

**DECISION-MAKER** LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

**SUBJECT** HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE – **Gin and Olive 140 Above Bar Street Southampton SO14 7DU**

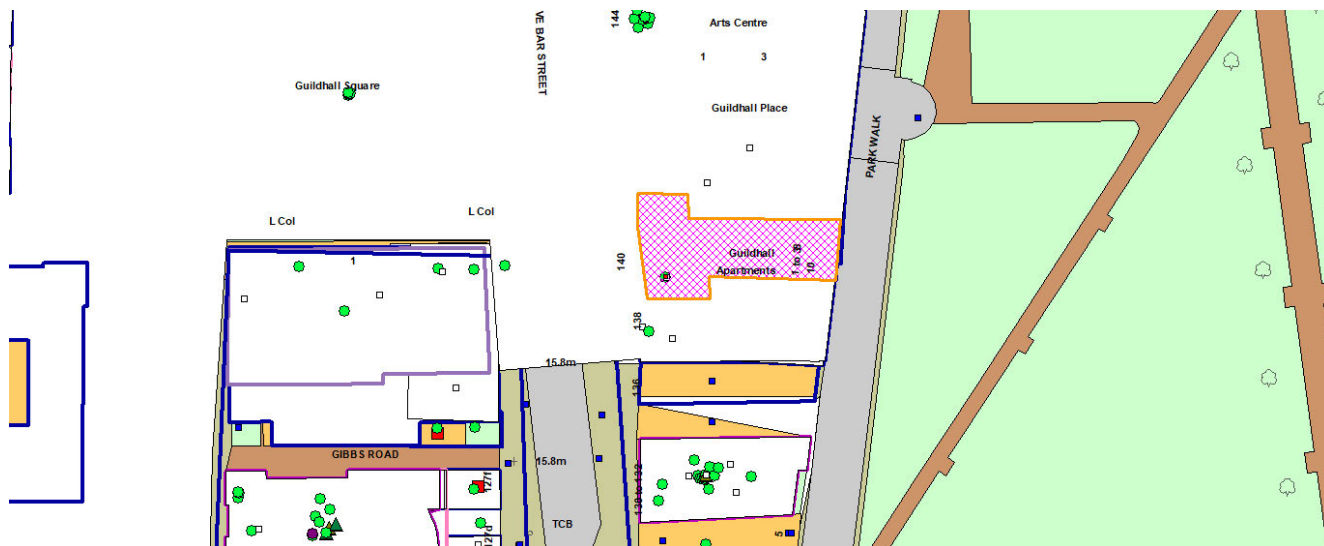
**DATE OF HEARING** 28 July 2021 1600 hrs

**REPORT OF** SERVICE DIRECTOR – COMMUNITIES, CULTURE AND HOMES

**E-mail** licensing@southampton.gov.uk

Application Date : 10th June 2021      Application Received 10th June 2021

Application Valid : 10th June 2021      Reference :                    **2021/01665/01SPRN**



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***Representations from Responsible Authorities***

Responsible Authority	Satisfactory?
Licensing	Objection
Safeguarding Children	Satisfactory
Fire Service	Satisfactory
Environmental Health - Licensing	Agreed Conditions

Home Office	No Response
Building Control	No Response
Public Health Manager	No Response
Police - Licensing	Objection
Trading Standards	No Response

<b>Other Representations</b>		
<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
Mr Peter Munday	Flat 2 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	<b>Resident</b>
Mrs Alice Rose	Flat 13 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	<b>Resident</b>
Mrs. Ruth Leary	Flat 11 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	<b>Resident</b>
Mr. Lukasz Brzoska	Flat 12 Guildhall Apartments Flat 12 10 Park Walk Southampton SO14 7BL	<b>Resident</b>

Mr. Steve Garlick	32 Guildhall Apartments 10 Park Walk Southampton SO14 7DU	<b>Resident</b>
Mr. Tom O'Brien	Flat 29 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	<b>Resident</b>
Mr. Peter Culley	Flat 11 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	<b>Resident</b>
Mrs Janet Stovell	Primrose Cottage Allington Lane West End Southampton Hampshire SO30 3HQ	<b>Supporting Rep</b>
Miss Isabel Ross Vergara	56 Boulton Road Portsmouth PO5 1NT	<b>Supporting Rep</b>
Miss Emily Rowe	99 Mill Road Fareham PO16 0UA	<b>Supporting Rep</b>
Ms Marian Hubble	15 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	<b>Resident</b>

Mr Krishna Kaimal	Flat 37 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	<b>Resident</b>
Mr Pete Snelling	Flat 33 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	<b>Resident</b>
Ms. Izabela Wasilewska-Brzoska	Flat 12 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	<b>Resident</b>
Mr and Mrs Broad	Evergreen Lockhams Lockhams Road Curdridge SO32 2BD	<b>Registered Interest in Premises</b>
[REDACTED]	[REDACTED] Guildhall Apartments 10 Park Walk Southampton [REDACTED]	<b>Resident</b>
Miss Jade Baker-smith	Southampton City College St Mary Street Southampton SO14 1AR	<b>Supporting Rep</b>
Ms. Joanna Ward	Flat 20 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	<b>Resident</b>

Mr. Timothy Ince	Flat 20 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	<b>Resident</b>
Mr Paul Scullard	Flat 7 Guildhall Apartments 10 Park Walk SO14 7BL	<b>Resident</b>

## ***Legal Implications***

The legislation specifically restricts the grounds on which the sub-committee may refuse an application for grant of a premises licence, or impose conditions. The legislation provides for a presumption of grant of an application for 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 grant 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 affect 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 grant 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 Cocktail Bar and Restaurant based in the Cultural Quarter. The applicant has submitted additional documents which have been available to view online to the public and distributed to the Committee prior to the hearing but due to the size we are unable to include in this report.

<b>Applicant</b>	Gin and Olive Bars and Restaurants Southampton Ltd.
<b>Designated Premises Supervisor</b>	Ruth Wallis

## **Licensable Activities.**

Films		
Monday	10:00	- 00:00
Tuesday	10:00	- 00:00
Wednesday	10:00	- 00:00
Thursday	10:00	- 00:00
Friday	10:00	- 00:00
Saturday	10:00	- 00:00
Sunday	10:00	- 00:00
Live music		
Monday	10:00	- 00:00
Tuesday	10:00	- 00:00
Wednesday	10:00	- 00:00

Thursday	10:00 - 00:00
Friday	10:00 - 02:00
Saturday	10:00 - 02:00
Sunday	10:00 - 00:00
<b>Recorded music</b>	
Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 01:00
Friday	10:00 - 02:00
Saturday	10:00 - 02:00
Sunday	10:00 - 01:00
<b>Provision of late night refreshment</b>	
Monday	23:00 - 01:00
Tuesday	23:00 - 01:00
Wednesday	23:00 - 01:00
Thursday	23:00 - 01:00
Friday	23:00 - 02:00
Saturday	23:00 - 02:00
Sunday	23:00 - 01:00
<b>Supply by retail of alcohol</b>	
Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 01:00
Friday	10:00 - 02:00
Saturday	10:00 - 02:00
Sunday	10:00 - 01:00

### **Conditions consistent with the operating Schedule**

<b>1 BOTTLES</b>
No emptying of bottles or glass outside between 2100 and 0900 hours.
<b>2 DOORS AND WINDOWS</b>
The external doors and windows to be closed during live music performance, except for access and egress
<b>3 SOUND LEVELS</b>
The sound level will be such that the level of music is not audible at nuisance level at the boundary of the nearest noise sensitive property at any time

Hampshire Constabulary and the Licensing Authority have been in consultation with the applicant but have been unable to reach a conclusion that is satisfactory to all parties. Environmental health has agreed the three conditions listed above. This application has received 16 Public Representations and 4 Public Supporting Representations.

## **Included in Report**

Application

Plan

Licensing Representation

Hampshire Constabulary Representation

Environmental Health Agreed Conditions

16 Public Representations

4 Public Supporting Representations



**SOUTHAMPTON AND EASTLEIGH LICENSING PARTNERSHIP**  
**Application for a premises licence to be granted 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** Gin and Olive Bars and Restaurants Southampton Limited  
*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, Ordnance Survey map reference or description <b>Gin and Olive</b> <b>140 Above Bar Street</b>			
<b>Post town</b>	Southampton	<b>Postcode</b>	SO14 7DU

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	<b>£65500</b>

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town			Postcode		
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

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**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> or over		I am 18 years old		<input type="checkbox"/> Please tick yes	
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

<b>Name</b> Gin and Olive Bars and Restaurants Southampton Limited
<b>Address</b> 17 Albert Road Southsea Hampshire PO5 2SE
<b>Registered number (where applicable)</b> 12630687

Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
07	07	2021

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)  
 Gin and Olive is a high end gin and cocktail bar and restaurant situated in the Arts Complex in Above Bar Street Southampton bringing a unique dining and drinking experience to the city which will compliment the cultural quarter in which it is located. The kitchen will be open from 11am to 11pm serving a variety of food including steaks, fish, vegetarian and vegan dishes.  
 Once the kitchen closes at 11pm the premises will become a place for people to enjoy a gin, cocktail or one of our other spirits in a high end venue with melodic music. The premises consists of a ground floor at street level and a mezzanine floor as per the attached plan.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- |  |                                     |
|--|-------------------------------------|
| Provision of regulated entertainment (please read guidance note 2)   | Please tick all that apply          |
| a) plays (if ticking yes, fill in box A)                             | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)                             | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)            | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)                        | <input checked="" type="checkbox"/> |

