

**LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE
DECISION OF THE MEETING HELD ON 21 March 2024 at 4.30pm
APPLICATION FOR VARIATION OF A PREMISES LICENCE
Ava's, 25 Oxford Street, Southampton, SO14 3DJ**

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.

The Sub-Committee considered very carefully the application for a variation of the premises licence at Ava's, 25 Oxford Street, Southampton, SO14 3DJ. 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 Crime and Disorder Act 1998 and the Equality Act 2010 were borne in mind whilst making the decision.

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

The Sub-Committee noted that no responsible authority had made representations.

The application was for a variation to extend the licensable activities Live music, Recorded Music and Supply of Alcohol by one hour and Late Night Refreshment by half an hour. Additional conditions had been offered.

The Sub-Committee heard oral evidence and representations on behalf of the applicant Mr Bousson and from his representative Mr Semper. Ms Castleman and Mr Beaven objecting to the application did not attend but had provided written representations.

Whilst none of the Responsible Authorities had made representations, the police attended the Hearing and at the request of the applicant PC Hawley explained the police position confirming that conditions had been agreed with the applicant, to be added to the licence, should the variation be granted.

Considering all the above, the Sub-Committee has decided to grant the application, subject to the additional conditions set out in the variation 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 local community. It was noted that Oxford Street is within a Stress Area designated by Section 6 of the Statement of Licensing Policy, and therefore the onus is on the Applicant to prove that the

granting of the application will not adversely impact any of the Licensing Objectives and will not increase the impact in the area.

The Sub-Committee noted the concerns of the residents, which included noise, anti-social behaviour and crime and disorder.

Whilst the Sub-Committee noted the concerns of the residents, it was satisfied that there had been no complaints regarding the operation of the business to either Licensing or the Responsible Authorities during the period of the business commencing operation and the application for a variation of the licence.

There was a direct contradiction between Mr Beaven stating he had made complaints direct to the premises which was denied by Mr Bousson. In the absence of Mr Beaven the Sub-Committee preferred the evidence of Mr Bousson.

The Sub-Committee was concerned regarding the number of SIA door supervisors proposed and expects the applicant to be pro-active in their risk assessments for busy times. It was felt that a condition requiring 2 SIA door supervisors would be an over reaction but would expect the position to be monitored by the premises, the police and the Licensing Authority.

Instead, the Sub-Committee recommends that the premises keep a written record of any complaints made by neighbours and occasions when additional SIA door supervisors are employed. This is more to demonstrate their commitment to upholding the licensing objectives and evidence that they are doing so.

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 but is limited to dealing with the application in accordance with the Licensing Objectives. On this occasion the Sub-Committee has decided that the application will not adversely impact any of the Licensing Objectives and will not increase the impact in the area.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.