend the Sale of Alcohol by 1 hour and to make this both on and off premises to allow deliveries. Also to add Late night refreshment and extend the licensable area of the premises to include the front and back terraces.

Applicant	NSR Holdings (UK) Ltd.
Designated Premises Supervisor	Richard Sargent

Licensable Activities.

Live music

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 00:00
Saturday	11:00 - 00:00
Sunday	11:00 - 00:00

Recorded music

Monday	08:00 - 00:00
Tuesday	08:00 - 00:00
Wednesday	08:00 - 00:00
Thursday	08:00 - 00:00
Friday	08:00 - 00:00
Saturday	08:00 - 00:00
Sunday	08:00 - 00:00

Provision of late night refreshment

Monday	23:00 - 00:30
Tuesday	23:00 - 00:30
Wednesday	23:00 - 00:30
Thursday	23:00 - 00:30
Friday	23:00 - 00:30
Saturday	23:00 - 00:30
Sunday	23:00 - 00:30

Supply by retail of alcohol

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 00:00
Saturday	11:00 - 00:00
Sunday	11:00 - 00:00

This application has received no representations from Responsible Authorities but has received four objecting representations and one supporting representation.

Included in Report

Application

Current Licence

4 Objection Representations

1 Supporting Representation

Hearing Procedures

SOUTHAMPTON AND EASTLEIGH LICENSING PARTNERSHIP
Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We NSR Holdings (UK) Ltd.

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 2021/01198/01SPRN

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Ritas 48-49 Oxford Street			
Post town	Southampton	Postcode	SO14 3DP

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	££38,000.00

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	C/O HJS Chartered Accountants, Tagus House, 9 Ocean Way, Southampton, Hampshire, United Kingdom, SO14 3TJ		
Post town	Southampton	Postcode	SO15 2EA

Part 3 - Variation

Please tick as appropriate

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

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
1	2	0	9	2	0	2	3

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Rita's is a successful and established art deco craft cocktail bar and restaurant in the heart of Oxford St, SOUTHAMPTON. Ostensibly we wish to build on our current success by (a) extending the operating hours, (b) extending the licensable area, (c) adding late night refreshment and (d) extend the offer of cocktails by home delivery. The rationale for this extension of operating hours is that our market research shows us that with the recent rise in the cost of living, our customers are entering the Night Time Economy later, and this is matched by a reduction in our footfall (and revenue) during the earlier hours. We start to get a healthy volume of customers from 21:00hrs, and therefore staying open later will allow us to recoup on lost revenue and make our business more sustainable.

OPERATING HOURS:

We have an area at the back of the premises which opens on to Queen Terrace. We would like to open this from 08:00 as a coffee shop serving coffees, teas, soft drinks, and food. We would then seek to serve alcohol from 11:00 in line with our current licence. NB In the evening, we seek to use this as a private function area, albeit we can occasionally incorporate it into the main bar area for special events and occasions.

Therefore these premises will primarily be a sit down coffee shop/bistro until 17:00 when it will become a Cocktail Bar and Restaurant until close.

An extension to the opening hours is sought from 00:00 to 00:30 with an extension to the supply of alcohol from 23:00 to 00:00 hence. We also wish to add late night refreshment to the Licence from the hours of 11:00-00:30.

LICENSABLE AREA:

We wish to extend the footprint of our Licence to entail the front (Oxford Street) and back terrace (Queen's Terrace) areas of the property, both to have the ability to sell and serve alcohol to customers who can then consume alcohol and food on these areas.

Regarding the area at the back of the premises that opens on to Queen Terrace, we would like to open this from 08:00am as a coffee shop serving Coffees, teas, soft drinks, food and then possibly serve alcohol from 11am in line with our current licence this will be a sit down coffee shop/bistro until about 5pm. In the evening we would like to use it as a private function room. We can also use it to extend the main bar area on special events.

LATE NIGHT REFRESHMENT:

We wish to add LNR to the Licence, between 23:00 and 00:30hrs nightly.

OFF SALES:

We wish to expand our business to offer our award winning cocktails as off sales. These would be ordered through our website and delivered via deliveroo. These would only be delivered to

residential or businesses addresses, never to the public domain, and age verification procedures will be strictly adhered to.

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

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			State any seasonal variations for indoor sporting events (please read guidance note 6)
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Sat			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Sun			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u> This in the form of small live bands, or a musician such as a saxophone, Violinist that plays along with a DJ in about 2/3 sets per evening We would normally only have this type of music on the weekends, but putting these times in every day gives us flexibility for special days when Bank holidays, Christmas, New years and also something like a Jubilee fall on a Monday or throughout the week.		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	00:00			
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	00:00	<u>State any seasonal variations for the performance of live music (please read guidance note 6)</u> i have tried to cover this above		
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)</u> i have tried to cover the all the timings in the column, the only items i am planning to do, is fundraising events for Southampton Vetrans where we might have some music and possibly someone talking on a microphone		

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5) even though we have put music starting from 08:00, this is only background music to play in the coffee shop area.</u> This would be in the form of DJ's and also background music. We would stop the DJ approximately 30 to 45mins before the stated time and then background music till close. <u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u> Bank holidays that fall on a Friday and a Monday, we would like to be able to have music outside till about 22:30 this would be on the Saturday and Sundays. <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Mon	08:00	00:00			
Tue	08:00	00:00			
Wed	08:00	00:00			
Thur	08:00	00:00			
Fri	08:00	00:00			
Sat	08:00	00:00			
Sun	08:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 5)	
Tue				
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	23:00	00:30			
Tue	23:00	00:30			
Wed	23:00	00:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	23:00	00:30			
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	23:00	00:30			
Sat	23:00	00:30			
Sun	23:00	00:30			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	00:00			
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	00:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	00:30	
Tue	08:00	00:30	
Wed	08:00	00:30	
Thur	08:00	00:30	
Fri	08:00	00:30	
Sat	08:00	00:30	
Sun	08:00	00:30	
Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)			

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

Please tick as appropriate

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

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

As per Pre-Existing Licence.

b) The prevention of crime and disorder

As per Pre-Existing Licence.

c) Public safety

As per Pre-Existing Licence.

d) The prevention of public nuisance

Noise or vibration shall not emanate from the premises so as to cause a nuisance.
The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

All doors and windows at the premises shall be kept closed after 23:00hrs except during immediate access and egress.