- 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 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	00:00	<b>Please give further details here</b> (please read guidance note 4) Exhibition of film principally video entertainment on screens and TV screens. There shall be no films shown to a close seated audience.		
Tue	10:00	00:00			
Wed	10:00	00:00	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5) N/A		
Thur	10:00	00:00			
Fri	10:00	00:00	<b>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</b> (please read guidance note 6) When hours for sale of alcohol are extended hereunder these hours are also extended		
Sat	10:00	00:00			
Sun	10:00	00:00			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>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</u> (please read guidance note 6)
Fri			
Sat			
Sun			



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)			
Tue						
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)			
Thur						
Fri			<b><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></b> (please read guidance note 6)			
Sat						
Sun						

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4) To include live music both amplified and unamplified to include but not limited to jazz music					
Mon	10:00	00:00						
Tue	10:00	00:00						
Wed	10:00	00:00				<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5) N/A		
Thur	10:00	00:00						
Fri	10:00	02:00				<b>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</b> (please read guidance note 6) The day preceeding a bank holiday one hour will be added to the terminal hour of any activities and to the closing time for the premiesies. In respect of New Years Eve the permitted hours shall continue from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. On the morning that Grenwich Mean Time chanes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premiesies ends after 01:00.		
Sat	10:00	02:00						
Sun	10:00	00:00						

**F**

Recorded music Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4) Recorded music including but not limited to café de mar and bossanova jazz played on an internal sound sytem. On occasion a DJ may be hired but this will not be a regular		
	10:00	01:00			
Tue					
	10:00	01:00			
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5) N/A		
	10:00	01:00			
Thur					
	10:00	01:00			
Fri			<b>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</b> (please read guidance note 6) The day preceeding a bank holiday one hour will be added to the terminal hour of any activities and to the closing time for the premsies. In respect of New Years Eve the permitted hours shall continue from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. On the morning that Greenwich Mean Time chanes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premsies ends after 01:00.		
	10:00	02:00			
Sat					
	10:00	02:00			
Sun					
	10:00	01:00			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)			
Wed						
Thur			<b><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></b> (please read guidance note 6)			
Fri						
Sat						
Sun						

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><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></b> (please read guidance note 6)		
Sun					

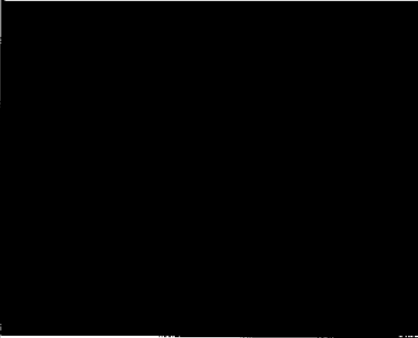
**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4) To include the provision of hot food and drinks for consumption on and off the premises at the Manager's discretion.		
	23:00	01:00			
Tue					
	23:00	01:00			
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5) N/A		
	23:00	01:00			
Thur					
	23:00	01:00			
Fri			<b><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></b> (please read guidance note 6) The day preceding a bank holiday one hour will be added to the terminal hour of any activities and to the closing time for the premises.		
	23:00	02:00			
Sat			In respect of New Years Eve the permitted hours shall continue from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00. .		
	23:00	02:00			
Sun					
	23:00	01:00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	10:00	01:00			
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00			
Fri	10:00	02:00			
Sat	10:00	02:00			
Sun	10:00	01:00	<p><b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)</p> <p>The day preceeding a bank holiday one hour will be added to the terminal hour of any activities and to the closing time for the premisies.</p> <p>In respect of New Years Eve the permitted hours shall continue from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p> <p>On the morning that Greenwich Mean Time chanes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premisies ends after 01:00.</p>		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Ruth Wallis

Personal licence number (if known) 15/03960/LAPERS
Issuing licensing authority (if known) Portsmouth City Council

**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 9).

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5) N/A
Day	Start	Finish	<p><b>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</b> (please read guidance note 6)</p> <p>The day preceeding a bank holiday one hour will be added to the terminal hour of any activities and to the closing time for the premisies.</p> <p>In respect of New Years Eve the permitted hours shall continue from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p> <p>On the morning that Greenwich Mean Time chanes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premisies ends after 01:00.</p>
Mon			
	10:00	01:30	
Tue			
	10:00	01:30	
Wed			
	10:00	01:30	
Thur			
	10:00	01:30	
Fri			
	10:00	02:30	
Sat			
	10:00	02:30	
Sun			
	10:00	01:30	



## M

Describe the steps you intend to take to promote the four licensing objectives:

### a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Research into the premises and surrounding area has been undertaken over a two year period and a detailed risk assessment has been carried out please see the supplementary document to support this application.

The applicant has reviewed the licensing policy and notes that the premises is located within the cumulative impact zone of Above Bar Street however, as it is located within the Cultural Quarter the premises will be treated as an exemption to the cumulative impact policy under section 6.24.

### b) The prevention of crime and disorder

#### CCTV

A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination.

The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).

The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated

by the data controller who has access to the secure area who is able to operate the equipment

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the GDPR

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)) regarding installation of CCTV is provided at the premises.

#### SIA Numbers

Security Industry Authority (SIA) registered Security staff will be on duty at the premises at a ratio of 2 door supervisors for the first 200 customers then 1 per 100 customers thereafter from 21:00 to 30 minutes after closure on Friday and Saturday evenings, Sundays preceding a bank holiday and New Year's Eve.

In addition, the duty manager should make a dynamic risk assessment of the premises circumstances at the time based on customers or the type of function at the venue and the number of SIA Door Supervisors increased where circumstances dictate. (general example but

numbers, days & times to fit requirements) These assessments are to be documented in the Incident Book.

The premises licence holder shall ensure that a minimum of 2 security staff are on duty at the entrance door to manage and check people for age, behaviour and intoxication before entering the venue.

#### Body Worn Video (BWV)

At times when SIA staff are on duty at least one member of SIA staff who shall be positioned at the main entrance of the venue shall wear and operate body worn video (BWV) The device will be owned, operated and maintained by the premises licence holder.

The equipment shall be maintained and the images will be made available as soon as practicable but at least within 48 hours to the police on request as long as the request is lawful with regards to data protection legislation.

The equipment shall record high definition colour images and be able to capture sound, specifically conversation. The equipment shall be able to operate in all levels of illumination, images shall be time / date stamped.

The BWV shall be of a similar specification to those currently utilised by Hampshire Constabulary and as such shall be of sufficient quality to produce evidential data.

There shall be sufficient number of devices or batteries at the venue to ensure that the devices are able to operate continually.

Where the equipment fails the police licensing department responsible for the area, shall be notified immediately in writing or by e-mail as soon as is practicable and the defect rectified within 14 days of the failure.

Data obtained on the BWV shall be downloaded as soon as practicable and be retained at the venue for at least 28 days.

#### Staff Training

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

#### Age Verification

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.

#### Incident Book

An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the

entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief door staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

This record will be retained for 12 months

#### Refusal Book

A written log or electronic record 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 licensee or 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.

#### Last Entry

There shall be no admissions to the premises after 01:30 Hours, save for customers who have been utilising the smoking area.

#### Toilet Checks

The premises licence holder shall ensure that frequent toilet checks are carried out and records kept of these, to prevent drug misuse and other offences that are known to occur in toilets.

#### Alarm and Security

The building is fully alarmed and the alarm is monitored by an external company.

All staff areas will be locked whilst the premises is opened and within the locked staff room the staff will have a locker to keep their valuables.

#### External Lighting

A trough light has been erected at the front of the building (Above Bar Street) to provide additional lighting to the entrance/ exit.

#### Drugs and Weapons

The premises will operate a no tolerance drugs and weapons policy which includes recording any searches carried out, seizing or any drugs and weapons and informing the police of such search and seizures and a notice will be placed at the entrance to inform customers of the policy.

#### Glass and Bottles

A bar back will be employed to be responsible for the frequent collection of empty glasses and bottles.

#### Dispersal Policy

Customers to be given 30 minutes to finish the drinks which have been purchased and they will be reminded to leave the premises quietly.

#### Southampton Go

As we are located in Above Bar Street which is part of the BID we will join Southampton Go which will assist with sharing information with others in the local area, being aware of local events and provides access to local radio networks.

### **c) Public safety**

#### **Fire Safety**

Southern Fire Protection to provide a risk assessment and evacuation plan for the premises. The capacity for the building will be set by the fire assessment. There are two entrances and exits to the front of the building onto Above Bar Street and one rear fire escape on to Park Walk. Customers will only use the main entrance to the front of the building to control occupancy of the building. Staff are to be trained on the fire evacuation policy and notices showing the route and evacuation point to be displayed in the premises. Fire Alarms, Emergency Lighting and Fire Extinguishers to be regularly tested and maintained by Southern Fire Protection. Weekly fire alarm tests to be carried out by the Manager and recorded in the Fire Safety book which is kept at the premises.

#### **Accident and Incident Reporting**

All accidents and incidents are to be reported to the Manager and recorded in the accident or incident log book which will be kept in the manager's office. Additional accident book for the kitchen to be located in the kitchen.

#### **Equipment**

New equipment is being installed and the required gas safety certificates will be issued. The equipment will be regularly maintained and serviced as required.

#### **First Aid**

Managers to be first aid trained to ensure there is always at least one member of staff on site who is first aid trained.

#### **Duty of Care Policy**

The staff will be trained on the effect of alcohol, the signs to look out for when someone is intoxicated or taken drugs and the duty of care including the Ask Angela scheme. .

