



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

MONDAY, 9 OCTOBER 2023 AT 10.00 AM

**THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL,
PORTSMOUTH**

Telephone enquiries to Democratic Services 023 9268 8014
Email: Democratic@Portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Membership

Councillor Dave Ashmore
Councillor Stuart Brown
Councillor Jason Fazackarley
Councillor Ian Holder
Councillor George Madgwick
Councillor Benedict Swann
Councillor Daniel Wemyss
Councillor Yinka Adeniran

Councillor Leo Madden
Councillor George Fielding
Councillor Leonie Oliver
Councillor Asghar Shah
Councillor Russell Simpson
Councillor Darren Sanders
Councillor Emily Strudwick

The Panel today consists of Councillors George Madgwick, Emily Strudwick and Stuart Brown.
The reserve member is Councillor Yinka Adeniran

(NB This agenda should be retained for future reference with the minutes of this meeting).

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Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.

AGENDA

1 Appointment of Chair

2 Declarations of Interest

**3 Licensing Act 2003 - Application for variation of a premises licence -
Southsea Brunch Klub, 119 Elm Grove, Southsea, PO5 1LH (Pages 3 - 70)**

The purpose of this report is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representations from a number of local residents.

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Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE

9th OCTOBER 2023

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Application for variation of a premises licence - Southsea Brunch Klub, 119 Elm Grove, Southsea, PO5 1LH

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representations from a number of local residents. Further detail about the representations received is shown at paragraph 4 below.

2. THE APPLICATION AND PROPOSED VARIED OPERATING SCHEDULE

The variation application has been submitted on behalf of Elm Grove Enterprises Ltd and relates to premises known as Southsea Brunch Klub and situated at 119 Elm Grove, Southsea, PO5 1LH. There are no changes to the licensable activities or times of operation.

The application follows a premises licence inspection at the premises, where it was noted that the premises had changed from what was recorded by the local authority regarding the deposited plan. A small bar had been introduced in the basement area and the available seating area was considerably less than that recorded on the premises licence. An earlier visit by public protection officers following up a noise complaint, had recommended the installation of an inner lobby at the front of the premises to prevent the outbreak of noise.

The proposed changes to the current authorisation are as follows: The submission of a new plan to incorporate the inner lobby at the front of the premises and a small bar in the basement. There are several proposed changes to some conditions on the existing premises licence as detailed in the application, these include the removal of a police station address that is now closed, The updating of the CCTV condition. The re-wording of a condition to remove alcohol sales only to persons taking table meals to 'substantial meals shall be available until 90 minutes before premise close' and reduce from 110 covers to 70 covers.

The applicant has detailed in the operating schedule the steps intended to support and promote the licensing objectives. These can be found in the redacted application form attached as **appendix A**.

The current licence is attached as **appendix B**.

This variation process *cannot be used* to extend a time limited licence or to vary substantially the premises to which it relates. Equally, there are separate and distinct provisions in the Act for minor variations, a change to the name or address of the licence holder and to specify and/or remove the Designated Premises Supervisor.

The updated statutory guidance¹ gives general advice about the steps to promote the licensing objectives as follows:

Paragraph 8.42 *"Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand: the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate; any risk posed to the local area by the applicants' proposed licensable activities; and any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."*

Paragraph 8.43 *"Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy."*

Paragraph 8.44 *"It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application."*

Paragraph 8.47 *"Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises."*

Paragraph 8.50 *"Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives. Applications to vary can be made electronically via GOV.UK or by means of the licensing authority's own electronic facility following the procedures set out in Chapter 8 above."*

3. BACKGROUND INFORMATION

The provisions relating to the variation of a premises licence are contained within part 3 of the Licensing Act 2003 and associated statutory regulations.

Public notice has been given by way of press notice, a premises notice and local ward councillors have been notified of the application. There are no germane grounds for the committee to reject the application for non-compliance with the prescribed advertising requirements.

¹ Revised Statutory Guidance issued by the Home Office

In November 1975, 119 Elm Grove, was granted a Justices Licence under the name of Hoagy's which later changed to Touchdown. A variation to the premises licence was submitted in August 2005, to extend the hours for opening and alcohol sales on Sundays to Thursdays until 02:00 and on Friday and Saturdays to 04:00. The Police made representations against this application as did 14 local residents. On the 29th September 2005, a Licensing Sub-Committee was held to determine the application and during this hearing, the applicant amended their application.

