

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE – **Gin and Olive Unit 5 The Arts Complex 140 Above Bar Street Southampton SO14 7DU**

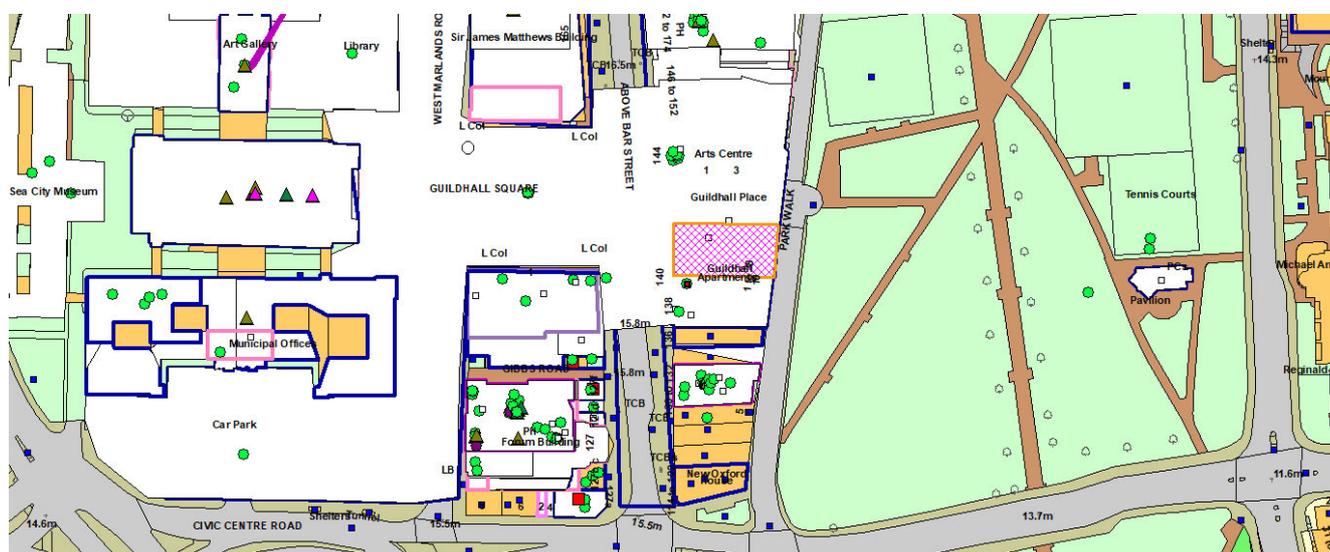
DATE OF HEARING 26th May 2021 1600hrs

REPORT OF SERVICE DIRECTOR – COMMUNITIES,CULTURE AND HOMES

E-mail licensing@southampton.gov.uk

Application Date : 6th April 2021 Application Received 6th April 2021

Application Valid : 6th April 2021 Reference : **2021/00928/01SPRN**



© Crown copyright and database rights 2014 Ordnance Survey 100019679

Representations from Responsible Authorities

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

Home Office	No Response	
Building Control	No Response	
Public Health Manager	No Response	
Police - Licensing	Objection	
Trading Standards	No Response	
Other Representations		
Name	Address	Contributor Type
Mr Lukasz Brzoska	Flat 12 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	Resident
Mrs Ruth Leary	Flat 11 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	Resident
Mr Stephen Garlick	Flat 32 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	Resident
██████████ ██████████	██████████ Guildhall Apartments 10 Park Walk Southampton ██████████	Resident
Mr. Tom O'Brien	Flat 29 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	Resident

Mr and Mrs Broad	Flat 19 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	Resident
Mrs. Marian Hubble	15 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	Resident
Mr. Peter J Culley	Flat 11 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	Resident
Mrs Izabela Wasilewska-Brzoska	Flat 12 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	Resident
Mr Peter Munday	Flat 2 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	Resident
Mr Timothy Ince	Flat 20 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	Resident
Miss Joanna Ward	Flat 20 Guildhall Apartments 10 Park Walk Southampton SO14 7BL	Resident

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 affects another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

Copies of the application for 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

The applicant intends to run this premises as a Bar/Restaurant in a traditional style establishment offering food and drink to a wide demographic including families. The supply by retail of alcohol is for consumption both on and off the premises.