### **d) The prevention of public nuisance**

#### **Noise Mitigation**

It has been identified that an environmental noise assessment was carried out in June 2011 before the planning permission for the Arts Complex was approved. The report noted that acceptable noise levels within the residential properties built in the Arts Complex would be achieved by installing standard thermal double glazing such as 6mm glass / 12 mm air gap and 6mm glass construction and that residential properties were suitable for construction from the third level and above. In the South Building where we are located the ground floor contains an Art Gallery, Unit 5 (Gin and Olive) Unit 6 (The Stable). The first floor is the Art Gallery and City Eye offices. The residential properties are situated from the second floor which is the third level and above. The managing agents have been consulted and confirmed that residents of the 38 flats would not be able to hear noise from the premises.

#### **Outside**

The Tables and Chairs Licence does not allow alcohol to be served outside after 11 pm.

#### **Dispersal**

Notice reminding customers to leave the premises quietly will be displayed in the premises by the exit.

Music to be turned down during the final 30 minutes drinking up time before the premises closes to encourage a winding down before customers leave.

We will also offer to call taxi's for our customers so they can wait inside and only exit once their taxi is ready for them.

**Rubbish**

The premises has a self contained bin room to store the wheelie bins which is located at the rear in Park Walk.

**Extract System**

The Kitchen extract will be regularly maintained and cleaned to prevent unwanted odours occurring.

**Litter**

When customers are seated outside staff will clear away plates and glasses regularly and there will be a designated smoking area with ash trays provided.

The pavement outside the premises will be regularly cleaned and swept to avoid litter.

**e) The protection of children from harm**

**Admittance of Children**

No children (under 18 years) will be admitted after 9pm

Before 9pm any children (under 18 years) must be accompanied by an adult

**Challenge 25**

All staff to be trained on challenge 25 the importance of checking ID and notices placed in the premises to inform customers of the policy.

On days which the door staff are working they will assist with verifying the age of customers.

Any refusals due to age will be recorded in the refusal log book which will be located behind each bar.

**Checklist:**

**Please tick to indicate agreement**

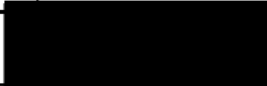
- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**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.**

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	 for and on behalf of Gin and Olive Bars and Restaurants Southampton Limited
Date	09/06/2021
Capacity	Applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Gin and Olive Bars and Restaurants Southampton Limited 140 Above Bar Street			
Post town	<b>Southampton</b>	Postcode	<b>SO14 7DU</b>
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

## DATA PROTECTION

The Council is collecting this information in order to perform this service or function, and if further information is needed in order to do so, you may be contacted using the details provided.

In performing this service, the Council may be required to share your information with other organisations or departments, but it will only do so when it is necessary in order for the service to be provided.

The Council may also share your personal information for the purposes of the prevention, investigation, detection, or prosecution of criminal offences, but will not share your personal information, or use it for this, or any other purpose, unless provided for by law.

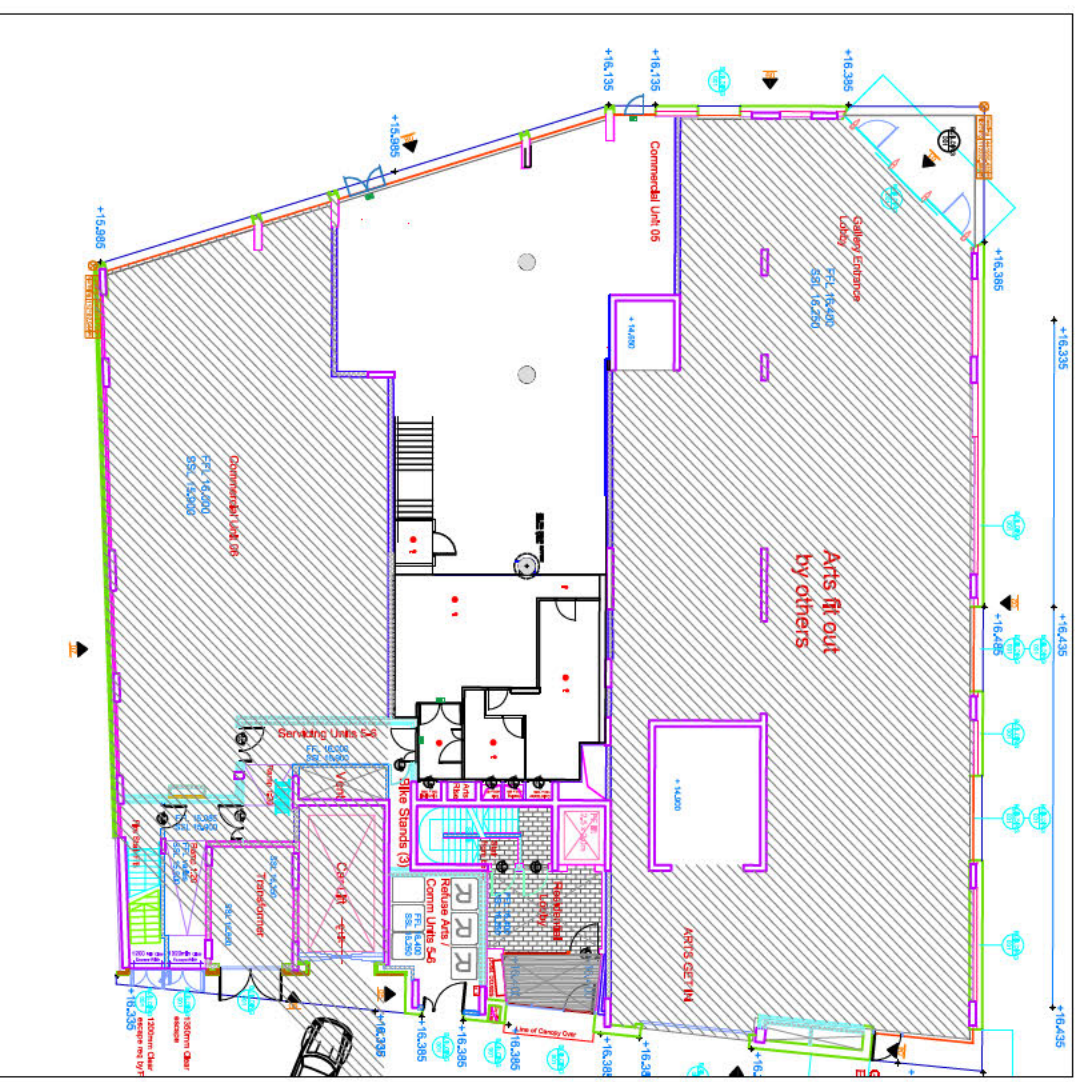
For more detail about how we handle your personal data please see our privacy policies:

For Southampton City Council applications: <http://www.southampton.gov.uk/privacy>  
For Eastleigh Borough Council applications: <https://www.eastleigh.gov.uk/privacy>

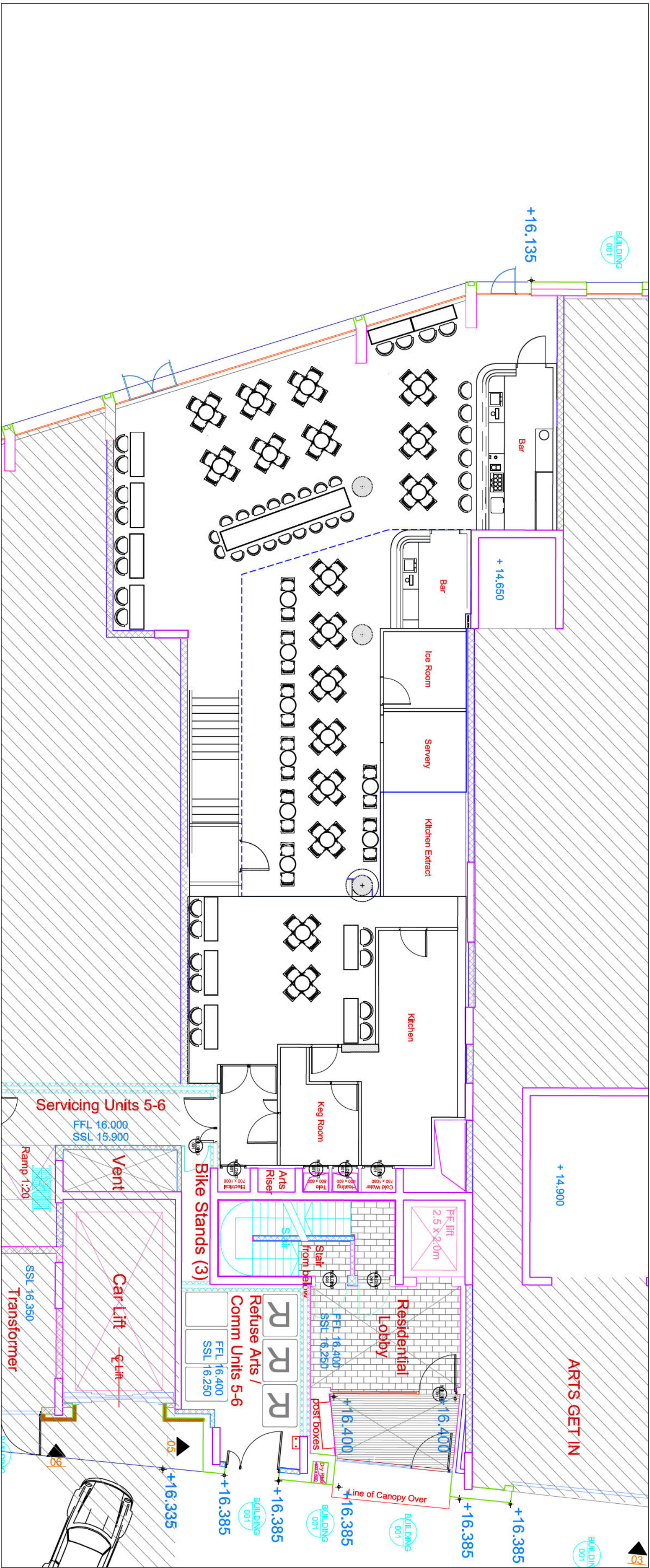
## Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:

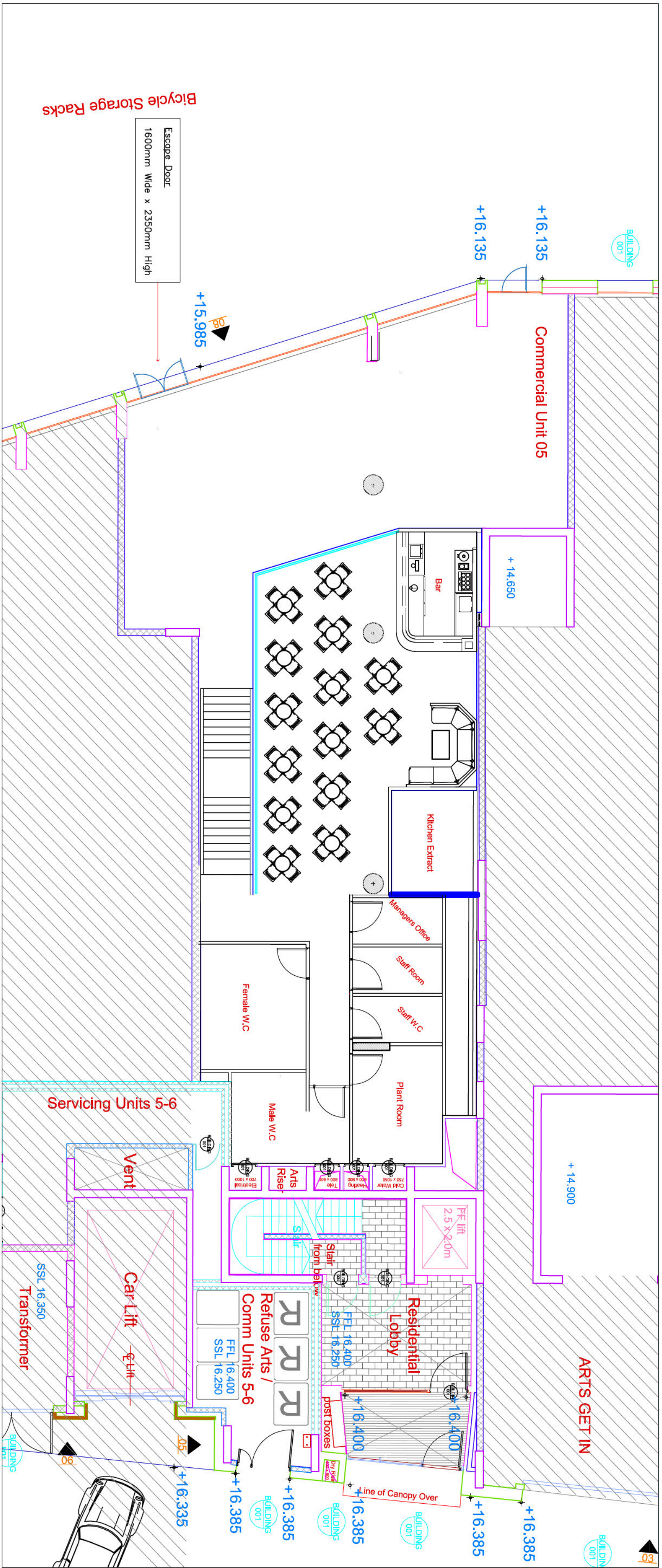




Existing



Ground Floor



Mezzanine Level

Drawing Key	
	Non Fire Rated Partition
	60 Minute Fire Rated Partition
	44mm MFR Door
	54mm 1 Hour FR Door
	Fire Rated Bulkhead
	60 Minute Fire Rated Suspended Ceiling
	Non Fire Rated Suspended Ceiling
	Mezzanine Handrail & Kickplate
	Up & Over Pallet Gate
	600mm x 800mm LED Panel
	LED Batten Fitting
	Emergency Spotlight
	Emergency Batten Fitting
	Illuminated Exit Sign
	Smoke Detector
	Fire Alarm Sounder
	3 Compartment Trunking

PARTIAL STABILITY BRACING INCLUDED TO NEW MEZZANINE FLOOR TO WE WILL CONNECT INTO THE EXISTING STRUCTURE AND RELY ON THIS BASED ON THIS AND THE FACT WE WOULD NEED TO BRACE IN ALL 4 DIRECTIONS TO PROVIDE STABILITY TO THE NEW STRUCTURE. FOR THIS DESIGN, SIGNING THE DRAWING APPROVED ACCEPTS THIS.

General Notes

No.	Revision/Issue	Date

Firm Name and Address  
**HCR**  
 21 Challenge Enterprise Centre  
 Shroton Close - Portsmouth - PO3 9PU  
 T: 023 9289 7810 or info@hcr-16.co.uk

Project Name and Address  
 Gin & Olive Southampton  
 Unit 5 Arts Complex  
 Above Bar Street  
 Southampton SO14 7DU

Project	Fire Plan	Sheet
Date	12/02/2021	09-1955-003
Scale	NTS	



**Licensing Team  
Southampton and Eastleigh Licensing Partnership**



Southampton City Council  
Civic Centre,  
Southampton

Please address all correspondence to:  
**Licensing – Southampton City Council,  
PO Box 1767, Southampton SO18 9LA**

Direct dial: [REDACTED]  
Our ref: 2021/01665/01SPRN

E-mail: licensing@southampton.gov.uk  
Please ask for: Mr. Bates

Licensing Team,  
Southampton and Eastleigh Licensing Partnership,  
PO Box 1767,  
Southampton.  
SO18 9LA

6<sup>th</sup> July 2021

Dear Sir or Madam,

***Application by Olive Bars and Restaurants Ltd., for a premises licence pursuant to the Licensing Act 2003.***

**Gin and Olive, Unit 5, The Arts Complex, 140 Above Bar Street, Southampton SO14 7DU**

I am writing on behalf of the Licensing Authority, as a Responsible Authority, to make a representation on the premises licence application for the above premises.

I consider the application will impact on the licensing objectives of: -

- The prevention of crime and disorder
- The prevention of public nuisance

The General Description offered by the applicant states the application is for a bar and restaurant that will appeal to a wide demographic including families.

The application states it is exempt from the Cumulative Impact policy.

The premises is placed in the middle of the Above Bar Street stress area as identified in Southampton City Council's Statement of Licensing Policy. It is also within the area identified as the Cultural Quarter in Southampton. Paragraph 6.24 provides an exception to the Cumulative Impact Policy (CIP).

*6.24 The Licensing Authority will ordinarily treat applications in relation to any licensing use in the Guildhall Square, or within or directly related to any building primarily used for an arts or cultural purpose as an exception to the CIP but each matter will be judged on its merits.*

The applicant is seeking to provide music and the provision of alcohol until 2am and a closing time of 2:30am at weekends. The application offers to have a 1:30am last entry condition.

Above Bar Street is one of the busiest streets in Southampton for both shopping and entertainment. The northern section has undergone a transformation in recent years with the introduction of the cultural quarter including a theatre and art gallery with a range of food led licensed premises to support the area. This is alongside the more traditional licensed premises already located in the street that support a vibrant nightlife with a mix of late night venues. The vast majority of the licensed premises within the Above Bar Street CIP are in the northern section.

Despite significant reductions the area still suffers from crime and disorder. A 1:30am last entry will attract customers into this already busy area up to that time and as a result the final numbers

leaving the premises at the terminal hour is likely to be greater, adding to the cumulative impact of the area of both crime and noise.

For the above reasons I make this representation and hope to find an agreeable solution with the applicant as the application does have promise to add to the offer in the area.

Yours faithfully,



Phil Bates  
Licensing Manager

## Form for representations/objections from Hampshire Constabulary

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

**Hampshire Constabulary is a responsible authority and wish to make a -representation- under the Licensing Act 2003, regarding the:**

<input checked="" type="checkbox"/>	1: New Premises licence/club prem certificate	Representation within 28 days
<input type="checkbox"/>	2: Variation of premises licence/club prem certificate	Representation within 28 days
<input type="checkbox"/>	3: Minor variation of premises licence/club prem certificate	Representation within 10 days
<input checked="" type="checkbox"/>	4: Variation of DPS	Object within 14 days
<input type="checkbox"/>	5: Transfer of premises licence	Object within 14 days
<input type="checkbox"/>	6: Standard temporary event notice	Object within 3 working days
<input type="checkbox"/>	7: Late temporary event notice	Object with 3 working days
<input type="checkbox"/>	8: Application for a personal licence	Object within 14 days
<input type="checkbox"/>	9: Provisional statement	Representation within 28 days
<input type="checkbox"/>	10: Ancillary sales notice	Object within 3 working days
<input type="checkbox"/>	11: Interim authority notice	Object within 2 working days

Name of Applicant:	Gin and Olive Bars and Restaurants southampton Limited
Name of Proposed DPS:	Ruth WALLIS

Details of relevant conviction ( Personal Licence Applications ONLY)

Postal address of premises:	Gin and Olive Unit 5 The Arts Complex 140 Above Bar Street Southampton
Postcode:	SO14 7DU

### Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC
Surname: HAWLEY	First Names: MARK
Current postal address :	Southampton Central Police Station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	██████████
E-mail address: (optional)	██

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

## Form for representations/objections from Hampshire Constabulary

This application to object relates to the following licensing objective(s)

- |   |                                     |
|---|-------------------------------------|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) Public safety                        | <input checked="" type="checkbox"/> |
| 3) The prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) The protection of children from harm | <input checked="" type="checkbox"/> |

*Please select  
one or more  
boxes*

Please state the ground(s) for -representation-:

Another application has been submitted for a new premises licence for Gin and Olive Bar & Restaurant within the Arts Complex of Southampton on Above Bar Street.