The premises has traded under various names eg, Bangkok Spize, Eucadi and in 2009 it became Big Ernie's an American Diner. In 2013 it traded as Jags @ 119 then in 2021 as Three Cuts Burger and Tap becoming SBK in 2022.

The premises are located on the corner of Elm Grove and St Peters Grove close to residential properties.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

There have been no representations received from responsible authorities after the submission and amendment of conditions requested by the police with regard to the wording of the CCTV conditions.

Twelve representations have been received from local residents who have raised concerns regarding how the premises are managed and operate and how noise and anti-social behaviour which they attribute to the clientele frequenting the venue, have created noise, crime and disorder and anti-social behaviour.

Attached at **appendix C** are the redacted representations.

Attached for reference at **appendix D** is the Notice of Decision from the 2005 Licensing Sub-Committee hearing.

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the variation application, the committee must have regard to:

- Promotion of the licensing objectives which are;
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- The Licensing Act 2003;
- The adopted Statement of Licensing Policy;
- Judgments of the High Court, (your legal adviser will give you guidance should this become necessary);

- The current statutory guidance² issued by the Home Secretary in accordance with section 182 of the Act;
- The representations, including supporting information, presented by all the parties; and
- The human rights of all the parties concerned to ensure both a fair and balanced hearing and to consider any public sector equality duty requiring public bodies to have due regard to the need to:
 - Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share protected characteristic and people who do not share it; and
 - Foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are as follows:
 - I) age, ii) disability, iii) gender reassignment, iv) pregnancy and maternity v) race - this includes ethnic or national origins, colour or nationality, vi) religion or belief - this includes lack of belief, vii) sex and viii) sexual orientation.

Statement of Licensing Policy

The Statement of Licensing Policy lays down a general approach to the determination of licensing applications and any such application will be considered on its individual merits. Equally, any person permitted by the Act to make relevant representations to the Committee will have those representations considered on their individual merit.

The Committee should consider the fundamental principles set out in its policy, particularly paragraphs 4.7 and 4.8 which are reproduced below:

- 4.7** *Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.*
- 4.8** *Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the overall approach to the management of the evening and night-time economy in town and city centres. (3)*

[3] NB In *Luminar Leisure Ltd v Wakefield Magistrates' Court* [\[2008\] EWHC 1002 \(Admin\)](#) it was established that crime and disorder away from the premises and beyond the control of the

² Revised statutory guidance issued by the Home Office

premises can be taken into consideration if reasonable to conclude that the premises would give rise to such problems and undermine the licensing objectives

The Committee should also have regard to paragraphs 7.1 to 7.5 in relation to such circumstances where it may be appropriate to consider the imposition of conditions on a premises licence.

Statutory Guidance

The updated statutory guidance issued by the Home Secretary in accordance with section 182 of the Act refers to the consideration of applications for the grant or variation of premises licences in Chapter 9.

Members may wish to consider the following extracts from the statutory guidance when determining this application:

Paragraph 9.37 " As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits".

Paragraph 9.42 "*Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.*"

Paragraph 9.43 "*The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.*"

Paragraph 9.44 "*Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the*

evidence on both the risks and benefits either for or against making the determination."

Paragraph 10.8 *"The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."*

Paragraph 10.9 *"It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives."*

Paragraph 10.13 *"The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application."*

Paragraph 10.14 *"Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested."*

Members are reminded about the review provisions contained in chapter 11 of the guidance and, in particular:

Paragraph 11.1 *"The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."*

Paragraph 11.2 *"At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives."*

Determination of an application

Where an application to vary a premises licence has been made in accordance with section 34 of the Act and where relevant representations have been made, the licensing authority must hold a hearing to consider them, unless the applicant, each person who has made representations and the licensing authority agree that a hearing is unnecessary.

After having regard to the representations, the Committee may take such steps, if any, as it considers appropriate for the promotion of the licensing objectives which are:

- To modify the conditions of the licence
- To reject the whole or part of the application

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

In discharging its duty in accordance with the above, the Committee may vary a premises licence so that it has effect subject to different conditions in respect of:

- different parts of the premises concerned;
- different licensable activities.

Members are reminded of their obligation to give reasons for any decision(s) reached by further reference from the statutory guidance as follows:

Paragraph 13.10 "It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act."

A copy of the Statement of Licensing Policy, current statutory guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

6. APPEALS

Schedule 5, part 1, of the Act sets out the appeal provisions in relation to the determination of an application to vary a premises licence.

Where the Licensing Authority rejects (in whole or in part) an application, the applicant may appeal against the decision to the Magistrates' Court.