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

e) The protection of children from harm

Age Verification Scheme – Challenge 25

A Challenge 25 scheme must operate at the premises, whereby any person who appears to be under 25 years of age and is unknown to the staff member serving as a person over 18 years of age, shall not be sold alcohol unless they provide identification to prove they are over 18 years of age.

The only acceptable forms of identification allowed are a valid passport, a valid photo ID driving license or a valid proof of age scheme card with the PASS approved hologram.

Challenge 25 signage must be displayed in a clear and prominent public place at the premises.

All staff must be fully trained in relation to the Challenge 25 scheme before being allowed to sell alcohol and a record must be kept of staff training. Training must be refreshed at least every 12 calendar months. Such training must be recorded and be maintained at the premises and made available for inspection upon request.

No under 18s will be allowed on the premises after 22.00hrs.

Children must be accompanied by an adult at all times.

Online Alcohol Sales

On any website or app through which sales are made, there must be a statement which informs customers:

- the premises operates a Challenge 25 policy and any person accepting a delivery must be prepared and able to prove they are over 18 with a satisfactory form of ID;
- customers must be at least 18 years old to purchase alcohol,
- it is a criminal offence for anyone under the age of 18 to buy or attempt to buy alcohol or for anyone to buy or attempt to buy alcohol for persons under the age of 18.

Food/Alcohol Delivery Sales/Service

Delivery staff must carry out a Challenge 25 check on delivery, where the person accepting the delivery looks as if they could be under 25.

All orders of alcohol are to be recorded and accessible electronically, including the order number and recipient's delivery address, and are to be made available to any responsible authority if requested.

Alcohol orders must only be delivered to a residential or business address and not to a public place, e.g., not to a car park, a street corner, or a park.

All deliveries will be made to individuals over the age of 18 years of age and not left unattended for later collection.

A Challenge 25 scheme shall be operated, whereby if the supply of alcohol is to any person who appears to be under the age of 25 years of age, they will be required to produce satisfactory ID, which meets the mandatory age verification requirement and is either a:

- Proof of age card bearing the PASS Hologram;
- Photo card driving licence;
- Passport; or
- Ministry of Defence Identity Card

Where the recipient is unable to provide satisfactory ID, providing they are 18 years old, or over, the alcohol part of an order must not be delivered to the premises.

A refusals record shall be maintained at the premises, which details all refusals to supply alcohol. Each entry must record the date and time of the refusal and the name of the staff member refusing the supply.

Notwithstanding Conditions above, when using third party couriers, all consignments of alcohol will be dispatched through reputable couriers only.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.



Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

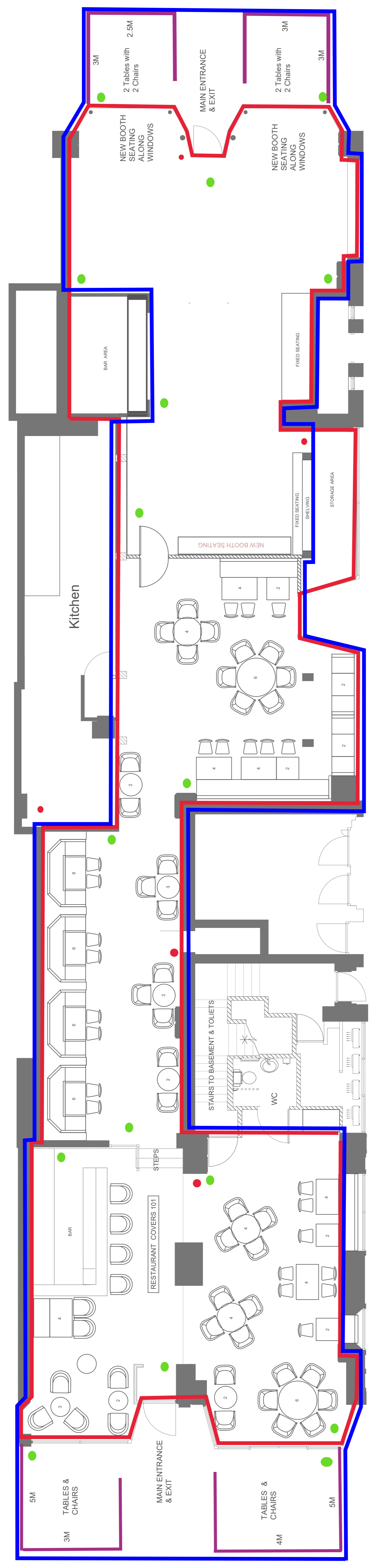
Signature	
Date	15 th August 2023
Capacity	Nick SEMPER for Licensing Consultant & Agent