Requesting the licensable activities of:

Films (indoors) – Sunday to Saturday 10:00 to 00:00 – When hours for sale of alcohol are extended hereunder these hours are also extended.

Live Music (indoors) – Sunday to Thursday 10:00 to 00:00. Friday to Saturday 10:00 to 02:00.

The day preceding a bank holiday one hour will be added to the terminal hour of any activities and to the closing time for the premises.

In respect of New Year's Eve the permitted hours shall continue from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.

Recorded Music (indoors) – Sunday to Thursday 10:00 to 01:00. Friday to Saturday 10:00 to 02:00.

The day preceding a bank holiday one hour will be added to the terminal hour of any activities and to the closing time for the premises.

In respect of New Year's Eve the permitted hours shall continue from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.

Late night Refreshment (Both) – Sunday to Thursday 23:00 to 01:00. Friday to Saturday 23:00 to 02:00.

The day preceding a bank holiday one hour will be added to the terminal hour of any activities and to the closing time for the premises.

In respect of New Year's Eve the permitted hours shall continue from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.

Supply of Alcohol (Both) – Sunday to Thursday 10:00 to 01:00. Friday to Saturday 10:00 to 02:00.

The day preceding a bank holiday one hour will be added to the terminal hour of any activities and to

## Form for representations/objections from Hampshire Constabulary

the closing time for the premises.

In respect of New Year's Eve the permitted hours shall continue from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.

The Police have considered this application on the strength of its own merits and not according to any other venue already operating within the City, we are satisfied that this application will impact upon the following:

- The prevention of crime and disorder
- The prevention of public nuisance

DPS – Police are opposed to the DPS nominated - Ruth WALLIS is already named as a DPS at the sister venue in Southsea, to manage 2 venues on a day to day basis is difficult indeed, however this premises is deeply set within the NTE area of Southampton and is expected to be very busy and demanding, the expected agreement may involve a time limit whereby there will be another DPS change once qualifications are gained, this is expected to be within 3 months of opening.

LAST ENTRY – Police are opposed to the proposed last entry time.

TIMES – Current planning restrictions do not allow the premises to trade past 00:00.

This venue sits squarely within the Night Time Economy area of Above Bar Street, Southampton. The area is also identified as a "Stress Area" in Southampton City Council Statement of Licensing Police 2016 – 2021 (a map of which is contained at Appendix A: CIP 'stress area') It also falls with the "Cultural Quarter" contained within Appendix B: Cultural Quarter.

The area is busy most weeknights with bars and restaurants and then extremely busy from Thursday to Sundays with late night opening of Pubs, Nightclubs and late night eatery's. From that, this sees an increase in alcohol related anti-social behaviour and crime and disorder. In addition to these days there are also several large venues welcoming Football supporters due to the very close proximity of Southampton Football Club, again the area see's the associated incidents

An initial search of Police Records (RMS) for the months 01/01/2019 – 29/06/2021 within the area of SO14 7\*, reported incidents between 23:00 to 05:00 or having taken place at a NTE venue are –

ASB – 6,  
Assaults 127,  
Criminal Damage 14,  
Public Order 24,  
Sex Offences 5,  
Robberies 10,  
Thefts 33,  
Drug offences 8.

(It is worth noting that there has been significant reduction since March 20 due to Co-Vid 19.)

This premises has had a licence in the past, however this application requests later hours and a later last entry of 01:30, if granted then Police recognise that this will see an increase in crime & disorder in an all ready busy night time economy area. Conditions proposed by the applicant are suitable





**From:** [Jeffery, Elaine](#)  
**To:** [Licensing](#)  
**Subject:** FW: Premises Licence Application - Gin and Olive, 140 Above Bar Street  
**Date:** 21 June 2021 11:40:44  
**Attachments:** [image001.jpg](#)

---

Good Morning,

Environmental Health had concerns regarding the application for a premises licence Gin and Olive, 140 Above Bar Street, but due to agreeing conditions – see below – a hearing will not be required

Kind regards

Elaine

Elaine Jeffery

Principal Environmental Health Officer

Environmental Health Services

**Southampton City Council**

**Sent:** 21 June 2021 11:23

**To:** Jeffery, Elaine

**Subject:** Re: Premises Licence Application

Dear Elaine

Thank you for your email regarding our licence application.

We have no objections to agreeing with the conditions set out, we are happy to comply with these in order to minimise any noise nuisance.

Kind Regards

Ruth

Image removed by sender.



On Mon, Jun 21, 2021 at 10:16 AM Jeffery, Elaine wrote:

Good Morning,

with regard to your premises licence application. Whilst Environmental Health has no outright objection it is deemed necessary to agree some conditions thus;

- No emptying of bottles or glass outside between 21.00 and 09.00 hours
- The external doors and windows to be closed during live music performance, except for access and egress
- The sound level will be such that the level of music is not audible at nuisance level at the boundary of the nearest noise sensitive property at any time

Each of these is to minimise noise nuisance to neighbours and address licensing objective' the prevention of public nuisance'.

If these three conditions can be agreed then Environmental Health will not require a hearing.

I look forward to your response.

Kind regards  
Elaine Jeffery  
Principal Environmental Health Officer  
Environmental Health Services

**Southampton City Council**



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**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 08 July 2021 22:43:22

---

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

Comments were submitted at 10:44 PM on 08 Jul 2021 from Mr Paul Scullard.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Paul Scullard

**Email:**

**Address:** Flat 7, Guildhall Apartments, 10 Park Walk, Southampton  
SO14 7BL

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 10:44 PM on 08 Jul 2021 I object to this licence being granted due to the noise and potential anti social behaviour. As a resident of the flats above the proposed venue which appears to be a bar/ live music venue rather than a restaurant i object to being subjected to the noise caused late at night by punters vacating the premises intoxicated. This part of the city centre was designed as the cultural quarter celebrating the arts and can already be noisy late into the evening. Adding another venue with late night opening and live music will ruin the environment. This type of venue with late night hours can only encourage more antisocial behaviour in the city centre through intoxication.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 15 June 2021 11:17:45

---

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

Comments were submitted at 11:18 AM on 15 Jun 2021 from Mrs Ruth Leary.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mrs Ruth Leary

**Email:** [REDACTED]

**Address:** Flat 11, Guildhall Apartments, 10 Park Walk, Southampton  
SO14 7BL

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 11:18 AM on 15 Jun 2021 Nuisance noise and extended hours past midnight unacceptable as residents affected

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 15 June 2021 10:59:26

---

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

Comments were submitted at 11:00 AM on 15 Jun 2021 from Mrs Ruth Leary.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mrs Ruth Leary

**Email:** [REDACTED]

**Address:** Flat 11, Guildhall Apartments, 10 Park Walk, Southampton  
SO14 7BL

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 11:00 AM on 15 Jun 2021 The hours in the evening do not consider residential needs. I object as I consider 12pm a reasonable time to close. The whole thing smacks of nightclub and not a restaurant like the others nearby.

We need to be careful with this potentially slippery application.

I would not have bought a flat with a nightclub below but a restaurant is fine.

Nuisance noise and character for central Southampton is my concern.

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Cc:** [REDACTED]  
**Subject:** 2021/01665/01SPRN  
**Date:** 17 June 2021 18:42:44

---

Dear Sir / Madam.

I am a resident of Guildhall Apartments (No.15) and wish to object to the application to extend licensing hours at the Gin and Olive (reference above).

As a resident, I am very concerned for myself and my neighbours about the public nuisance aspect of the proposal, in particular noise emanating from the venue from beyond normal licensing hours. Venues designated for the enjoyment of residents of the city are welcome, but not when they are likely to interfere with normal living and sleeping. The character of the neighbourhood would accommodate ordinary restaurant premises, but would not extend to the current proposal.

I note that in the application, reference is made to an environmental noise assessment from June 2011. Apart from being a decade old and predating the building of the complex, this report was not (to the best of my knowledge) prepared in contemplation of the use of the premises during these extended licensing hours. No copy of it has been provided and, as far as I am aware, no review of its provisions undertaken as part of this process. I would like to suggest that it be reviewed by the decision making body.

Further, the application reports that the managing agents of the flats have been consulted. It does not identify which agents and when, or provide any other context. In the application, the managing agents are quoted as having, "confirmed that the residents of the 38 flats would not be able to hear noise from the premises". I would note that there is no evidence included as to basis of the managing agents' assessment, and to the best of my knowledge, no independent tests have been conducted as to the matter. I would like to suggest that such tests should be carried out in advance of any decision.

I would also like to observe that the managing agents' confirmation is not given on behalf of the residents (their authority does not extend to this), but is merely their own assessment.

