



Gin and Olive
140 Above Bar Street
Southampton
SO14 7DU

Planning and Rights of Way Panel
Southampton City Council

By Email only: ed.grimshaw@southampton.gov.uk

23 January 2022

Dear Councillors

GIN AND OLIVE SOUTHAMPTON

I am writing to you in relation to our upcoming meeting with the Planning and Rights of Way Panel on Tuesday 25 January 2022 in regards to our above application to extend the opening times for our business which is situated at Unit 5 The Arts Complex Southampton SO14 7DU.

I thought that it would be helpful to let you have some background information regarding our business. Gin and Olive was first opened in Southsea, Portsmouth in April 2015 boasting the largest collection of Gin in Hampshire. Back then we had around 50 different gins on our menu and since then the gin market has soared and we now stock over 300 different gins in Southsea. Gin and Olive in Southsea does not just sell gin we stock a large spirit collection and also specialise in cocktails and non alcoholic spirits and cocktails. In addition we have a busy kitchen which serves a range of food from vegan risotto to our popular grill sharing board with four different cuts of steak.

The business is completely independent and is run by myself and my Partner. We use local suppliers where ever possible as we genuinely believe that small independent businesses should support each other.

Following the success of our Southsea bar and restaurant we looked at expanding and took time to research different city's and areas and we decided that we would like to open our next site in Southampton. Originally we had planned to lease a building in Oxford Street but when the opportunity arose to lease Unit 5 in the Arts Complex we carried out further research and decided that this building was more suitable for our business plan.

We entered into lease negotiations in July 2019 before the Covid pandemic hit and despite the pandemic and our business in Southsea being closed during lockdown we decided that we still wished to invest our money into Southampton and continued with our business plan.

Our business plan follows our established model in Southsea but on a significantly larger scale due to the size of the building. We have extended the mezzanine floor to provide an additional dining area and have 300 covers. Our kitchen is open until 11pm as we have found that there is a gap in the market for later night dining and this lends itself for a later closing time.

During 2021 we have undertaken some significant refurbish works to the unit the majority of which have been carried out by myself and a few selected tradesmen. You will be aware if you have walked past the building that you cannot see in the windows as these have been filmed out since before works commenced. This was done intentionally as we do not want people to see what has been created until we are able to open our doors.

From the few people who have been inside I have been blown away by their comments regarding the works including being told that people have never seen such a high quality finish on a bar and restaurant.

We pride ourselves on making sure that everything is done correctly and professionally. This includes adhering to all licences and policies.

Our new Southampton Bar and Restaurant will bring a new offering to Southampton for a high end bar and restaurant and will create over 40 jobs for the city ranging from skilled chefs and management positions to part time serving positions.

The size of the unit in the Arts Complex has enabled us to expand to over 1000 gins in stock and we have invested over £1.2 million pounds into the new business.

Our original business plan, which was approved by Southampton City Council as the superior Landlord, sought opening hours on Friday and Saturday's to 4:30am and we were not told that this was going to be an issue. However, after discussions with Licencing and Hampshire Police we were happy to adjust this to 2:30am and noted at that time that the building did not have correct planning to enable us to open past midnight. We were unaware that this was the case given that a number of the units in the Arts Complex trading past this time and the current licence for the premises enabled trading to 12:30am. It was agreed that we would submit an application to extend the planning closing time.

After a three hour hearing with the Licencing Committee it was agreed that we would close at midnight Sunday to Wednesday, 1am on Thursdays and 2am Friday and Saturday's as the councillors took into account the residents of Guildhall Apartments concerns of noise.

We were happy to accept these closing times and needed to wait for our Planning Application to be determined on 30 August 2021. There have been some ongoing delays

with the Planning Department which I will not go into here but the resulting position is that we have a meeting with the Planning Panel on Tuesday.

Within the Planning Report, which you will have read, the Planning Department are happy to support the application for the extended hours. However due to Policy AP8 noting the terminal hour of the Cultural Quarter should be 1am the Planning Department are not able to recommend the terminal hour being increased to 2am on Friday and Saturday's.

I have therefore been advised to approach the panel to explain why the later opening time should be granted as Policy AP8 does provide for exceptions.

I am aware that Policy AP8 forms part of the City Centre Action Plan and was adopted in 2015. At that time Above Bar Street was designated as an evening zone rather than a late night hub. The late night hubs being at Leisure World and Southern End of Royal Pier. However, since policy AP8 was adopted the nightclubs in Leisure World have closed and the largest nightclubs in the city are now Switch and Café Parfait creating a "late night hub" in Above Bar Street.

We are aware that Rebecca Handley from Go Southampton had a meeting with Paul Barton and Amber Trueman on 22 January 2021 to discuss the alterations to Policy AP8 and they confirmed over a year ago that it would be possible. We have also been provided with a copy of the letter to Kate Martin (former Director of Place at Southampton City Council) from Giles Semper of Go Southampton dated 22 November 2021 to request an urgent temporary alteration to AP8 was implemented to allow a further one hour of trading. I enclose a copy of the letter for your information.