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

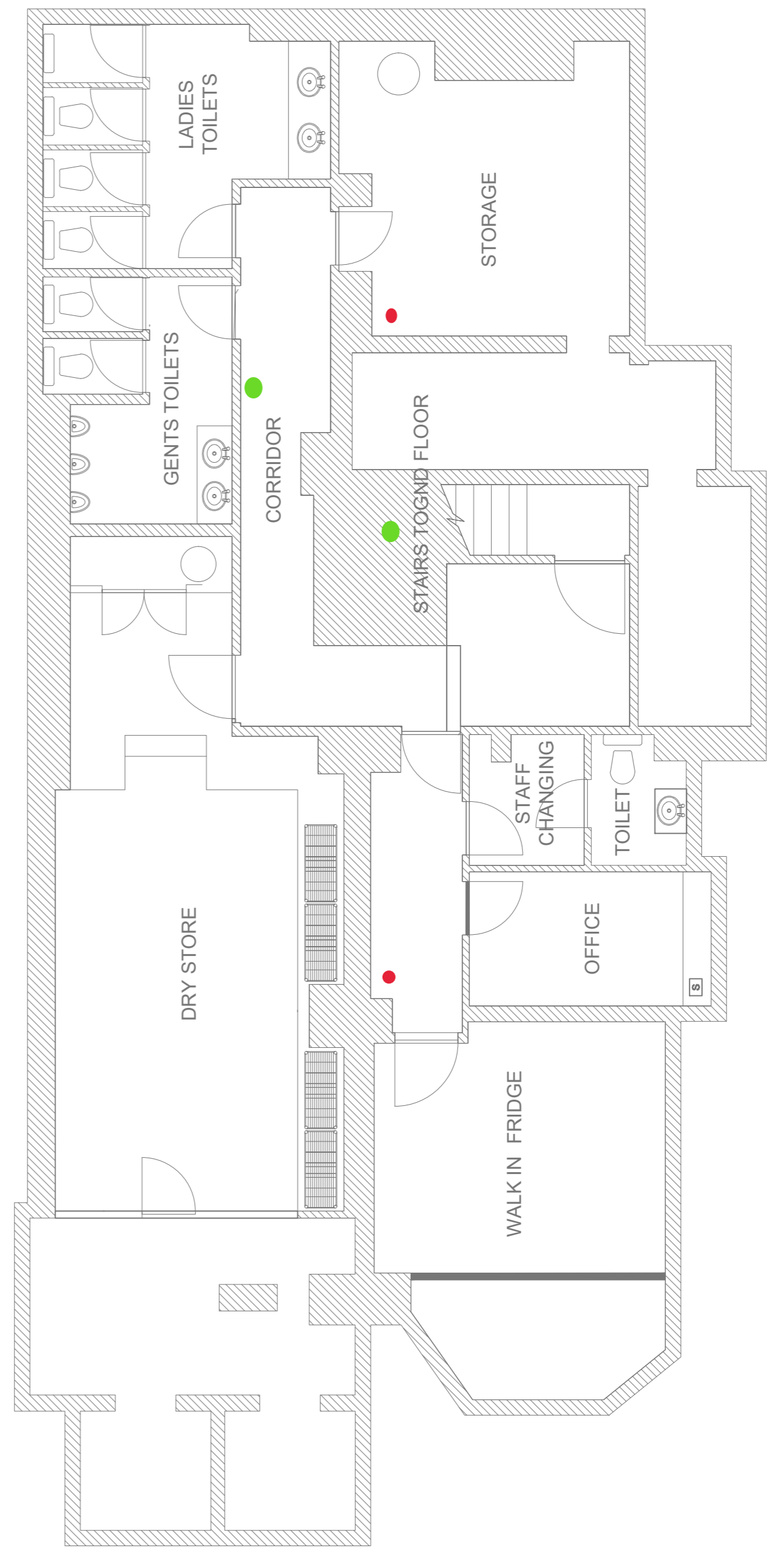
Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) The Licensing Guys Rural Enterprise Centre Vincent Carey Road Rotherwas Business Park			
Post town	HEREFORD	Post code	HR2 6FE
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) 			

THE RESTAURANT



THE BASEMENT



RITA'S

Address:
48-49 Oxford Street
Southampton
Hampshire
SO14 3DP

SCALE 1:100

- FOAM FIRE EXTINGUISHER
- LICENSABLE ACTIVITY
- CONSUMPTION AREA
- BOUNDARY OF EXTERNAL AREA
- CCTV





SOUTHAMPTON
CITY COUNCIL

Schedule 12
Part A
Premises Licence

Regulation 33,34

Premises licence number	2021/01198/01SPRN
--------------------------------	-------------------

Part 1 – Premises details

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

Ritas
48 - 49 Oxford Street
Southampton
SO14 3DP

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Live music
Recorded music
Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Live music
Thursday 11:00 - 23:00
Friday 11:00 - 23:00
Saturday 11:00 - 23:00
Sunday 12:00 - 23:00

Recorded music
Monday 11:00 - 23:30
Tuesday 11:00 - 23:30
Wednesday 11:00 - 23:30
Thursday 11:00 - 23:30
Friday 11:00 - 23:30
Saturday 11:00 - 23:30
Sunday 12:00 - 23:30

Supply by retail of alcohol
Monday 11:00 - 23:00
Tuesday 11:00 - 23:00
Wednesday 11:00 - 23:00
Thursday 11:00 - 23:00
Friday 11:00 - 23:00
Saturday 11:00 - 23:00
Sunday 12:00 - 23:00

The opening hours of the premises

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 00:00
Saturday	11:00 - 00:00
Sunday	12:00 - 00:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption on the premises

Part 2

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

NSR Holdings (UK) Ltd.
Tagus House
9 Ocean Way
Southampton
SO14 3TJ

Registered number of holder, for example company number, charity number (where applicable)
11842323

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

Richard Sargent

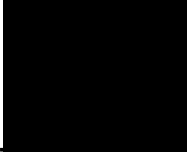


Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 2021/01714/06EPEN
Licensing Authority: Eastleigh Borough Council

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

Dated this 23rd day of June 2021;


Li _____ ager
Southampton & Eastleigh Licensing Partnership
PO Box 1767
Southampton
SO18 9LA

Annex 1 – Mandatory Conditions

1 No supply of alcohol shall 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 for the premises does not hold a personal licence or his personal licence is suspended.

2 (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).

3 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

4 (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.

5 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.

6 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.

(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.

7 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the operating Schedule

1 SIGNAGE

Notices will be displayed at all exits requesting patrons to respect the needs of local residents and leave the premises and area quietly.

2 CCTV

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a format that can be viewed on readily available equipment without the need for specialist software.

In the event of technical failure of the CCTV equipment, the Premises Licence holder/DPS MUST report the failure to the Hampshire Police Licensing Unit within 24 hours, and arrangements made to repair the fault without delay.

A competent trained person in the use of and operation of the CCTV must be in attendance at the premises at all times that licensable activities take place and there must be a person present, nominated by the data controller, who is able to fully operate the CCTV system to be able to download at the times of the visit onto a CD/DVD/USB stick any information lawfully requested by any Responsible Authority.

3 TRAINING

The premises licence holder will ensure that there is a training package in place for all members of staff involved in the sale or supply of alcohol. All members of staff shall be trained in licensing matters proportionate to their role and aware of their responsibilities. Particular attention should be paid to underage sales/ ID verification, refusal of alcohol sale to a drunk person, proxy sales and identifying potentially vulnerable persons.