Another factor which concerns me about the extended opening hours is the increase in the risk of public disorder. This is not an area which is heavily policed, and it is not a section of the city centre with an established nightlife. Extended licensing hours would almost by definition increase the proportion of people leaving the venue in drink in the early hours, likely to cause disturbance which will be audible to residents because it is liable to occur in the street. Other areas of the city, e.g. Oxford Street, have closing times at 11 pm or

midnight, respecting local residents wishes and interests, and I consider that this area should be treated likewise.

In summary, I would like to re-iterate that the Guildhall Apartments complex is a building consisting primarily of people's homes and that this should be paramount in your considerations.

Yours faithfully,

C. Marian Hubble

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 21 June 2021 14:29:04

---

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

Comments were submitted at 2:29 PM on 21 Jun 2021 from Mr Peter Munday.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Peter Munday

**Email:** [REDACTED]

**Address:** Flat 2, Guildhall Apartments, 10 Park Walk, Southampton SO14 7BL

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 2:29 PM on 21 Jun 2021

I wish to object to this application. In particular to the request to play music and serve alcohol late in to the evening/early morning. As a resident of the block immediately above this building this will inevitably create a disturbance both to us within the property and outside late at night.

I can see no reason why a restaurant in this area would wish to be open until midnight or 2.00am. The playing of music and sale of alcohol until midnight/2.00am implies a music bar/night club rather than a restaurant.

This area is known as the "Cultural quarter". The style of premises within the area should be in keeping with that title.

Peter Munday

**From:** [REDACTED]  
**To:** [Young, Tricia](#)  
**Subject:** Re: Gin and Olive Unit 5 The Arts Complex 140 Above Bar Street SO14 7DU  
**Date:** 22 June 2021 13:57:28

---

Hi Tricia.

Thank you for coming back to me.

I would like you to process my representation as it is without any changes.

Kind regards  
Lukasz Brzoska

---

**From:** Young, Tricia [REDACTED] >  
**Sent:** Tuesday, June 22, 2021 1:37 pm  
**To:** Łukasz Brzóska  
**Subject:** RE: Gin and Olive Unit 5 The Arts Complex 140 Above Bar Street SO14 7DU

Lukasz

E-mail is acceptable to submit your representation as you have included your full name and address. Please be aware that this will be printed in the final hearing report which will be made public but your e-mail address is not included in that. Your representation does refer to planning regulations which we would not be able to take into account for the premises licence as we are only able to accept issues relating to the licensing objectives. (link below).

As it stands at the moment your representation is valid because you refer to Public Nuisance when talking about noise issues so I am happy to accept and process this as it is, or would you like to add more information once you have looked at the licensing objectives. **Please let me know before the end of consultation period on the 08 July 2021.**

<http://www.southampton.gov.uk/business-licensing/licensing/licensing-act-2003/la03-reps.aspx>

Tricia Young  
Licensing Officer

Please note I am only in the office on Monday, Tuesday and Thursday at the present time

**Southampton and Eastleigh Licensing Partnership**  
**Southampton City Council**

[REDACTED]  
E-mail: [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)  
Web: [www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing) or [www.eastleigh.gov.uk/licensing](http://www.eastleigh.gov.uk/licensing)  
Post: Licensing – Southampton City Council  
Civic Centre Southampton SO14 7LY

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**From:** Łukasz Brzóska [REDACTED]

**Sent:** 22 June 2021 13:12

**To:** Young, Tricia [REDACTED]; Licensing  
<Licensing@southampton.gov.uk>

**Cc:** McGuinness, Ian [REDACTED]

**Subject:** Gin and Olive Unit 5 The Arts Complex 140 Above Bar Street SO14 7DU

Good afternoon

I have been trying to file my objection to the license for bar in subject, but due to the webpage problems I cannot do it.

Could you please let me know when the IT issues would be resolved or log following objection in the system.

I object to the proposed opening times of the subject bar/nightclub.

First of all I would like to point to "Town and Planning Act 1990" Application number 13/00593/FUL/98.

The Approval Condition 21 states as follow:

"The Food and drink uses / drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the hours of 0700 to midnight on any day"

The proposed openings time are clearly against the said act.

Secondly I would like to refer to the Lease dated 9 October 2015 between SOUTHAMPTON CITY COUNCIL and GROSVENOR DEVELOPMENTS LIMITED.

Paragraph 3.13.4 states:

"Not to use the Premises for any purpose which would in the reasonable opinion of the Landlord detract from the use and operation of the Arts Complex for arts and cultural activities (provided that the Art Complex continues to be used for such purposes) which for avoidance of doubt include the generation of noise"

Both above referenced documents were presented during the purse of apartment as guarantee that no late night venue will be operating in the building.

Clearly venue for 400 persons playing music long into night will generate the excessive noise and breach the referred Lease.

The sound proofing properties of the building referred in application (1 meter concrete ceiling) are not enough to safeguard the peace of the building residents.

It have to be noted that during the new nightclub interior works the drilling noises were hearable loud and clear making it difficult to concentrate while working from home. As mentioned the noise was loud and clear like someone was drilling just behind the wall and not in a place 2 floors below with 1 meter concrete ceiling isolation.

The ventilation and utilities shafts are not mentioned in the application, and they are the main sound traveling way, one of this shafts is going straight through my bedroom and all



of the noise during works was coming from it.

Therefore in my opinion the building was not sound proof enough to enable such a venue to operate late at night without braking the referred documents

Application is referring to Neighbourhood and Stable bars that operate/operated in the building. The license for sell of alcohol and playing music in said bars was issued until 12:00 AM, and closing time was 12:30 AM therefore much shorter that Gin and Olive would like.

It is understood that there never was a complain about other two bars files to property management, but this is due to a fact, that Neighbourhood was always empty place that was not playing the music, and Stable was finishing their live music around 11PM during Saturday/Friday, what is reasonable, additionally other two venues are/were when talking about max number of customers that they can serve at any one time.

Noting the above I object to the proposed licensing application.

Please confirm receipt if this email and how it was proceeded.

Kind regards

Lukasz Brzoska

Flat 12

10 Park Walk Guildhall Apartments

So14 7bl

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**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 25 June 2021 10:56:47

---

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

Comments were submitted at 10:57 AM on 25 Jun 2021 from Mrs Alice Rose.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mrs Alice Rose

**Email:** [REDACTED]

**Address:** Flat 13, Guildhall Apartments, 10 Park Walk, Southampton SO14 7BL

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 10:57 AM on 25 Jun 2021 I object strongly to this applicaton. It appears to me that they have applied for a license to run a restaurant and are actually proposing a bar/night club.  
The idea that the residents of the building directly above will not be disturbed by noise late in to the night is utterly ridiculous. During the fit out of the premises there were frequent times when building noise was heard in our flat from as early as 7 or 8am, being carried up the buiding conduits and directly in to the apartment. If that can carry through the building I see no reaosn why live music will not too.  
To have live music and the sale of alcohol until 2am and then the resultant disturbance as people leave the premises seems completely out of keeping with the area in which it sits.  
I urge you to PLEASE reject this application.

**From:** [GATA Chairman](#)  
**To:** [Licensing](#)  
**Subject:** 2021/01665/01SPRN - Objection - Steve Garlick  
**Date:** 27 June 2021 19:59:53  
**Attachments:** [210627 G&O License Objection - Garlick.pdf](#)

---

Dear Licensing Team

I am a resident of Guildhall Apartments and objected to the original licence application for the said premises and now note a revised application has recently been submitted.

I am out of the UK for an extended period and whilst I have been able to access my account and download the application details from your website, I have been unable to make a "comment". When I do try, I receive an error message as follows, "Error while submitting your comments". This may be due to several circumstances, my VPN, your system, or other technical issues accessing your site from an overseas location.

I would be grateful therefore if you allowed me to submit my comments per the attached pdf document.

Your confirmation would be much appreciated.

Regards,  
Steve Garlick  
32 Guildhall Apartments  
10 Park Walk  
Southampton

I wish to object to the License Application 2021/01665/01SPRN made by Gin and Olive.

The application seeks permission to play live and recorded music, along with films until 2am in the morning to which I strongly object.

As noted in the application the unit concerned is part of the mixed use Guildhall building which accommodates two commercial units, an art gallery and 38 residential apartments. Accordingly, any activity conducted in the building must be sympathetic to and respectful of the reasonable needs and requirements of all the various occupants.

If granted as submitted the application has the potential to result in considerable disturbance and annoyance to residents from the resulting noise levels. The application states *“there is no dancefloor or regular DJ. The option for live music has been included in the application for the occasion that a DJ or musician is booked to play this would not be a regular weekly occurrence.”*

Whilst this statement is one of intent and is welcomed, it in no way obliges the applicant to adhere to it in the longer term and the conditions as requested would permit the playing of live music with or without a DJ, throughout the entirety of the opening hours and is not acceptable. If live music is to be permitted it should only be so until a reasonable hour, I suggest 10pm.

The playing of *“lounge music such as bossa nova jazz and café del mar”* is to be expected in a restaurant setting and I do not object to this, providing limitations regarding acceptable decibel levels are stipulated and enforced, given such music will no doubt be played until 2am.

Whilst welcoming the opening of a new restaurant noise levels must be restricted to ensure residents of the neighbouring apartments are not unduly disturbed.

Although the application dismisses the possibility of noise transfer within the building, noise was experienced by residents during the fit out. Similarly, whilst the application makes reference to double glazing in the apartments, such glazing limits noise transfer from outside the building, not from within.

I therefore object to the license being granted in its current form given the absence of any limitation to the playing of live music, recorded music and films.