It is therefore a high possibility that the policy AP8 terminal hour will be altered in the foreseeable future.

The Planning Department are aware that there are a number of premises in Above Bar Street who trade past their permitted planning conditions and past 1am and that one such business, Turtle Bay, which are opposite our business within the Cultural Quarter even advertise their opening hours past the times of their planning permission. I enclose a copy their advertised opening times on both their own website and Google listing. The Planning Department have also confirmed that no enforcements have been issued to these premises.

Planning Enforcement would avoid taking formal enforcement action where "there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area".

This must mean that Southampton City Council do not consider other premises operating outside of their planning permissions to cause any material harm or adverse impact. I would therefore argue that there would similarly be no material harm or adverse impact by our business closing at 2am on a Friday and Saturday.

However, we would not wish to breach our planning permissions and are therefore applying to extend this which is the correct and professional way to deal with matters.

I am aware that there are 38 apartments from the second floor up in the same building as our unit and that the development was always intended to be a mixed use site which means the needs of the residents need to be balanced with the needs of the commercial tenants.

The residents main concern is noise and disturbance to their enjoyment of their home which I completely understand and sympathise with. However, it must be noted that they did purchase a home within the city centre and that the majority of pubs, bars, nightclubs and restaurants were already located in Above Bar Street before their homes were built and that they would have been fully aware that there would be bars and restaurants situated on the ground floor of The Arts Complex. This is a compromise which they make for living in the city centre.

I have actively engaged with the residents when they first voiced their concerns to our Premises Licence application and invited the residents to visit the premises and see for themselves what we have built and how much we have invested into the site. Only three of the thirty eight flats attended.

After the Premises Licence hearing I was contacted by Stephen Garlick who runs the Guildhall Apartments Tenants Association (GATA) to congratulate us on obtaining our licence and you will see from the email enclosed I have asked that should any residents have any issues once we open they make us aware of their concerns directly so that we may address these and I have asked Stephen Garlick to facilitate this in his role as Chairman of the GATA. Since then I have engaged with Stephen Garlick and another resident and even provided our CCTV to assist the residents.

During the refurbishment works I have sought to ensure that all noise mitigation has been put in place. I have installed a decibel reader and the stereo is set to cut out if it goes above 110 db and in addition speakers are mounted to reduce any vibration.

To minimise noise disturbance outside the premises no music will be played outside and it has already been agreed with Environmental Health that the doors will remain closed except for access and egress during any live music performance and after 11pm. The tables and chairs outside will not be used past 11pm. We will also not empty any glass between 9pm and 9am.

Furthermore we have a no queuing policy, if we do not have capacity for anyone they will not be able to wait outside the premises and will need to vacate the area and return should they wish to come back. We also have a dispersal policy and signs to ask customers to leave quietly. The premises licence contains a condition for no re entry after 1am and the music to be turned down 30 minutes before closing to encourage customers to wind down before leaving.

We believe that the closing time of 2am would also assist in staggering the leaving time of our customers and reduce the queuing for taxis as the taxi rank for the whole of Above Bar Street is situated outside our unit.

A closing time of 2am is supported by Hampshire Police and Licencing in line with the Premises Licence and Environmental Health with the conditions added to the Planning Department's Report and there have been no objections to the opening times from any other department who were consulted.

I do genuinely believe that we have created a fantastic business which will not only attract people from Southampton but also from further away and add to the Cultural Quarter once the planning permission has been granted and we are able to open.

I will of course discuss this further at the meeting but I am aware that my speaking time is limited.

With Kind Regards

Yours Sincerely

Anthony Ferreira

Gin and Olive



Southampton Business Improvement District Limited

IncuHive Southampton
182 High Street
Southampton SO14 2BY
Phone: 02380 003637
Email: info@gosouthampton.co.uk
Website: www.gosouthampton.co.uk

Kate Martin
Executive Director of Place
Southampton City Council
Civic Centre
Civic Centre Road
Southampton
SO14 7LY

22nd November 2021

Dear Kate,

RE: AP8 Policy

We are writing to request that the Council implements an urgent temporary alteration to the AP8 planning policy while we await a more fundamental review as part of the Local Plan process. Rebecca Handley's meeting with Paul Barton and Amber Trueman on 22nd January 2021 suggested that this is a possibility.

For several of our member businesses – we know of The Social, Crib, London Road Brewhouse, Gin & Olive, Grumpy Monkey, OX:47 Lounge and Rita's – the permitted closing time under AP8 is earlier than that permitted in their venue licences. The reason for this is that they do not fall into the two areas designated as 'late-night hubs' in the Local Plan but rather into areas designated as 'evening zones' which have a mandated closing time of 12 midnight (except in the Cultural Quarter where it is 1am). The two areas designated as 'late-night hubs' – Leisureworld and Royal Pier – are no longer relevant following the closure of Oceana at Leisureworld.

The impact of this situation is to move customers from a large number of city-centre venues to a much-smaller number of venues that are not subject to the AP8 policy and have later opening hours. In our view this increases the risk of conflict and criminality. If more venues could accommodate a smaller number of patrons in the early hours they could be managed more safely.

