

LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE
DECISION OF THE MEETING HELD 4 OCTOBER 2023
APPLICATION FOR 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 The applicant also wanted to add late night refreshment, but this was withdrawn at the meeting.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 has 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 imposes 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 Bevan, Mr Goodall and the local ward Councillor Mr 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 11 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 is 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.