Applicant	Gin and Olive Bars and Restaurants Ltd.
Designated Premises Supervisor	Mr Anthony Ferreira

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 - 02:00
Friday	10:00 - 02:00
Saturday	10:00 - 02:00
Sunday	10:00 - 00:00
Recorded music	
Monday	10:00 - 02:00
Tuesday	10:00 - 02:00
Wednesday	10:00 - 02:00
Thursday	10:00 - 02:00
Friday	10:00 - 04:00
Saturday	10:00 - 04:00
Sunday	10:00 - 02:00

Provision of late night refreshment

Monday	23:00 - 01:30
Tuesday	23:00 - 01:30
Wednesday	23:00 - 01:30
Thursday	23:00 - 01:30
Friday	23:00 - 03:30
Saturday	23:00 - 03:30
Sunday	23:00 - 01:30

Supply by retail of alcohol

Monday	10:00 - 01:30
Tuesday	10:00 - 01:30
Wednesday	10:00 - 01:30
Thursday	10:00 - 01:30
Friday	10:00 - 03:30
Saturday	10:00 - 03:30
Sunday	10:00 - 01:30

This application has received representations from two responsible authorities – Hampshire Constabulary and Licensing and also 12 Public Representations.

Included In Report

Application
Plan
Hampshire Constabulary Representation
Licensing Representation
12 Public Representations
Hearing Procedure

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 Gin and Olive Unit 5 The Arts Complex 140 Above Bar Street			
Post town	Southampton	Postcode	SO14 7DU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£65500

Part 2 - Applicant details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity 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)	
Surname			First names		
Date of birth	I am 18 years old or over <input type="checkbox"/>		Please tick yes		
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
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)					

--

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)	
Surname			First names		
Date of birth or over		I am 18 years old		<input type="checkbox"/> Please tick yes	
Nationality					
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	
Daytime contact telephone number					
E-mail address (optional)					

(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.

Name Gin and Olive Bars and Restaurants Southampton Limited
Address 17 Albert Road Southsea Hampshire PO5 2SE
Registered number (where applicable) 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
04	05	2021

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

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1) Bar and Restaurant in the Arts Complex Southampton on Above Bar Street.</p> <p>It will be operated in the manner of a traditional licenced premises with a significant food offering as well as drinks.</p> <p>The bar and restaurant will appeal to a wide demographic including families.</p> <p>We enclose a plan showing the layout for the ground and mezzanine floors.</p> <p>There will be sales for consumption on and off site.</p>

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

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	10:00	00:00	Please give further details here (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	State any seasonal variations for the exhibition of films (please read guidance note 5) N/A		
Thur	10:00	00:00			
Fri	10:00	00:00	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 (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

Indoor sporting events 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

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4) To include live music which may be amplified or unamplified					
Mon	10:00	00:00						
Tue	10:00	00:00						
Wed	10:00	00:00				State any seasonal variations for the performance of live music (please read guidance note 5) N/A		
Thur	10:00	02:00						
Fri	10:00	02:00				Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) When hours for sale of alcohol are extended hereunder these hours are also extended		
Sat	10:00	02:00						
Sun	10:00	00:00						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10:00	02:00		Please give further details here (please read guidance note 4) Recorded music, including juke box, withour without a DJ during normal business hours or as part of functions	
Tue	10:00	02:00			
Wed	10:00	02:00	State any seasonal variations for the playing of recorded music (please read guidance note 5) N/A		
Thur	10:00	02:00			
Fri	10:00	04:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) When hours for sale of alcohol are extended hereunder these hours are also extended		
Sat	10:00	04:00			
Sun	10:00	02:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) 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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<p><u>Please give further details here</u> (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.</p> <p><u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) N/A</p> <p><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) When hours for sale of alcohol are extended hereunder these hours are also extended</p>		
Mon					
	23:00	01:30			
Tue					
	23:00	01:30			
Wed					
	23:00	01:30			
Thur					
	23:00	01:30			
Fri					
	23:00	03:30			
Sat					
	23:00	03:30			
Sun					
	23:00	01:30			

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

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p>State any seasonal variations (please read guidance note 5) Please see box J</p>
Day	Start	Finish	<p><u>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</u> (please read guidance note 6) The premises will close 30 minutes after the end of the non-standard timings identified in box J.</p>
Mon			
	10:00	02:00	
Tue			
	10:00	02:00	
Wed			
	10:00	02:00	
Thur			
	10:00	02:00	
Fri			
	10:00	04:00	
Sat			
	10:00	04:00	
Sun			
	10:00	02:00	

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)

This is an application for new premises within the Southampton Arts Complex.

Gin and Olive Bars and Restaurants Limited run a venue in Portsmouth which has been operating without issue since 2015.

The applicant will join GO! Southampton and will strive to maintain the work which they have developed in the local area.

b) The prevention of crime and disorder

The applicant has undertaken a risk assessment in connection with the operation of this unit taking into consideration the area in which it is located and their previous experience of venues of this nature and their operation and impact of the immediate vicinity.

With regards to the prevention of crime and disorder the applicant would offer the following steps in order to address this issue:-

No customers carrying opened bottles of alcoholic drink upon entry shall be admitted to premises

Door Supervisors licenced by the Security Industry Authority will be employed on Friday and Saturdays from 7pm until the venue closes and on other dates when required.

CCTV will be installed with recording facilities such recordings will be retained for a period of 31 days and made available within a reasonable time upon request by the police and will cover the main entrance to the premises.

c) Public safety

The applicant has undertaken a risk assessment with regard to public safety.