In our Local Plan response submitted in April 2020 we asked the Council to identify development opportunities aimed at creating a vibrant evening and night-time economy, and to review the licensing restrictions in the Bedford Place/London Road and Cultural Quarter areas. Now that Oxford Street is in the BID area we would also ask for it to be included. We believe that, by clustering venues together in these three areas and staggering closing times, management resources can be targeted more effectively. The BID is about to commission a Night-Time

SOUTHAMPTON'S BUSINESS IMPROVEMENT DISTRICT



02380 003637



www.gosouthampton.co.uk



@Go_Southampton

Economy Strategy and also to embark on ATCM's Purple Flag accreditation process. Both initiatives should assist the Council and the BID in planning for a safer, better-managed future.

As I'm sure you know the city's night-time economy venues have been disproportionately impacted by the COVID-19 pandemic and have also seen a 31% increase in rateable values from the 2010 list to the 2017 ratings list. These pressures along with the restrictions imposed by the AP8 policy are having a significant impact on how businesses recover and whether new businesses open.

We acknowledge that the Local Plan process has a set timetable but would urge you to consider a temporary planning alteration. Even an extra hour of opening would make a considerable difference to the businesses concerned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Giles Semper'.

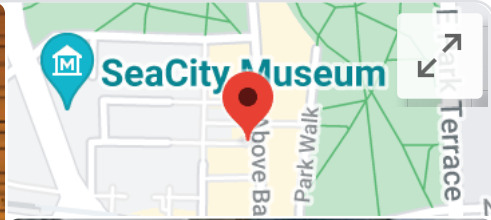
Giles Semper
Executive Director

cc Cllr Dan Fitzhenry, Cllr Jeremy Moulton, Tim Keeping, Tracey Luff (Chair of Licensing Link), Gary Bennetton (Vice-Chair of Licensing Link), Paul Barton, Phil Bates, Rebecca Handley





See photos



See outside

Turtle Bay Southampton

Website

Directions

Save

4.2 ★★★★★ 1,726 Google reviews

££ · Caribbean restaurant

A Caribbean-style shack with a modern exterior serving Jamaican jerk chicken and goat curry.

Service options: Dine-in · Takeaway · Delivery

Address: 1 Guildhall Square, Southampton SO14 7FP

Hours: Tuesday	10am–11:30pm
Wednesday	10am–11:30pm
Thursday	10am–12:30am
Friday	10am–1:30am
Saturday	10am–1:30am
Sunday	10am–11:30pm
Monday	10am–11:30pm

OPENING HOURS

SUN–WEDS: 10AM – 11.30PM

THURS: 10AM – 12.30AM

FRI – SAT: 10AM – 1.30AM

BAY BREAKFAST CLUB

BREAKFAST + UNLIMITED HOT DRINKS & JUICE BEFORE MIDDAY

BOTTOMLESS BRUNCH

EVERY DAY – LAST SITTING 3PM (5PM SUNDAYS)

HAPPY HOUR

**SUN–THURS: 10AM – 7PM & 9.30PM – CLOSE
FRI & SAT: 10AM – 7PM & 10PM – CLOSE**

Re: Gin & Olive Southampton License Approval

1 message

Anthony Ferreira <anthony@ginandolive.co.uk>
To: GATA Chairman <GATAChairman@outlook.com>

Thu, Jul 29, 2021 at 6:49 AM

Dear Steve

Thank you for your email and we look forward to seeing you at the opening, we will let you know when we have set our opening date.

I completely understand that there were some genuine concerns about noise but I do feel that some comments were unjustified and some residents were not prepared to listen. As I said yesterday, I would much rather people communicate with us if there are any issues when we open if we are made aware of them then we can work to resolve them and perhaps this is something which you could facilitate on behalf of the residents as the Chairman of the Tenants Association.

I know that you could not attend on Sunday but please do let me know if you would like to pop in another time I would be happy to show you what we have built.

Kind Regards
Anthony

Anthony Ferreira



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Website www.ginandolive.co.uk

17 Albert Road, Southsea, Hampshire, PO5 2SE

On Wed, Jul 28, 2021 at 11:37 PM GATA Chairman <GATAChairman@outlook.com> wrote:

Dear Mr Ferreira

Congratulations on gaining approval for the license at Gin & Olive.

Once again please accept my apologies for not being able to visit the premises on Sunday, had I been available I would have certainly attended.

At the hearing, your statement in your closing remarks that you felt the residents of the apartments were attempting to thwart your efforts concerned me. I don't feel this is the case, rather their concerns regarding potential noise levels are both genuine and understandable. You are correct in that all residents do, I feel, accept that having chosen to live in the City centre they should expect some noise and other disturbance from time to time. On the plus side residents do of course have the benefits of having the facilities of the City on their door step. Therefore, your original request to play live music until 4am proved perhaps too unsettling.

I wish you every success with Gin & Olive and truly hope the business prospers. I certainly look forward to visiting when you open.

Best regards
Steve Garlick
Chairman, Guildhall Apartments Tenants Association