Should the committee grant (in whole or in part) an application, the applicant may appeal against any decision to modify the conditions of the licence.

Where a person who made relevant representations in relation to the application contends that:

- a) that any variation made ought not to have been made, or
- b) that, on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under section 4(a) of that section,

He may appeal against the decision.

7. APPENDICES

- A.** Copy of the redacted application for the variation of the premises licence together with a schedule of proposed changes to the licence conditions and new plan
- B.** Copy of the current premises licence
- C.** Copies of the redacted relevant representations received
- D.** Notification of Decision from the 29th September 2005 variation hearing.

THE COMMITTEE IS REQUESTED TO DETERMINE THE VARIATION APPLICATION

For Licensing Manager
And on behalf of Head of Service



* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

As the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

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VARIATION

Do you want the proposed
variation to have effect as
soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

Yes No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which
could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to
provide a place for consumption of these off-supplies, you must include a description of where the place will be and its
proximity to the premises.

Approve a new layout plan with the addition of another bar counter and also an internal lobby.

Amend Condition 1 in Annex 2 to remove the address of the police

Amend condition 2 in Annex 2 on CCTV

Amend condition 3 in Annex 2 to: Substantial food will be available to order until at least 90 minutes before the premises
close.

Remove condition 1 and 3 in Annex 3

Amend condition 5 in Annex 3 to: There will be a minimum of 70 seats available when the premises are open.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to
vary is successful?

Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the day of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Conditions 1 and 3 in Annex 3.

Conditions 2 and 3 in Annex 2 and condition 5 in Annex 3 to be amended

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Continued from previous page...

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Revision of condition 1(3) Annex 2 by removing the address for Police Licensing office - not required and is wrong anyway.

Revision of condition 2 Annex 2 by replacing existing condition with the following wording:

A recording CCTV system will be installed and fully operational at all times. The system will be maintained and serviced within at least 12 monthly intervals. The system clock will be checked regularly for accuracy taking account of GMT and BST. The CCTV system will have sufficient storage capacity for 31 days. Police and authorised Officers of Portsmouth City Council shall have access to data from the system quickly and easily and therefore provision will be made for someone to be present at all times the premises are open who has access, is able to operate the equipment and to supply footage in a format which can be easily viewed by police for the purpose of the prevention and detection of crime, as long as the request is lawful and complies with the Data Protection Act.

Revision of condition 3 Annex 2 by replacing existing condition with the following wording:

Substantial meals shall be available until at least 90 minutes before the premises close.

Revision of condition 5 Annex 3 by replacing the existing condition with the following wording:

There shall be a minimum of 70 seats provided in the premises.

b) The prevention of crime and disorder

All staff shall receive comprehensive training in relation to the sale of alcohol. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed this training. Training shall cover:

- Sale of alcohol to persons under 18
- Challenge 25 and acceptable forms of ID
- Signs of Drunkenness
- Refusal Register and when/how to use
- The Licensing Objectives

This training shall be documented and records kept on the premises. Police and Licensing Authority shall have access to an individual's training records upon request. Training shall be refreshed at least every six months.

c) Public safety

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder

Continued from previous page...

(d) any incidents of disorder

(e) all seizures of drugs or offensive weapons

(f) any faults in the CCTV system, searching equipment or scanning equipment

(g) any refusal of the sale of alcohol

(h) any visit by a relevant authority or emergency service.

d) The prevention of public nuisance

Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification in accordance with the mandatory as proof of age.

e) The protection of children from harm

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
-

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name	<input type="text" value="John Gaunt & Partners"/>
Capacity	<input type="text" value="Solicitors for the applicant"/>
Date	<input type="text" value="14"/> / <input type="text" value="08"/> / <input type="text" value="2023"/>
	dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/portsmouth/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