The date of completion of the training shall be recorded and both the member of staff receiving the training and the trainer shall sign the record of training. Refresher training is to be given at regular intervals by the premises licence holder but not at intervals greater than 12 months.

Records of training must be made available for immediate inspection by police or other responsible authority upon reasonable request and records of staff training will be retained for no less than 2 years.

4 INCIDENT LOG

An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. This record shall be produced to a police officer or an authorised officer of the local authority on reasonable request. This record shall be retained for a period of 12 months.

5 CHALLENGE 25

The premises licence holder shall ensure that a system is in place to ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises, shall produce acceptable means of identification and age confirmation. Acceptable identification shall be a passport, photo driving licence or PASS accredited photo ID. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

6 BOTTLES

The placing of bottles in the outside receptacles will be done at times that will minimise disturbance to nearby properties.

7 GLASSWARE AND BOTTLES

Customers will not be permitted to enter or exit the premises with open or sealed bottles and glasses.

8 REFUSAL LOG

A written log shall be kept of all refusals including refusals to sell alcohol.

The premises licence holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the DPS.

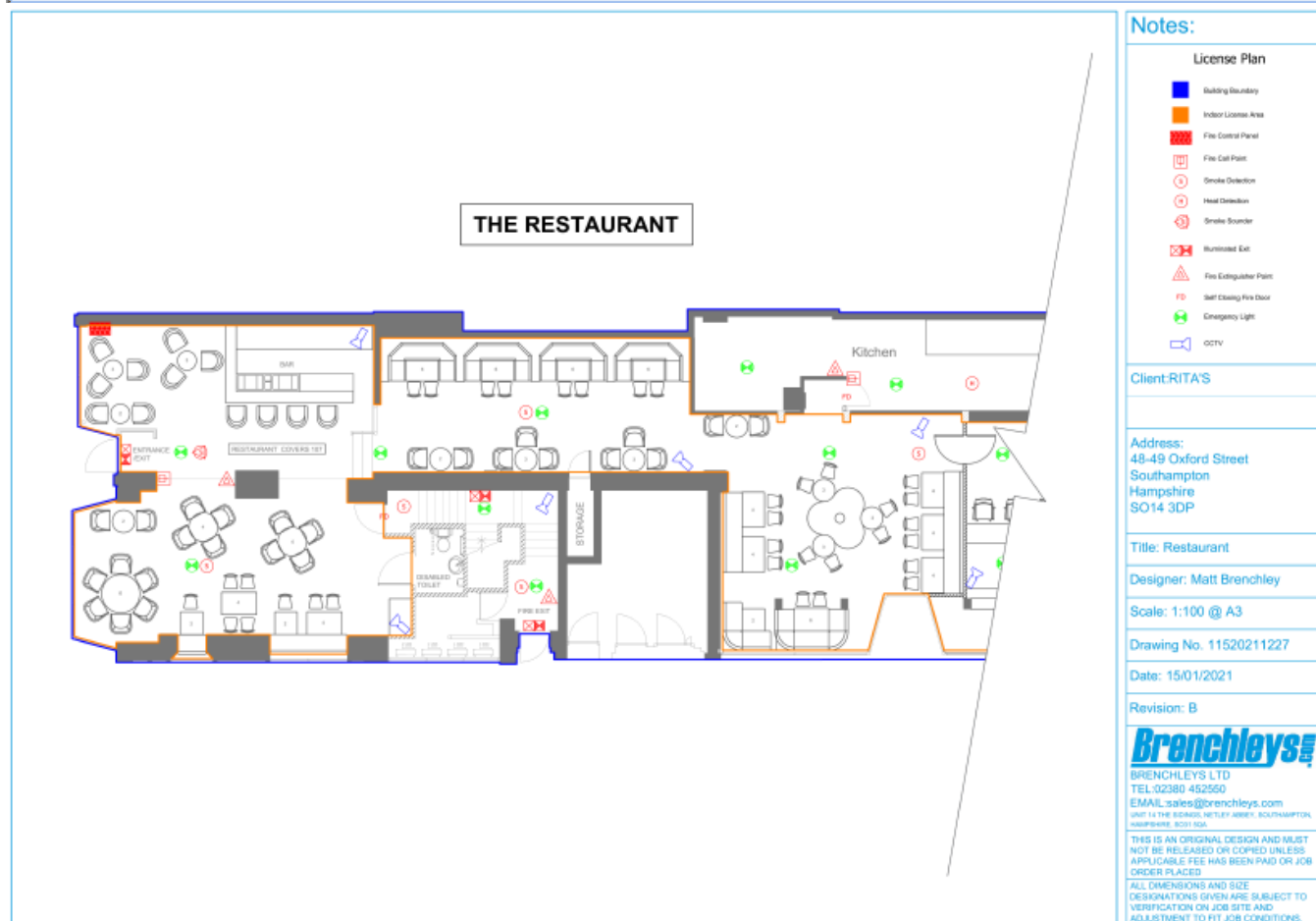
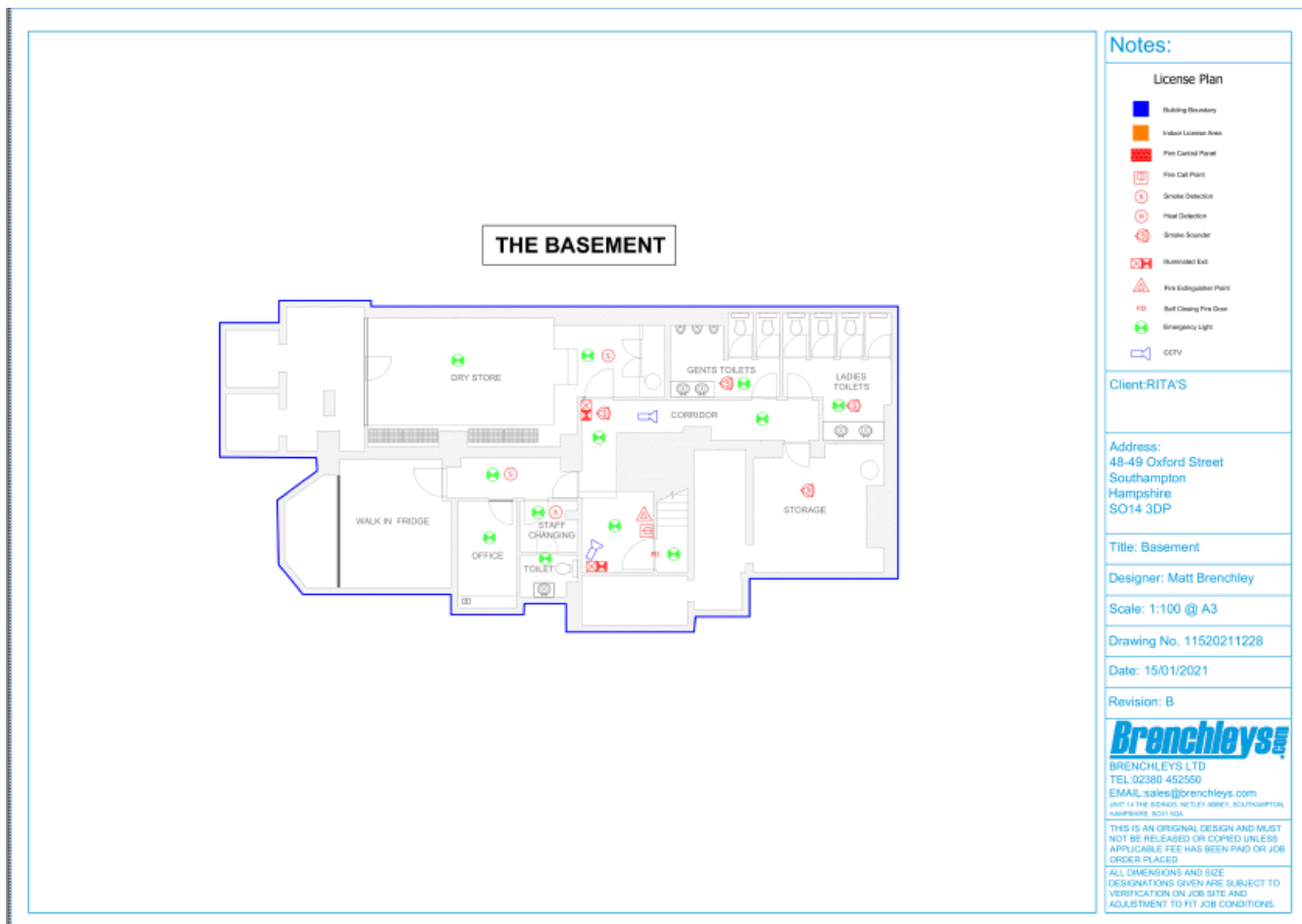
The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of each refusal will be retained for 12 months