**From:** [Tom O'Brien](#)  
**To:** [Young, Tricia](#)  
**Subject:** Re: Hearing Decision - Gin and Olive Unit 5 The Arts Complex 140 Above Bar Street SO14 7DU  
**Date:** 06 July 2021 13:02:32

---

Hello,

Thank you for confirming.

My address is:

29 Guildhall Apartments  
10 Park Walk  
Southampton  
SO14 7BL

Thanks

Tom

Sent from my iPhone

On 6 Jul 2021, at 07:07, Young, Tricia wrote:

Mr O'Brien

Thank you for your e-mail and I am sorry there seems to be problems submitting your representation. I will ask my colleague to check if there is a particular problem. I will be able to accept your representation by e-mail but could you please just e-mail me back with your address. I know I have this from before but it has to be given again to make your representation valid. **Please send me the address before midnight on 08 July 2021**

Thank you

Tricia Young  
Licensing Officer

Please note I am only in the office on Monday, Tuesday and Thursday at the present time

**Southampton and Eastleigh Licensing Partnership**  
**Southampton City Council**

Tel: 023 8083 4209

Fax: 023 8083 4061

E-mail: [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

Web: [www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing) or [www.eastleigh.gov.uk/licensing](http://www.eastleigh.gov.uk/licensing)

Post: Licensing – Southampton City Council  
Civic Centre Southampton SO14 7LY

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**From:** tom.g.obrien [REDACTED]  
**Sent:** 05 July 2021 22:04  
**To:** Licensing <Licensing@southampton.gov.uk>; Young, Tricia  
[REDACTED]  
**Cc:** McGuiness, Ian [REDACTED] >  
**Subject:** Re: Hearing Decision - Gin and Olive Unit 5 The Arts Complex 140 Above  
Bar Street SO14 7DU

Hi Tricia,

I see the new licence has been lodged with very few changes.

Again, your website does not let me lodge an objection. I hope it is just me having this issue as it may deter other people making objections and your site not working should not be allowed to deter people.

Please can you lodge my objection again like last time, the contents of which is as follows:

I live above this unit and am deeply concerned by this application. This license should be rejected for the following reasons:

1. This unit is beneath a residential building containing 38 residential homes with some flats just the floor above it. It is completely unacceptable for music or live music to be played past 11pm as we have a right to quiet enjoyment of our properties. Also being open to 1:30am on week nights is completely unacceptable. This would ruin our homes and affect our mental health. There has been a cultural shift during lockdown where people don't want to drink to the early hours of the morning.

2. We have been here for five years and a new tenant should not be allowed to move in and take preference over us. When we bought our homes we were told that the commercial units were only ever going to be restaurants.

3. Throughout the fit out of the unit us residents have been plagued by noise and vibrations from the works. I am on the sixth floor and currently working from home. The noise has been intolerable at times and music/live music will clearly travel just as much as the works noise and would be into the early hours of the morning.

4. The tenant that was previously in this unit was a bar with music and it went out of business fairly quickly. So any attempt for this new tenant to claim that it has to be allowed to open late and play music/live music late to have a viable business is evidentially incorrect. It did not work for the previous tenant. A gin bar selling food does not need to be playing loud music to the early hours of the morning. This smacks of a business with no business plan that is trying to grab everything they can in the off chance some of it will work at the expense of everyone else.

5. This area of the city was labeled by the council as the "arts quarter" and has art galleries, theaters etc. That suggests to me that it is an area for more civilised things than bars open to 4am playing loud music and selling alcohol. There is a case for good city planning here, this area is not for late night bars which bring antisocial behavior.

6. If this license is given I will personally lodge a noise complaint every single night I am affected by the noise. We have a residents association that over 90% of tenants have signed up to so could very easily arrange for most of the 38 tenants to lodge complaints each night. This will cause a huge workload for your environmental health team.

7. The council are making a big deal about making this city better place to live with cycle lanes, pedestrianised roads, more homes in the centre etc so allowing this business to have a completely antisocial license would completely contradict that message. It would also set a dangerous precedent for other businesses to exploit.

8. Even the police objected to the last licence which speaks volumes about the detrimental affect this business will have on our community if it gets its own way.

Please confirm by return that my objection has been lodged.

Thanks

Tom

----- Original Message -----

From: "Young, Tricia" [REDACTED] >

To: "Licensing" [REDACTED] >

Cc: "McGuinness, Ian" [REDACTED]

Sent: Thursday, 27 May, 21 At 15:54

Subject: Hearing Decision - Gin and Olive Unit 5 The Arts Complex 140 Above Bar Street SO14 7DU

The application for the above premises has been withdrawn. Attached is the Hearing Outcome notice for your information. A paper copy will follow in the post.

Tricia Young  
Licensing Officer

Please note I am only in the office on Monday, Tuesday and Thursday at the present time

**Southampton and Eastleigh Licensing Partnership**  
**Southampton City Council**

E-mail: [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

Web: [www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing) or [www.eastleigh.gov.uk/licensing](http://www.eastleigh.gov.uk/licensing)

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Civic Centre Southampton SO14 7LY

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**From:** [Peter Culley](#)  
**To:** [Licensing](#)  
**Subject:** Re: 2021/01665/01sprn  
**Date:** 07 July 2021 09:02:52

---

This is the comments on the second application

Regards

Peter Culley

On Tue, 6 Jul 2021, 15:44 Licensing, <[Licensing@southampton.gov.uk](mailto:Licensing@southampton.gov.uk)> wrote:

Mr Culley

I don't seem to have received a previous representation from you for this application. When you mention your previous comments are you meaning your comments on the previous application or have you sent another e-mail that I have missed. **Could you confirm this before midnight 08 July 2021**

Tricia Young

Licensing Officer

**Please note I am only in the office on Monday, Tuesday and Thursday at the present time**

**Southampton and Eastleigh Licensing Partnership**

**Southampton City Council**

E-mail: [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

Web: [www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing) or [www.eastleigh.gov.uk/licensing](http://www.eastleigh.gov.uk/licensing)

Post: Licensing – Southampton City Council

Civic Centre Southampton SO14 7LY

**From:** Peter Culley [REDACTED]  
**Sent:** 06 July 2021 14:12  
**To:** Licensing <[Licensing@southampton.gov.uk](mailto:Licensing@southampton.gov.uk)>  
**Cc:** Bogle, Sarah (Cllr) [REDACTED]; peter.culley [REDACTED]  
**Subject:** 2021/01665/01sprn

FAO Tricia Young

Please can you add this objection to Peter Culley's comments on above application.

11 guildhall apartments, 10 park walk

As one of the first residents here, I cannot object too strongly about Gin and Olive Licensing Hours application. The hours of business requested for the “Cultural Quarter” take no account of the noise and public disorder which would be unavoidable.

The apartments are the main part of the block with a full mix of the elderly and families with young children etc. Residents like myself are here for the transport links, shopping and restaurants, also looking forward to the ongoing development of the art gallery and the mast complex. This was to be a final move for many of us but I find what amounts to be a late night drinking den being asked for – with a suggestion that we close our windows and doors on hot summer nights to mitigate noise and disturbance is an insult and affront on our human rights.

Having spent half my life in the hospitality business, a restaurant in the guildhall square would be 11.30 finish – 12.00 finishing up time. Experience tells me the G&O will never be a high end Restaurant for 400 plus numbers asked for – plus staff with no parking / limited taxis. Its main trade will attract younger late night drinkers and drunks after the pubs close.

The side of the art gallery was plagued with late night drinkers from the Swish nightclub etc., taking a shortcut through the park, urinating and vomiting up against the art gallery, plus Obvious signs of drug taking – only covid stopped this.

Also stating films to be shown suggested loud music.

No one goes to a high end restaurant to sit and watch films whilst dining, this is public house territory.

On behalf of myself and partner, plus our many friends in these apartments’ we would ask you to consider very carefully this application. Anything other than a restaurant would destroy the ambience the council have worked long and hard to create.

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**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 03 July 2021 11:58:33

---

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

Comments were submitted at 11:59 AM on 03 Jul 2021 from Mr Pete Snelling.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Pete Snelling

**Email:** [REDACTED]

**Address:** Flat 33, Guildhall Apartments, 10 Park Walk, Southampton  
SO14 7BL

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 11:59 AM on 03 Jul 2021 While I think it is positive news that a new bar/restaurant is opening, as a resident of guildhall apartments (facing the guildhall), I don't believe the late night opening - which will cause significant noise and disruption - is fair for all residents. I appreciate that city centre living comes with 'noise' but additional late night noise to that which already exists is unfair.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 01 July 2021 21:04:45

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

Comments were submitted at 9:05 PM on 01 Jul 2021 from Mr Krishna Kaimal.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Krishna Kaimal

**Email:** [REDACTED]

**Address:** Flat 37, Guildhall Apartments, 10 Park Walk, Southampton  
SO14 7BL

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 9:05 PM on 01 Jul 2021 With ref. to the application made by Gin & Olive , I as resident of Guildhall apartments strongly object to playing live music , recorded music , cinema and serving of alcohol until midnight on weekdays and 02.00 am . This will be a real nuisance to all residents especially considering the elderly and small children as well. Keeping a premises open for serving alcohol late night is a further threat to the safety of the residents who in some cases are going or coming back from work. Considering the above, I strongly object to this application.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 07 July 2021 23:58:15

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

Comments were submitted at 11:58 PM on 07 Jul 2021 from Mr Timothy Ince.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Timothy Ince

**Email:** [REDACTED]

**Address:** Flat 20, Guildhall Apartments, 10 Park Walk, Southampton SO14 7BL

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 11:58 PM on 07 Jul 2021 I would like to object to the current proposal primarily on the grounds of prevention of public nuisance. Playing music until 2am feels excessively late and would certainly impact residents of Guildhall Apartments. Like others I have been disturbed by the drilling over the last few months as the sound carries up the lift shaft and has made working from home difficult due to sound interference with work calls. It would be highly disruptive to have this replaced by music until the early hours of the morning.