All equipment is British Standard Approved

The applicant will ensure that fixtures and fittings provided to the premises will be of an appropriate nature.

The applicant has sought approval by Building Control for the mezzanine floor.

The applicant will comply with the reasonable requirements of the Fire Officer from time to time.

d) The prevention of public nuisance

The applicant has undertaken a risk assessment with regards to public nuisance.

The applicant proposes conditions as follows:

Where appropriate prominent and legible notices shall be displayed at all exits requesting the public to respect the needs of the local residents and leave the premises and area quietly.

The doors and windows to the premises are double glazed.

e) The protection of children from harm

The restrictions set out in the Licencing Act 2003 will apply.
No unusual or additional risk of harm to children have been indentified.

No files or videos of any description will be shown so that they can be viewed by persona
under the ge of any applicable BBFC/Local Authoirty certification.

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.**

Declaration	<ul style="list-style-type: none"> [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). 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)
Signature	[Redacted] on behalf of Gin and Olive Bars and Restaurants
Date	06/04/2021 Southampton Limited,
Capacity	Applicant

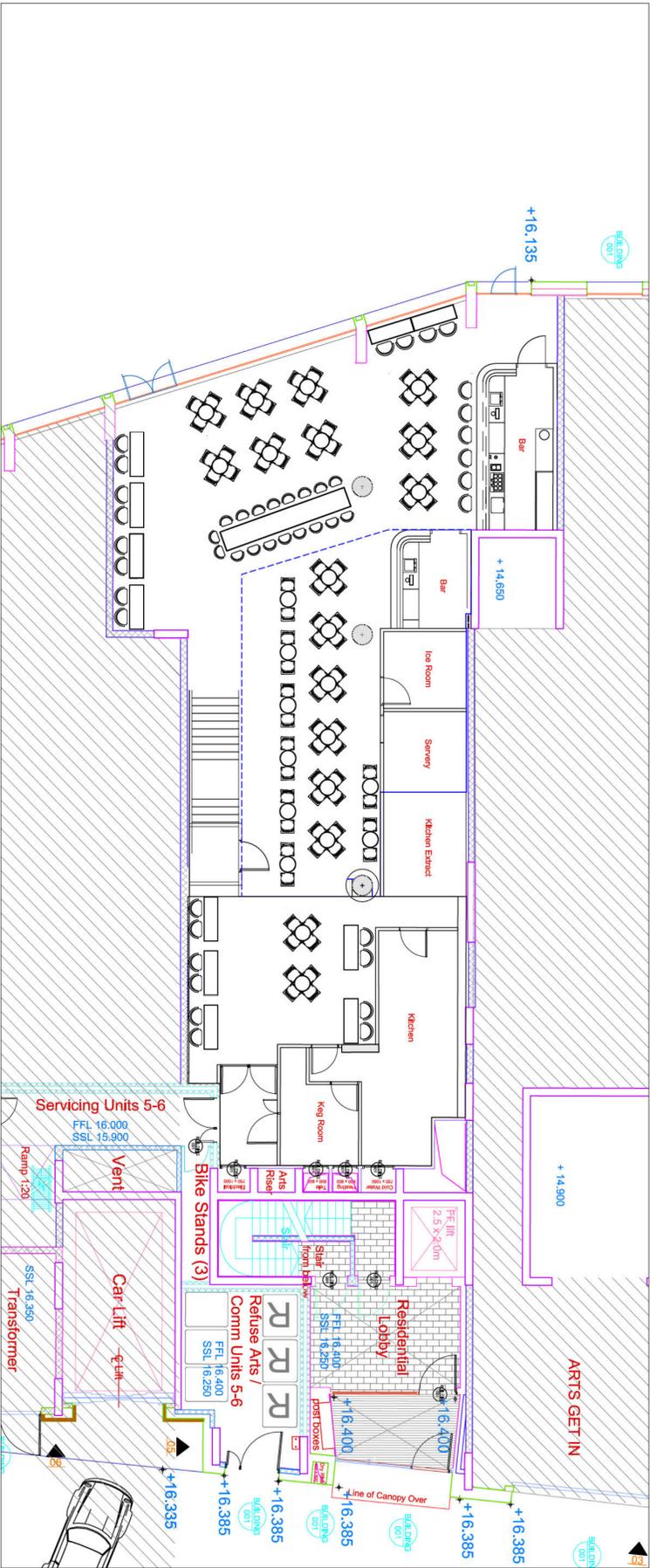
For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