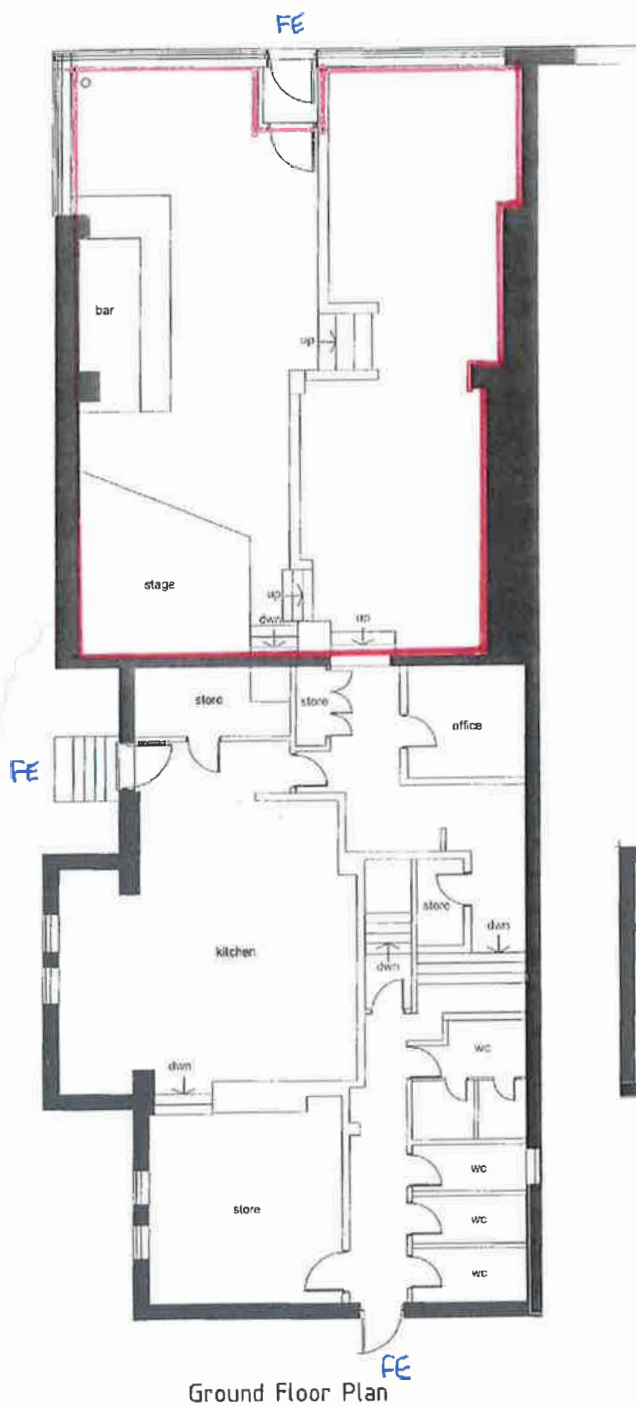
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="LAZ11/5"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Digitally signed	<input type="checkbox"/>

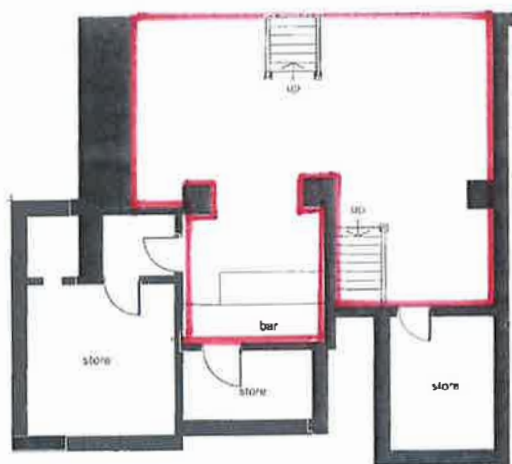
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >

APPENDIX A



Ground Floor Plan

— LICENSABLE ACTIVITIES.
 FE : FIRE EXIT.



Basement Floor Plan

116 Elm Grove Southsea Purbeck Hampshire			
Existing Floor Plans			
Chris Flint Associates Ltd LICENSABLE ACTIVITIES - PROJECT MANAGERS REVIEWS AND CHECKS			
DATE	SCALE	DATE	SCALE
08/01/23	A3		
CFA	FULL	01	1-100
COMMERCIAL			
11 South Close, Bournemouth, BH2 1JZ Tel: 01202 338844 Fax: 01202 338833 Email: info@chrisflint.co.uk			

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PREMISES LICENCE

Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Address: Southsea Brunch Klub
119 Elm Grove
Southsea
PO5 1LH

Map Ref (E) : 464549
Map Ref (N): 99329
UPRN: 001775024716

Telephone

Where the licence is time limited the dates

This licence is **NOT** time limited

Licensable activities authorised by the licence

- ▶ Sale by retail of alcohol
- ▶ Late night refreshment
- ▶ Performance of dance
- ▶ Exhibition of a film
- ▶ Performance of live music
- ▶ Playing of recorded music
- ▶ Other similar music or dance Entertainment
- ▶ Indoor sporting event