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

1 NON STANDARD TIMINGS

Live music will be permitted on Bank Holidays with a terminal hour of 23.00



Notes:

License Plan

- Building Boundary
- Indoor License Area
- Fire Control Panel
- Fire Call Point
- Smoke Detection
- Heat Detection
- Smoke Sounder
- ✂ Rummaged Exit
- △ Fire Extinguisher Point
- FD Self Closing Fire Door
- + Emergency Light
- CCTV

Client: RITA'S

Address:
48-49 Oxford Street
Southampton
Hampshire
SO14 3DP

Title: Salon

Designer: Matt Brenchley

Scale: 1:100 @ A3

Drawing No. 11520211227

Date: 15/01/2021

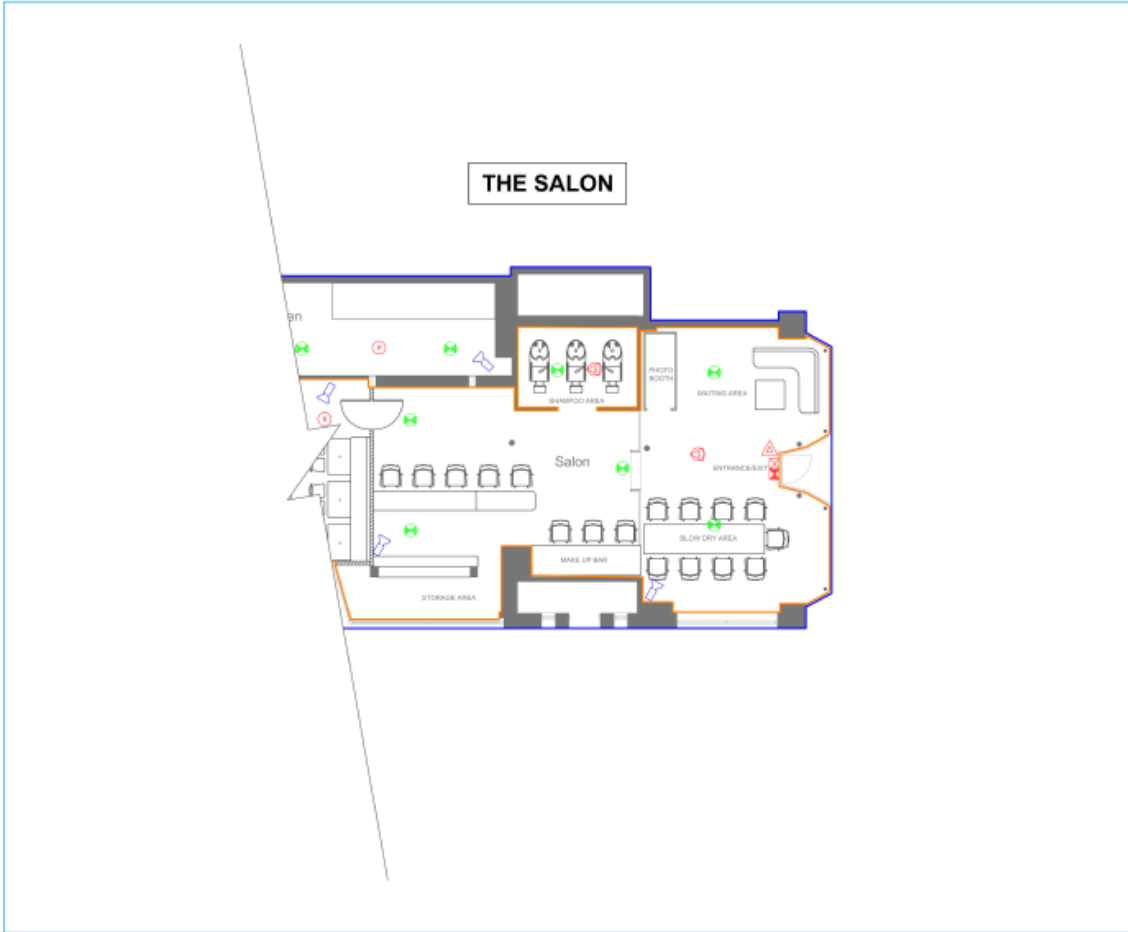
Revision: B



BRENCHLEYS LTD
TEL: 02380 452550
EMAIL: sales@brenchleys.com
UNIT 14 THE SQUARE, NETLEY ABBEY, SOUTHAMPTON,
HAMPSHIRE, SO31 5JA

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ALL DIMENSIONS AND SIZE DESIGNATIONS GIVEN ARE SUBJECT TO VERIFICATION ON JOB SITE AND ADJUSTMENT TO FIT JOB CONDITIONS.



Notes:

License Plan

- Building Boundary
- Indoor License Area
- Fire Control Panel
- Fire Call Point
- Smoke Detection
- Heat Detection
- Smoke Sounder
- ✂ Rummaged Exit
- △ Fire Extinguisher Point
- FD Self Closing Fire Door
- + Emergency Light
- CCTV

Client: Richard Sargent
Project: 48-49 Oxford Street

Address:
48-49 Oxford Street
Southampton
Hampshire
SO14 3DP

Title: A1

Designer: Matt Brenchley

Scale: 1:75 @ A1

Drawing Number: 11520211225

Date: 15/01/2021

Revision: B



BRENCHLEYS LTD
TEL: 02380 452550
EMAIL: sales@brenchleys.com
UNIT 14 THE SQUARE, NETLEY ABBEY, SOUTHAMPTON,
HAMPSHIRE, SO31 5JA

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ALL DIMENSIONS AND SIZE DESIGNATIONS GIVEN ARE SUBJECT TO VERIFICATION ON JOB SITE AND ADJUSTMENT TO FIT JOB CONDITIONS.



Plan not reproduced to scale.

From: [Young, Tricia](#) on behalf of [Licensing](#)
To: [REDACTED]
Subject: FW: Rita's Restaurant, Oxford Street - 2023/02921/01SPRV - Pub Rep - Catherine Simpson
Date: 05 September 2023 08:00:50

From: Catherine Simpson [REDACTED]
Sent: Monday, September 4, 2023 7:30 PM
To: Licensing <Licensing@southampton.gov.uk>
Subject: Rita's Restaurant, Oxford Street

You don't often get email from [REDACTED]. [Learn why this is important](#)

This Message Is From an Untrusted Sender

[Report Suspicious](#)

You have not previously corresponded with this sender.

Good afternoon

It has come to my notice that Rita's Restaurant in Oxford Street is applying for a licence to remain open until 1230 every night and to play live or recorded music up until this time too.

As a resident who lives at No 7, VERY near Rita's restaurant I cannot object strongly enough against giving this licence.