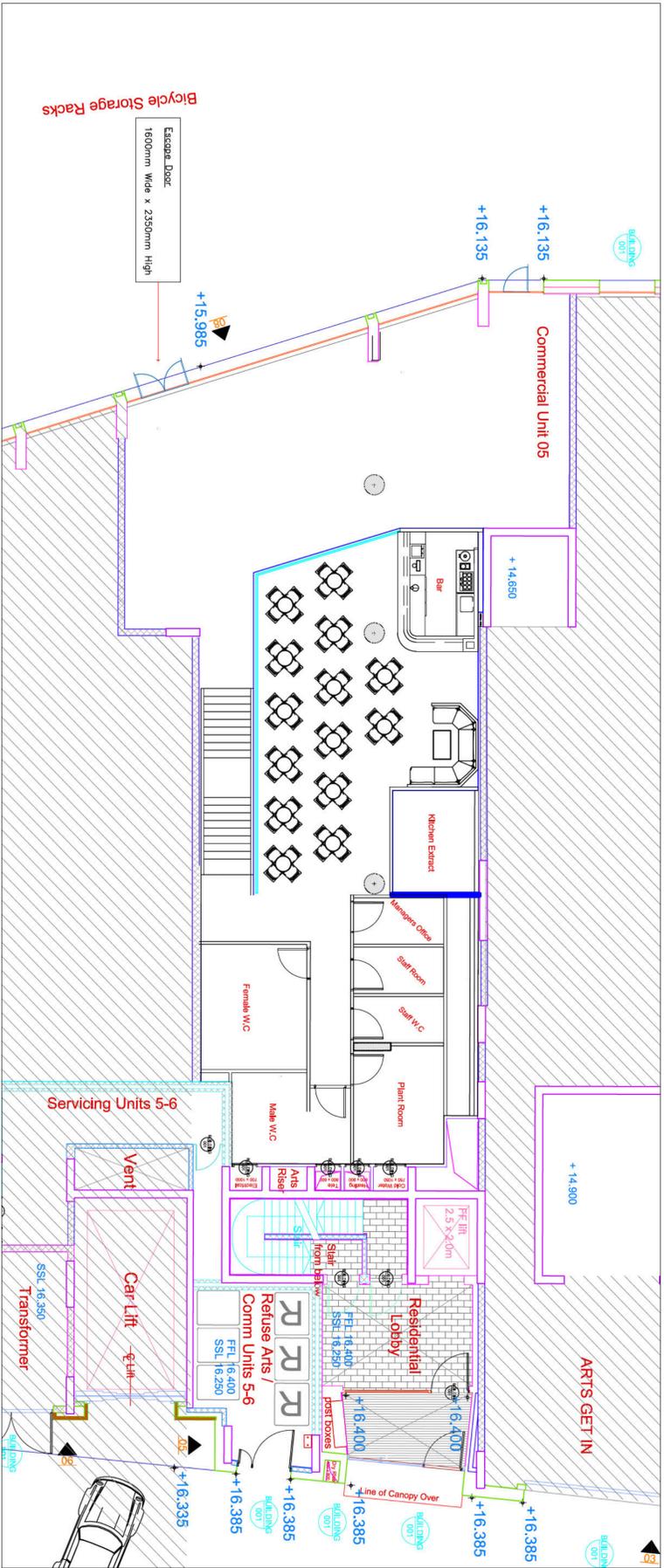
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Gin and Olive Bars and Restaurants Southampton Limited Unit 5 The Arts Complex 140 Above Bar Street			
Post town	Southampton	Postcode	SO14 7DU
Telephone number (if any)	[Redacted]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [Redacted]			



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. DESIGNER AND CLIENT TO PROVIDE STABILITY BRACING TO MEZZANINE FLOOR 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	

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
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

*Please select
one or more
boxes*

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

An 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 Wednesday 10:00 to 00:00. Thursday to Saturday 10:00 to 02:00. When hours for sale of alcohol are extended hereunder these hours are also extended.

Recorded Music (indoors) – Sunday to Thursday 10:00 to 02:00. Friday to Saturday 10:00 to 04:00. When hours for sale of alcohol are extended hereunder these hours are also extended.

Late night Refreshment (Both) – Sunday to Thursday 23:00 to 01:30. Friday to Saturday 23:00 to 03:30. When hours for sale of alcohol are extended hereunder these hours are also extended.

Supply of Alcohol (Both) – Sunday to Thursday 10:00 to 01:30. Friday to Saturday 10:00 to 03:30. To permit the sale of alcohol and such regulated entertainment authorised hereunder on Bank Holidays from 10:00 to 03:30.

The Police are opposed to the granting of the application in its entirety. The Police are also opposed to the nominated DPS within this application.

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 see’s 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 12 months 01/01/2019 – 31/12/2019 within the area of SO14 7*, reported incidents between 23:00 to 05:00 or having taken place at a NTE venue are – Assaults 54,

Form for representations/objections from Hampshire Constabulary

Criminal Damage 13,
Public Order 15,
Sex Offences 2,
Robberies 6,
Thefts 13
Drug offences 6.