I would also object on prevention of crime and public safety grounds as licensing the sale of alcohol until such a late hour will inevitably lead to more disorderly behaviour throughout the night.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 07 July 2021 23:00:46

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

Comments were submitted at 11:01 PM on 07 Jul 2021 from Miss Joanna Ward.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Miss Joanna Ward

**Email:** [REDACTED]

**Address:** Flat 20, Guildhall Apartments, 10 Park Walk, Southampton  
SO14 7BL

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 11:01 PM on 07 Jul 2021 As a resident of Guildhall Apartments I am concerned that a licence to play music until 2am will create significant noise, disturbance and anti-social behaviour in the area. Whilst I am supportive of a new restaurant in the area, a licence until 11/11:30pm would seem much more appropriate and considerate of residents.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 07 July 2021 16:21:29

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

Comments were submitted at 4:22 PM on 07 Jul 2021 from [REDACTED].

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** [REDACTED]

**Email:** [REDACTED]

**Address:** [REDACTED] Guildhall Apartments, 10 Park Walk, Southampton

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 4:22 PM on 07 Jul 2021 I have been unable to upload some documents which are referenced, I will email them to the licensing@ address.

The new application mentions a few points which aren't all correct.

There are residential apartments directly above which will be able to hear noise through the floor. There could be noise up until 230am as it takes time for people to leave. The application mentions a noise pollution survey and shows details from years ago. Has anything been completed recently?

As our apartment is directly above, please feel free to use it and see what type of affect it might have.

When we purchased these properties, the documentation shows the units to be restaurants and shops. There is also further information in written contract.



**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 07 July 2021 09:20:09

---

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

Comments were submitted at 9:20 AM on 07 Jul 2021 from Mr Robert Broad.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Robert Broad

**Email:** [REDACTED]

**Address:** Evergreen, Lockhams Road, Curdridge SO32 2BD

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 9:20 AM on 07 Jul 2021 My wife and I own flat 19 in Guildhall apartments. This is very much a residential block as well as having some commercial activity. While we welcome investment in the area and the addition of a restaurant we object to the playing of live and recorded music and the serving of alcohol late into the night, as this will be a significant noise nuisance to the residents of the block. Customers leaving the premises of the Gin and Olive late at night will also cause noise and nuisance. Our understanding is that the licence is for A3 (restaurant) and not A4 (public house/wine bar), the playing of live and recorded music late into the night is not the activity of a restaurant, that is the activity of a nightclub, public house or wine bar. Please respect the rights of the residents of the Guildhall apartments to live in their homes in peace and quiet and reject this application.

**From:** [Izabela Wasilewska-Brzoska](#)  
**To:** [Young, Tricia](#)  
**Subject:** Re: Gin and Olive unit 5 The Art Complex 140 Above Bar Street SO14 7DU  
**Date:** 08 July 2021 15:47:09

---

Good afternoon Tricia,

Thank you for your email. I understand. Please find corrected letter below.

I would like to object to the proposed opening times of the subject bar/nightclub.

Late night venues with alcohol selling until 2 pm for 400 people will generate noise. Also, it will increase number of antisocial behaviours which impact strongly to public safety and increase number of crimes.

As a resident of Guildhall Apartments, I don't see any option to live in building with night club straight under my apartment.

Izabela Wasilewska-Brzoska

Flat 12 Guildhall Apartments  
10 Park Walk  
SO14 7BL Southampton

Kind regards

Izabela Wasilewska-Brzoska

---

**From:** Young, Tricia <[REDACTED]>  
**Sent:** 08 July 2021 08:09  
**To:** Izabela Wasilewska-Brzoska <[REDACTED]>  
**Subject:** RE: Gin and Olive unit 5 The Art Complex 140 Above Bar Street SO14 7DU

Ms Wasilewska-Brzoska

***Application for a Premises Licence  
Gin and Olive Bars and Restaurants Southampton Ltd.  
Gin and Olive 140 Above Bar Street Southampton SO14 7DU***

I refer to your recent letter seeking to make representations to the above application under the Licensing Act 2003.

Having carefully considered your letter, it does not appear to be a "relevant representation" within the meaning of the Act because:

Your letter does not contain information about the likely effect of the grant of this premises licence on the promotion of the statutory licensing objectives. If you would like to expand more on your representation and base it more around the licensing objectives. Below is the link that will take you to our website giving you more information on this.

<https://www.southampton.gov.uk/business-licensing/licensing/licensing-act-2003/la03-reps/>

**Please note this will need to be re-submitted to us by midnight on 08 July 2021 and you can e-mail this to us.**

Tricia Young  
Licensing Officer

Please note I am only in the office on Monday, Tuesday and Thursday at the present time

**Southampton and Eastleigh Licensing Partnership  
Southampton City Council**

[REDACTED]

E-mail: [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

Web: [www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing) or [www.eastleigh.gov.uk/licensing](http://www.eastleigh.gov.uk/licensing)

Post: Licensing – Southampton City Council  
Civic Centre Southampton SO14 7LY

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**From:** Izabela Wasilewska-Brzoska [REDACTED] >  
**Sent:** 07 July 2021 22:22  
**To:** Young, Tricia [REDACTED]; Licensing <[Licensing@southampton.gov.uk](mailto:Licensing@southampton.gov.uk)>  
**Cc:** McGuinness, Ian [REDACTED]  
**Subject:** Gin and Olive unit 5 The Art Complex 140 Above Bar Street SO14 7DU

Hello Tricia,

Due to problem with failing application on website please find my objection below.

I object to the proposed opening times of the subject bar/nightclub.

I would like to refer to the Lease dated 9 October 2015 between SOUTHAMPTON CITY COUNCIL and GROSVENOR DEVELOPMENTS LIMITED.

Paragraph 3.13.4 states:

"Not to use the Premises for any purpose which would in the reasonable opinion of the Landlord detract from the use and operation of the Arts Complex for arts and cultural activities (provided that the Art Complex continues to be used for such purposes) which for avoidance of doubt include the generation of noise"

Referenced documents was presented during the purse of apartment as guarantee that no late night venue will be operating in the building.

In order to safeguard my Family peace I have to object to proposed licensing terms. I would like to stress that it is our main home not just another investment as for many other flat owners.

I believe 38 high council band payers are still important for the city of Southampton.

I also happy to support new local businesses initiatives but only with full respect to residents.

Kind regards

Izabela Wasilewska-Brzoska

Flat 12 Guildhall Apartments  
10 Park Walk  
SO14 7BL Southampton

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**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 16 June 2021 21:27:20

---

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

Comments were submitted at 9:28 PM on 16 Jun 2021 from Miss Isabel Ross Vergara.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Miss Isabel Ross Vergara

**Email:** [REDACTED]

**Address:** 56 Boulton Road, Portsmouth PO5 1NT

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 9:28 PM on 16 Jun 2021 We visit the Gin and Olive in Southsea regularly. They always have such an amazing peaceful atmosphere. We would love to have a Gin and Olive restaurant closer to home as this would save us so much time and hassle!

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 21 June 2021 21:10:30

---

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

Comments were submitted at 9:11 PM on 21 Jun 2021 from Miss Jade Baker-smith.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Miss Jade Baker-smith

**Email:** [REDACTED]

**Address:** Southampton City College, St Mary Street, Southampton  
SO14 1AR

### **Comments Details**

**Commenter Type:** Consultee

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 9:11 PM on 21 Jun 2021 So excited for Gin and Olive to open in Southampton! It is one of my favourite restaurants in Portsmouth and I can't wait to have one close to work. Always a beautiful relaxed atmosphere with polite and friendly staff.

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 22 June 2021 21:15:31

---

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

Comments were submitted at 9:16 PM on 22 Jun 2021 from Miss Emily Rowe.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Miss Emily Rowe

**Email:** [REDACTED]

**Address:** 99 Mill Road, Fareham PO16 0UA

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 9:16 PM on 22 Jun 2021 Very excited for Gin and Olive to be coming to Southampton, the Portsmouth one is already a family favourite! Staff are always brilliant and offer a great environment for all the family. It's good to have another place in the area that everyone in the house will enjoy and gives us another reason to visit Southampton on days out!

**From:** [publicaccess@southampton.gov.uk](mailto:publicaccess@southampton.gov.uk)  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/01665/01SPRN  
**Date:** 29 June 2021 07:25:45

---

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

Comments were submitted at 7:26 AM on 29 Jun 2021 from Mrs Janet Stovell.

### **Application Summary**

**Address:** 140 Above Bar Street Southampton SO14 7DU

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mrs Janet Stovell

**Email:** [REDACTED]

**Address:** Primrose Cottage, Allington Lane, West End Southampton, Hampshire SO30 3HQ

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer made comments in support of the Licensing Application

**Reasons for comment:**

**Comments:** 7:26 AM on 29 Jun 2021 As a local business owner in the hospitality, the Gin and Olive Would be a welcome addition to Southampton, We have guests that would love somewhere a little different to enjoy good food and atmosphere instead of a chain of restaurants that are all the same, the position would be great for people attending the Mayflower, Or the up and coming Southampton boat Show,



### **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.