It goes without saying that I already hear the noise, shouting, buzz of people drinking late at night from this restaurant . The Medbar opposite then competes in the noise and buzz to attract people to them. To think of this continuing until 1230 makes me shudder. How can the residents of Oxford Mews sleep in their beds with this intolerable noise going on until 1230.

There is a large number of residents who will all be disturbed and/ or kept awake until the noisy revelry stops. And after closing there is a large number of noisy people unwilling to go home.

PLEASE remember that this is also a residential area, already under stress.

I cannot object enough to this proposal.

Catherine P Simpson
7 Oxford Mews
Latimer Street
Southampton
SO14 3EE

Catherine P Simpson
Sent from my iPad

From: [Young, Tricia](#) on behalf of [Licensing](#)
To: [Idox DMS Licensing](#)
Subject: FW: Comments for Licensing Application 2023/02921/01SPRV
Date: 06 September 2023 15:36:04

From: publicaccess@southampton.gov.uk <publicaccess@southampton.gov.uk>
Sent: Wednesday, September 6, 2023 3:03 PM
To: Licensing <Licensing@southampton.gov.uk>
Subject: Comments for Licensing Application 2023/02921/01SPRV

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:02 PM on 06 Sep 2023 from Ms Sarah Bogle.

Application Summary

Address: 48 - 49 Oxford Street Southampton SO14 3DP
Proposal: Premises Licence - Variation
Case Officer: Tricia Young
[Click for further information](#)

Customer Details

Name: Ms Sarah Bogle
Email: [REDACTED]
Address: Lower Ground Floor East Wing, Civic Centre Municipal Block, Civic Centre Road, Southampton SO14 7LY

Comments Details

Commenter Type: Consultee

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 3:02 PM on 06 Sep 2023 I have been contacted by concerned residents who live close by about the extended opening hours proposal for Rita's bar.

Therefore my objection is related to potential impact on noise disturbance affecting nearby residents. I note the applicant wishes to expand the use of outside areas, and would recommend this is limited to 10pm latest as per other nearby establishments.

I would recommend that at the very least Sundays are retained as closing at 11pm and that if later hours are needed these would just be on Friday and Saturday. Also my understanding was that the planning restrictions in

5 Oxford Mews
Latimer St
Southampton SO14 3EE

3 September 2023

Licensing Team,
Southampton & Eastleigh Licensing Partnership
Southampton City Council
Civic Centre
Southampton SO14 7LY

Dear Licensing Team

Licensing application ref 2023/02921/01SPRV
(Rita's, 48 - 49 Oxford Street, Southampton SO14 3DP)

I would like to register a strong objection to the application from Rita's, 48 – 49 Oxford St, to extend its licensing hours in all respects to half past midnight 7 days a week.

It would cause an even greater public nuisance than it does now, and would contribute to public disorder.