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

Disappointingly, Police licensing were not contacted or approached prior to submission of the application as detailed within the LA2003 182 Guidance and Southampton City Councils statement of licensing policy

As a premises that falls within the Cultural Quarter and the Cumulative Impact area, the above mentioned documents clearly detail how it is the applicants responsibility to detail how the new premises will not have a negative impact on the area. They have failed to do that . In fact there is no mention of the cumulative impact area or cultural quarter within their application. The guidance also suggests that prior to making an application , research should be made of the area looking at crime statistics, environmental issues etc. Again there is no mention of these subjects.

Within section “M” (b) of the application . It states that the “applicant has undertaken a risk assessment in connection with the operation of this unit taking into consideration the area in which it is located” I would strongly suggest that if this has actually been done , then it would have been completed during the pandemic restrictions where hospitality venues were closed.

Police would like to see the detailed risk assessment in regards to the operation of the unit and the considerations they have taken, much is stated but nothing supplied, I fear this is just what the applicant thinks we want to hear and not what he has undertaken.

It also states that the applicant operates a venue in Portsmouth that has been operating without issue since 2015. This is simply not true. There have been incidents of crime and most recently several reports of Health protection Regulation breaches that are still under investigation by Portsmouth City Council licensing Department

The application itself is very poor and I would strongly suggest “cut and pasted” from another licence. It proposes conditions to be added. Such conditions are so outdated that they have been removed from licences when the ability to do so arises. They are certainly not suitable for this premises.

The proposed hours of operation do nothing to support this being a Bar & Restaurant which would include families. More told, the hours suggested promote late night usage with high alcohol uptake and not the restaurant trade as put forward. This in turn would then result in all likelihood in an upsurge of alcohol related crime and disorder.

With regards to the application and it's scant offering of details, There is no mention of training of staff, what this will include, how it will be recorded, when it will be completed and how it will be presented to those requiring it for inspection. In today's world of licensing and hospitality this is an unwritten mandatory requirement, for even the smallest and basic of of venues.

There is no mention of how refusals will be recorded, where will they be stored and how will they be presented. Likewise with the above. This is one of the key elements of showing due diligence. Amazingly not even mentioned.

There is no mention of an incident log and how they will be recorded. This gives the impression that

Form for representations/objections from Hampshire Constabulary

they will try and self-police and keep matters within and not involve other parties for joint problem solving which is incredibly concerning.

There is no mention of any kind of drug policy and what action will be taken if drugs are located either in the venue or on a person. This venue is in a busy City Centre and even the most ill-informed would realise this will be an issue, never mind an applicant whom states that they have experience of venues of this nature and their operation. Not surprisingly, there is intelligence of drug activity of their other venue

CCTV is mentioned; however, they state this will only cover the main entrance, why? Is this a cost issue or an attempt to hide something from within?. Again, even a small convenience store now has a multiplex, multi camera high definition recording system. One camera for a proposed 04:00 terminal hour night time economy venue if it wasn't so serious , would be laughable.

SIA security will be employed on Friday & Saturdays with no mention of numbers, no details of what risk assessment will be completed to ensure that high demand days are also covered. The applicant has asked for hours to be extended on bank holidays but not said how this will be staffed with security.

There is no mention of an age verification policy. Again this amazes me, a venue that intends to supply alcohol until 04:00. A venue that allegedly intends to be open to families. Likewise with refusals, this is a day one, week one basic minimum requirement that any professional prospective operator knows.

From within the Southampton City Council's Statement of Licensing Police 2016 - 2021 the onus is on the applicant to demonstrate through the Operating Schedule and where appropriate provide Risk Assessments to prove that the operation will not add to the cumulative impact already being experienced. This has not be achieved at any level

There is nothing to suggest that this will not be anything other than a night club utilising a Trojan horse application. A night club contributing massively to the already well-documented crime & disorder, public safety and public nuisance issues within the night time economy

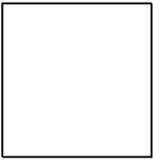
It is because of the basic fundamental failings of the application, the Chief of Police is satisfied that if granted none of the licensing objectives would be met for this application.

With regards to the nominated DPS for this application. The police have serious concerns over his suitability. Although a personal licence holder as required by the LA2003, a serious recent criminal conviction that incurred a substantial custodial sentence for a "relevant offence" would give rise for the police to site exceptional circumstances.

It is worth noting that the police have raised this matter with the issuing authority of his personal licence (Portsmouth City Council) to confirm that his position of a personal licence holder was not raised at the earliest opportunity during the criminal proceedings. Had the regulations enabling a LA to revoke a personal licence been in force at the time of proceedings then police would be making the strongest of suggestings requesting the the personal licence be revoked.

Therefore the police formally object to the proposed DPS within the application

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation



Form for representations/objections from Hampshire Constabulary

Police recommendations (including any conditions)

Refuse the application.

Signature of Officer Completing

Name	Hawley	Collar Number:	25491
Signature:		Date:	14/04/2021

Signature of Authorising Officer

Name	Cohen	Collar Number:	2849
Signature:		Date:	14/04/2021

**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: 2021/00928/01SPRN

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

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

23rd April 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. Further in the application the applicant requests:-

- Live and recorded music until 0000 hours Sunday to Thursday and until 0200 hours on a Friday and Saturday.
- The provision of late night refreshment until 0130 hours Sunday to Thursday and 0330 hours Friday and Saturday.
- The supply by retail of alcohol until 0130 hours Sunday to Thursday and 0330 hours Friday and Saturday and until 0330 hours on a Bank Holiday.

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.

I do not consider this application falls within that exception which means the CIP will apply to an application such as this.

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

20210423 Gin Olive rep

If you require this letter or future correspondence from us in a different format (e.g. tape, Braille or disc) please do not hesitate to let us know.

032

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. I note the operating schedule has minimal measures to address the licensing objectives and will further add to the area that is already suffering from the cumulative impact resulting from the number of premises.

The application fails to address how it will not add to the cumulative impact already experienced and evidenced to establish the policy. Paragraph 6.15 of the Statement of Licensing Policy places the onus on the applicant to demonstrate this. It is ordinarily anticipated that applications for new premises within the designated stress areas shall address this point in detail. The licensing authority believes this application fails to do this.

The premises will generate noise with people coming and going or standing outside smoking. As the hospitality trade tries to recover from the coronavirus measures the provision of outside hospitality is proving to be popular and likely to change how the public use hospitality venues in the future, this is also likely to increase noise and disturbance in the area.

The applicant has proposed minimal information relating to the operating schedule. This is very disappointing for a premises requesting such late hours. There is minimal information relating to cctv, no age verification policy mentioned and little relating to SIA door staff. For an application of this nature, the licensing authority finds this very disappointing. We therefore fully endorse and support the Police representation relating to this application.

The Council has a clear policy relating to designated stress areas: that new applications or applications relating to substantial variations etc. shall ordinarily be refused in such areas. An exemption is set out within the policy, but this is aimed at applications / venues which:

“promote well run family friendly sit down eating and drinking, complement the City’s cultural offer and may include al fresco dining, subject to appropriate licensing restrictions. These may include theatres, other performing arts venues, galleries and restaurants.”

(paragraph 6.23 of the Statement of Licensing Policy).

For the above reasons I would suggest that the application should be refused unless the applicant is able to address the rebuttable presumption set out within the policy.

Yours faithfully,



Phil Bates
Licensing Manager

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/00928/01SPRN
Date: 04 May 2021 09:56:35

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

Comments were submitted at 9:56 AM on 04 May 2021 from [REDACTED].

Application Summary

Address: Unit 5 The Arts Complex 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: 9:56 AM on 04 May 2021 The previous restaurants had licenses to 11pm, reading through the report, this is also suggested.
There is residential apartments directly above the new bar with a range of ages from small children to retired couples. There has been a lot of noise with building works over the last 4 months.
As well as noise from the venue with music, the outside noise needs to be considered once the venture closes.



15. Guildhall Apartments,
10, Park Walk,
Southampton, SO14 7BL.
21. 4. 21.

Dear Mrs. Young.

Ref. 2021/00928/01 SPRN.

I wish to object to the opening hours requested by the proprietors of the Six and Three Bar, Unit 5, 140, Abere Road, SO14 7DU.

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) of close neighbours.

The Six and Three premises are an integral part of the residential block, 10, Park Walk. Any internally generated sound will echo and reverberate throughout the building. This would be intolerable to residents were the noise to extend beyond normal closing times.

Other similar venues in the city, e.g. in Oxford Street have closing times of 12 mid night, respecting local residents wishes.

The notion that closing times varying from 2.00 am to 4.00 am could be even considered is beyond belief in a building consisting primarily of people's homes.

Yours sincerely,

[Redacted Signature]

(C. C. M. HUBBLE)

Mrs. T. Young,
Licensing Officer,
Southampton City Council,
Civil Centre, Southampton, SO18 9AA.

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/00928/01SPRN
Date: 17 April 2021 20:29:24

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

Comments were submitted at 8:29 PM on 17 Apr 2021 from Mrs Izabela Wasilewska-Brzoska.

Application Summary

Address: Unit 5 The Arts Complex 140 Above Bar Street
Southampton SO14 7DU

Proposal: Premises Licence

Case Officer: Tricia Young

[Click for further information](#)

Customer Details

Name: Mrs Izabela Wasilewska-Brzoska

Email: [REDACTED]

Address: Flat 12, Guildhall Apartments, 10 Park Walk, Southampton
SO14 7BL

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 8:29 PM on 17 Apr 2021 I'm owner of duplex flat just above this restaurant.
Based on my experience with previous restaurant music play after noon is completely unacceptable. I can not imagine how my family can live in that conditions.
When we have bought this flat Grosvenoor presented this building like block of high standard flats with art gallery.
I hope Southampton council will act appropriate to safe us from living in 'night club'.