Rita's is currently licensed till 11.30 7 days a week for recorded music; this licence is consistently abused so as to play such loud music from afternoon to late at night that even with all windows closed it is impossible to use my living room on numerous days a week.

It would be unreasonable for any music to be played as late as is proposed in a residential area, but given the volume adopted the level of intrusion would be completely off the scale.

Oxford St is, of course, an area with a number of bars and restaurants, but it is a high-density residential area, too. There are a number of bars at the junction of Oxford St and Latimer St, and in competing for customers they seek to outdo each other in the hours they keep and the noise they generate. The proposed extension to Rita's hours and relaxation of restrictions are part of a protracted arms race between these establishments, with ever louder noise throughout the afternoon and evening, larger and larger sound systems, and relentless applications to extend hours of operation further and further into the night. It is a public nuisance of the first order, for local residents and for patrons of the numerous local establishments that are more considerate.

As an issue of public safety, there must surely also be environmental health concerns about the consequences of intrusive noise pollution for staff at the bar, who will have to cope with the hearing impairment that prolonged exposure to excessive noise causes.

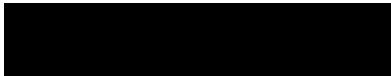
There have long been concerns in the area about the prevention of crime and disorder. They were partly what prompted the City Council's Planning Panel to refuse planning permission in connection with nearby premises in August 2022. While planning operates in a different sphere, and while the

following quotation relates to different premises (application 22/00761/FUL), the resulting report by the Planning Team from which this quotation is drawn nonetheless summarises the issues adroitly:

‘The proposed bar and restaurant use by reason of its nature and capacity would lead to an intensification of premises in the area led by wet trade which would adversely harm community safety and lead to noise disturbance to local residents. The Police have raised concerns with the cumulative impact from the proliferation of such night time uses leading to public nuisance and crime incidents in the Oxford Street area.’

These comments are equally relevant to the current licensing application from Rita’s.

Yours sincerely

A solid black rectangular box used to redact the signature of Colin Beaven.

Colin Beaven

5 Oxford Mews
Latimer St
Southampton SO14 3EE

From: [Young, Tricia](#) on behalf of [Licensing](#)
To: [Idox DMS Licensing](#)
Subject: FW: Rita's application for extended licensing. Objection - 2023/02921/01SPRV - Mr & Mrs Goodall
Date: 12 September 2023 08:33:56

From: Lesley Gwilliam [REDACTED]
Sent: Monday, September 11, 2023 4:39 PM
To: Licensing <Licensing@southampton.gov.uk>
Subject: Rita's application for extended licensing. Objection

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Mr AE Goodall & Mrs LCM Goodall
63a Oxford Street
Southampton
SO14 3DL

Dear Tricia

Thank you for talking to us today about our concerns about the proliferation in extended licensing applications in Oxford Street and the resulting public nuisance and law/disorder events which occur from this

Specifically we would like to register our strong objections to the extension in licensing application and for the playing of music until midnight on every night in Rita's Bar 48:49 Oxford Street

We know that there is already one neighbouring bar doing this and we do have personal experience of unacceptable noise, antisocial behaviour (fights in the street) and damage to property past 2 am over the entire weekend from this establishment and we feel that allowing more bars to follow suit will make the situation worse as they will be competing each other in decibel levels late at night

We have contacted the police on at least 2 occasions in the last 2 years to raise our concerns and this will have been logged. We have also contacted environmental health about noise and we will be gathering evidence for this. It is a shame we need to do this and most of the establishments in Oxford Street do act responsibly but we do feel that allowing more of these extended licenses to go ahead will cause a lot of trouble in the future

Yours sincerely

Mr Andrew & Mrs Lesley Goodall
Sent from my iPhone

From: [Young, Tricia](#) on behalf of [Licensing](#)
To: [Idox DMS Licensing](#)
Subject: FW: Comments for Licensing Application 2023/02921/01SPRV - Public Supp Rep - Stevie Timberlake
Date: 11 September 2023 07:42:33

From: publicaccess@southampton.gov.uk <publicaccess@southampton.gov.uk>
Sent: Saturday, September 9, 2023 10:38 AM
To: Licensing <Licensing@southampton.gov.uk>
Subject: Comments for Licensing Application 2023/02921/01SPRV

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:37 AM on 09 Sep 2023 from Mr Stevie Timberlake.

Application Summary

Address: 48 - 49 Oxford Street Southampton SO14 3DP
Proposal: Premises Licence - Variation
Case Officer: Tricia Young
[Click for further information](#)

Customer Details

Name: Mr Stevie Timberlake
Email: [REDACTED]
Address: 47A Oxford Street, Southampton SO14 3DP

Comments Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Licensing Application

Reasons for comment:

Comments: 10:37 AM on 09 Sep 2023 One of the only venues around this area who actually keep the noise to a minimal and have been respectful of neighbours.

Procedure – Applications etc. under the Licensing Act 2003 or Gambling Act 2005

1. A hearing will be held to decide applications, etc., under the Licensing Act 2003, where there have been relevant representations from one or more of the responsible authorities or other persons. The parties to the hearing will have the chance to be heard. They are also entitled to be helped or represented by another person if due written notice is given in advance.
2. Hearings will take place before a Sub-Committee comprising three members of the Licensing Committee. One of these members will be elected Chair of the Sub-Committee for that hearing.
3. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