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/00928/01SPRN
Date: 18 April 2021 20:34:15

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

Comments were submitted at 8:34 PM on 18 Apr 2021 from Miss Joanna Ward.

Application Summary

Address: Unit 5 The Arts Complex 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: 8:34 PM on 18 Apr 2021 As a resident of guildhall apartments I am concerned that the late opening of this new premises (proposed music until 2am/4am and alcohol sales until 1:30am/3:30am) would certainly pose a public nuisance and would likely risk increasing the incidence of crime and disorder in the area. I would be overall supportive of the application, and welcome the addition of a new bar to the area, if it were to close at midnight.

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/00928/01SPRN
Date: 17 April 2021 20:12:57

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

Comments were submitted at 8:12 PM on 17 Apr 2021 from Mr Lukasz Brzoska.

Application Summary

Address: Unit 5 The Arts Complex 140 Above Bar Street
Southampton SO14 7DU

Proposal: Premises Licence

Case Officer: Tricia Young

[Click for further information](#)

Customer Details

Name: Mr Lukasz Brzoska

Email: [REDACTED]

Address: Flat 12, Guildhall Apartments, 10 Park Walk, Southampton
SO14 7BL

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 8:12 PM on 17 Apr 2021 My bedrooms are above the new restaurant. I cannot imagine my family being able to fall asleep with loud music playing until 4am. Additionally I have bought the apartment being assured that it is art complex and there will be gallery and few restaurants not a night club with club music playing until early morning.

From: [Mr RA Broad](#)
To: [Licensing](#)
Subject: Objection Invalid - Awaiting full address
Date: 03 May 2021 16:33:41

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Privacy statement:

Privacy check box

I have read the above and understand how the council will use my data

Name: Mr RA Broad

Email address: [REDACTED]

Phone number: [REDACTED]

Premises name/vehicle plate number: Gin & Olive, Unit 5 The Arts Complex, 140 Above Bar Street, SO14 7DU

Licence reference number: 20121/00928/01SPRN

Message: My wife and I own flat 19 in Guildhall Apartments. Given that this is a residential block as well as a commercial building, sensitivity should be shown to those people living in the immediate area of the Gin and Olive bar which is the subject of this planning application. The current application allows the playing of music (live and recorded) into the early hours, with customers leaving the area as late as 4am which will no doubt cause significant levels of noise and nuisance the to the residents of the Guildhall Apartments. While we welcome the investment in the local area and benefits of having restaurants and bars in the immediate local vicinity, the noise and disturbance to local residents generated by these activities need to be considered. Specifically we object to the late licences for live music until 2am on Thursdays, Fridays and Saturdays, and would like to see live music restricted to finishing at 12 midnight on every night of the week. In addition, we object to the playing of recorded music in a residential area until 4am on Friday and Saturday, and propose that this is restricted to 2am on these nights and to finish at 12 midnight on the other nights of the week. We also object to the selling provision of late night refreshment and the supply by retail of alcohol until 3.30am on Friday and Saturday nights and propose that this is limited to finishing at 1.30am. Furthermore all activities should finish by 12 midnight on Sundays.

From: [Collymore, Karl](#)
To: [Young, Tricia](#)
Subject: FW: Unit 5 The Arts Complex 140 Above Bar SO147DU
Date: 04 May 2021 12:40:30

Hi Tricia

The email below has been sent to Planning but is marked for your attention.

Many thanks

Karl

Karl Collymore
Planning Enforcement Manager

[REDACTED]

From: Smith, Irene [REDACTED] > **On Behalf Of** Planning
Sent: 04 May 2021 08:03
To: Collymore, Karl [REDACTED]
Subject: FW: Unit 5 The Arts Complex 140 Above Bar SO147DU

Me again

Not sure if the email below is for you

Thanks

Rene

From: Peter Culley [REDACTED] >
Sent: 03 May 2021 10:53
To: Planning [REDACTED]; GATA Chairman [REDACTED]
Subject: Unit 5 The Arts Complex 140 Above Bar SO147DU

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

For the attention of Tricia Young

Reference 2021/00928/01SPRN
Premises Licence
Gin and Olive

Comments on above

Dear Sir or Madam,

re the above application, the music which appears to ask for grossly extended opening hours which also includes live music and other

forms of music to which we must strongly protest. whilst a restaurant would be welcome, as we are basically a residential building consisting 38 apartments with a good mix of families with young children and the elderly who have all been disturbed during the last several months, from the noise of building work during the day which was tolerated as it was obviously time limited. Any form of music from early evening til late at night is totally unacceptable. We would also note the planning application we have seen shows no indication that guildhall apartments is basically a residential building. Other restaurants in the vicinity seem to thrive without music. What this application is asking for is in all but name a nightclub and we cannot oppose this application strongly enough.