Preliminary matters

4. The Chair will introduce those present.
5. The Chair will check whether any of the Sub-Committee members has a “disclosable pecuniary”, “personal” or “pecuniary” interest.
6. The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, the Sub-Committee will decide whether to hold the hearing in that party’s absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest, if that is possible. If the Sub-Committee decides to hold the hearing in a party’s absence, they will still consider any written information received.
7. In the case of an application for variation or a new licence, the Sub-Committee’s legal advisor will ask the applicant or their advisor for confirmation that the required public notices have been displayed where they can conveniently be read from the exterior of the premises and that notice was given in a local newspaper within eleven working days of the day on which the application was received by the licensing authority.
8. Normally, hearings will be open to the public. However, the Sub-Committee may exclude the public from the hearing (or part of it) if they think the public interest in doing so outweighs the public interest in having the hearing in public. If the public are excluded, any of the parties to the hearing, and/or anyone helping or representing them, may also be excluded.
9. The Chair will propose a motion that the public and the press be excluded from the hearing while the Sub-Committee considers the matter. Ordinarily the legal advisor and democratic support officer will remain (see paragraph 30 (b) below).
10. The Openness of Local Government Bodies Regulations 2014 provide an entitlement for the public to film, photograph and audibly record (“record”) public meetings. However, by virtue of Schedule 6, paragraph 58 of the Licensing Act 2003 and section 101 (15) of the Local Government Act 1972, Licensing Act 2003 hearings are not covered by the entitlement to film as of right. The Council’s general approach is to encourage openness and transparency in all its dealings and the general presumption is that filming or recording of hearings shall generally be permitted where due notice has been provided in advance of the hearing. Nonetheless the following shall apply:

- i) Filming / recording / photographing hearings shall only be permitted with the express permission of the Chair. Such permission may include restrictions to protect children, vulnerable persons or others that object to being filmed / photographed / recorded.
 - ii) Requests to film / record / photograph should be made with sufficient notice in advance of the hearing. Late requests may not be granted if there shall be a delay to proceedings as a result.
 - iii) Every party to the hearing and any witnesses shall have the opportunity to object and those representations shall be considered by the Sub-Committee.
 - iv) No filming, photography or sound recording shall be permitted of any person under 18 years of age.
 - v) No person shall be put under any pressure to consent to such and no payment for such consent shall be given.
 - vi) The Chair shall have the final say as to whether any filming, photography or recording is allowed (including the extent to which permission is granted e.g. the parts of the meeting, the individuals concerned or the arrangement of the recording equipment).
 - vii) All directions given by the Chair shall be fully complied with and the Chair shall have the absolute discretion to withdraw permission to film, photograph or record in the event the same causes an obstruction or interferes with the general conduct of the hearing, including the impeding of the giving of proper evidence.
11. A party may have asked for someone else to appear at the hearing to make a point or points that may help the Sub-Committee reach a decision. It is up to the Sub-Committee to decide whether that person should be heard, although permission will not be refused unreasonably. Such a person is referred to as a “witness” in this procedure.
12. Where application has been made, in advance of the hearing, that it should be conducted in private (e.g. by the Police in review or summary review proceedings) reports shall be prepared and presented as confidential so that the Committee can make a meaningful determination in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the press and public. It is important to note that reports presenting Licensing Act 2003 matters are not required to be published in advance. However, certain limited information must be published in accordance with the Licensing Act 2003 (Licensing Authority’s Register) (Other Information) Regulations 2005 and section 8 of the Licensing Act 2003.
13. The Chair will then explain the procedure that will follow.

General information on the conduct of the hearing

14. Each party is entitled to:
- (a) Give further information in response to any point that the Council told them before the hearing they would like clarified;
 - (b) With the permission of the Chair, seek clarification on any point by any other party;
 - (c) Address the Sub-Committee.
15. Members of the Sub-Committee may also seek clarification of any party or witness.
16. At the Chair’s discretion, the Sub-Committee’s legal advisor may ask any questions he or she thinks are relevant.

17. Unless the Council has requested in advance that a particular point be clarified, new documentary or other evidence may not be submitted for the first time at the hearing, unless all the other parties agree.
18. Members of the Sub-Committee will have read all the papers included in the agenda for the hearing before the hearing starts. The parties are requested not to spend unnecessary time repeating evidence which is already in the papers and which is not disputed.
19. Evidence that is not relevant to the case, or to the promotion of the four licensing objectives, will be disregarded.

Hearing Procedure

20. If any party has asked permission for a witness or witnesses to appear, the Sub-Committee will decide whether they should be heard (see paragraph 10 above).
21. All parties will be allowed a similar (and maximum) amount of time to put their case, and ask questions of other parties, subject to the Chair's discretion to not hear repetitive matters or questions.

The applicant

22. The applicant for the licence (or their representative) or the applicant in review proceedings, may present their case.
23. If the Sub-Committee permits, the applicant may call those witnesses whose names have been provided in advance to support their application.
24. Where a group of witnesses wish to speak in support of the application for similar reasons, one person should, where possible, act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.
25. The Chair will invite those making representations to seek clarification on any point made by the applicant. The Chair will decide in which order those making representations will be invited to put their questions.
26. Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may also seek clarification of the applicant or any of their witnesses.

The representations

27. Where there is more than one person making a representation, the Chair will decide the order in which they may put their case. If there is a representation from one or more of the responsible authorities, their representatives will normally be invited to put their case first.
28. The following procedure will apply to each person making a representation in turn:-
 - (a) The person making a representation (or their representative) may present their case.
 - (b) If the Sub-Committee permits, the person making a representation may call those witnesses whose names have been provided in advance to support their objection.
 - (c) Where a group of witnesses wish to speak in support of the objection for similar reasons, where possible, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.

- (d) The Chair will invite the applicant to seek clarification on any points made by those making representations.
- (e) Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may seek clarification of those making representations or any witnesses.

Summing up

29. The Chair will invite each person making a representation to make a final statement or sum up their case.

30. The Chair will invite the applicant to make a final statement or sum up their case.

Sub-Committee's decision

31.

- (a) At the end of the hearing the Sub-Committee will move to private session whilst it considers the matter.
- (b) The Sub-Committee's legal advisor will remain to provide legal advice and the democratic services officer will remain to record the decision. Details of any legal advice will be recorded and referenced in the decision and reasons.
- (c) The parties will be invited to wait to be informed of the outcome.
- (d) As soon as the decision is reached, the public and press will be invited to return to the room in which the hearing took place, and the Chair will announce the decision and the reasons for it.
- (e) If a room is available, the Committee may retire to deliberate and make its decision
- (f) All parties will be formally notified in writing of the decision and reasons as soon as possible.

In most cases the Sub-Committee will announce the decision at the conclusion of the hearing. In certain cases where this is not possible due to time constraints (and the Hearings Regulations permit – Regulation 26 (1) sets out those hearings where delay is not possible) the decision shall be made within 5 working days beginning with the day of the hearing or the last day of the hearing.

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