Peter J Culley

Number 11 Guildhall Apartments
10 Park Walk
SO147BL



From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/00928/01SPRN
Date: 20 April 2021 13:51:47

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

Comments were submitted at 1:51 PM on 20 Apr 2021 from Mr Peter Munday.

Application Summary

Address: Unit 5 The Arts Complex 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: 1:51 PM on 20 Apr 2021 I have no objection to the use of the premises by the applicant but I do wish to make an objection to the application for the playing of live and recorded music until 4.00am. As we live directly above the property we will be subjected to noise and our peace disturbed.

11.00pm would seem a reasonable time to limit this to.

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/00928/01SPRN
Date: 18 April 2021 09:27:44

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

Comments were submitted at 9:27 AM on 18 Apr 2021 from Mrs Ruth Leary.

Application Summary

Address: Unit 5 The Arts Complex 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: 9:27 AM on 18 Apr 2021 This is primarily a residential building. Our apartment bedrooms are directly next door to the proposed restaurant. We Have been disturbed over last several months from 8 am by the sounds of building works as have most other residents, Therefore as an elderly couple with health problems and retire early, we could not tolerate and strenuously object the proposed application for a music licence in any form due to the proposed extended hours.

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/00928/01SPRN
Date: 17 April 2021 13:09:10

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

Comments were submitted at 1:09 PM on 17 Apr 2021 from Mr Stephen Garlick.

Application Summary

Address: Unit 5 The Arts Complex 140 Above Bar Street
Southampton SO14 7DU

Proposal: Premises Licence

Case Officer: Tricia Young

[Click for further information](#)

Customer Details

Name: Mr Stephen Garlick

Email: [REDACTED]

Address: Flat 32, Guildhall Apartments, 10 Park Walk, Southampton
SO14 7BL

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 1:09 PM on 17 Apr 2021 I wish to object to certain activities related to the licensing application made by Gin and Olive. I feel the playing of live music until midnight (Mon, Tue, Wed, Sun) and until 2am (Thu, Fri, Sat) and recorded music until 2am (Mon, Tue, Wed, Thu, Sun) and 4am (Fri, Sat) will cause undue noise and disturbance, and will be detrimental to the enjoyment of their properties of residents of Guildhall Apartments. Noise travels through the whole building as has been evidenced by residents being disturbed by drilling and similar noises during the fit out of the new bar during early 2021.

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/00928/01SPRN
Date: 30 April 2021 17:01:27

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

Comments were submitted at 5:01 PM on 30 Apr 2021 from Mr Timothy Ince.

Application Summary

Address: Unit 5 The Arts Complex 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: 5:01 PM on 30 Apr 2021 I would like to object to the current proposal primarily on the grounds of prevention of public nuisance. Playing music until 4am 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: [Tom O'Brien](#)
To: [Licensing](#)
Subject: Re: 2021/00928/01SPRN - Objection
Date: 04 May 2021 11:40:34

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Tricia,

Thank you for your email.

I confirm my name is Thomas O'Brien and my address is:

29 Guildhall Apartments
10 Park Walk
Southampton
SO14 7BL

I live above the commercial unit that has made this application.

Thanks

Tom

Sent from my iPhone

On 4 May 2021, at 10:16, Licensing <Licensing@southampton.gov.uk> wrote:

Mr O'Brien

I can take your representation by e-mail but for it to be valid I need your Name and address. Can you please e-mail that to me today.

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: [REDACTED]

E-mail: licensing@southampton.gov.uk

Web: www.southampton.gov.uk/licensing or www.eastleigh.gov.uk/licensing

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

From: tom.g.obrien [REDACTED] >

Sent: 03 May 2021 15:10

To: Licensing <Licensing@southampton.gov.uk>

Subject: 2021/00928/01SPRN - Objection

Importance: High

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello,

I have tried to log an objection to the above application numerous times just now but keep being told there is an "error in the system". As the deadline is tomorrow, please can you treat this email as my objection and log it on the online portal. My objection is contained below in red. I will try again tomorrow to log online but this email should suffice before the cut off.

Thanks

Tom

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.
2. We have been here for five years and a new tenant should not be allowed to move in and take preference over us.
3. Throughout the fit out of the unit our residents have been plagued by noise and vibrations from the works. I am on the sixth 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.
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 a 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.

This email is confidential but may have to be disclosed under the Freedom of Information Act 2000, Environmental Information Regulations 2004 or data protection legislation. If you are not the person or organisation it was meant for, apologies, please ignore it, delete it, and notify us. SCC does not make legally binding agreements or accept formal notices/proceedings by email. E-mails may be monitored. This email (and its attachments) is intended only for the use of the person(s) to whom it is addressed, and may contain information that is privileged and/or confidential. If it has come to you in error, you must take no action based on it, nor must you copy or show it to anyone.

Our Privacy Policy (<http://www.southampton.gov.uk/privacy>) explains how we handle your personal data

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.