The times the licence authorises the carrying out of licensable activities

- ▶ Sale by retail of alcohol

Friday and Saturday	10:00 until 02:00
Sunday to Thursday	10:00 until 01:00
- ▶ Performance of dance

Friday and Saturday	10:00 until 02:00
Sunday to Thursday	10:00 until 01:00
- ▶ Exhibition of a film

Friday and Saturday	10:00 until 02:00
Sunday to Thursday	10:00 until 01:00
- ▶ Performance of live music

Monday to Sunday	10:00 until 00:00
------------------	-------------------

- ▶ **Playing of recorded music**
 - Friday and Saturday 10:00 until 02:00
 - Sunday to Thursday 10:00 until 01:00
- ▶ **Other similar music or dance Entertainment**
 - Monday to Sunday 10:00 until 00:00
- ▶ **Indoor sporting event**
 - Friday and Saturday 10:00 until 02:00
 - Sunday to Thursday 10:00 until 01:00
- ▶ **Late night refreshment**
 - Friday and Saturday 23:00 until 02:00
 - Sunday to Thursday 23:00 until 01:00

Non standard timing - Sale by retail of alcohol

On Friday and Saturday on Bank Holiday weekends, on Christmas Eve and Boxing Day from 08:00 until 02:00.

On Sunday and Monday on Bank Holiday weekends from 08:00 until 01:00

The opening hours of the premises

- ▶ Sunday to Thursday 08:00 until 01:30
- ▶ Friday and Saturday 08:00 until 02:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both **on** and **off** the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Name: Elm Grove Enterprises Ltd

Address: 74 Palmerston Road
Southsea
PO5 3PT

Telephone:

Email:

Registered number of holder, for example company number, charity number (where applicable)

14162939

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Name: Mr Samuel George Edward Wellington

Address:

Telephone:

Email:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence No: [REDACTED]

Issuing Authority: [REDACTED]

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder

Date Licence granted: 29 September 2005

Date last amended: 16 November 2022

Type: Transfer



Signed on behalf of the Head of Service
(Authorised Officer)

Portsmouth City Council will process your personal information in accordance with data protection law. The personal details provided by you will be used for licensing service purposes. Your details will be held on a database and where the law allows, may be shared with other departments within the council to update details they hold about you. The council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.

For further information about how the Council collects and uses personal information please visit our website: <https://www.portsmouth.gov.uk/ext/the-council/data-protection-privacy-notice>

Annex 1 – Mandatory Conditions

01 No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

02 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

03 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

04 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

05 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

06 The responsible person must ensure that:

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

07 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

-- END --

Annex 2 – Conditions consistent with the operating schedule

01 The licence holder may provide Event Days subject to the following conditions:

- 1) a limit of 12 extensions per premises per year;
- 2) an operating plan to be prepared by the licence holder for each extension covering the additional measures to be taken to manage crime and disorder;
- 3) seven days notice to be given in writing to the police at the Licensing Department, Kingston Crescent Police Station, Kingston Crescent Portsmouth and the Licensing Authority;
- 4) an absolute veto for the police in respect of any of the occasions.

02 The licence holder shall comply with the following requirements concerning the use of CCTV at the premises.

Operation and Storage.

The CCTV system must be fully operational whilst the venue is open to the public.

The recording equipment should be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. A record should be kept of any access made to information held on the system.

The system should be regularly maintained and serviced.

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

Tapes should be changed daily and kept for 31 days before being re used. Tapes should be replaced after 12 usages i.e. annually.

Digital systems should have sufficient storage capacity for 31 days good quality pictures.

Access

It is important that the Police are able to access data from the systems quickly and easily and therefore provision should be made for someone to have access to the secure area and also be able to operate the equipment.

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

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems).

03 Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal, except that this shall not apply to the bar area.

04 In accordance with paragraphs 6(8) and 18 (5) of Schedule 8 of the Licensing Act 2003, the licence holder shall have regard to the statutory provisions contained within the Children and Young Persons Act 1933 (as amended).

-- END --

Annex 3 – Conditions attached after a hearing by the licensing authority

01 There will be no more than 25 persons in the bar area.

02 The licence holder shall ensure that all doors and windows are kept closed whilst the premises are open for business.

03 The licence holder shall ensure that hostesses to supervise the departure of customers from the premises.

04 The licence holder shall ensure that rubbish bags shall not be placed outside the premises between 10:30 and 21:00.

05 The premises, when operating, there will always be 110 restaurant covers, i.e. a minimum of 110 seats available for use.

06 The licence holder shall ensure that customers requiring taxis are required to wait inside the premises.

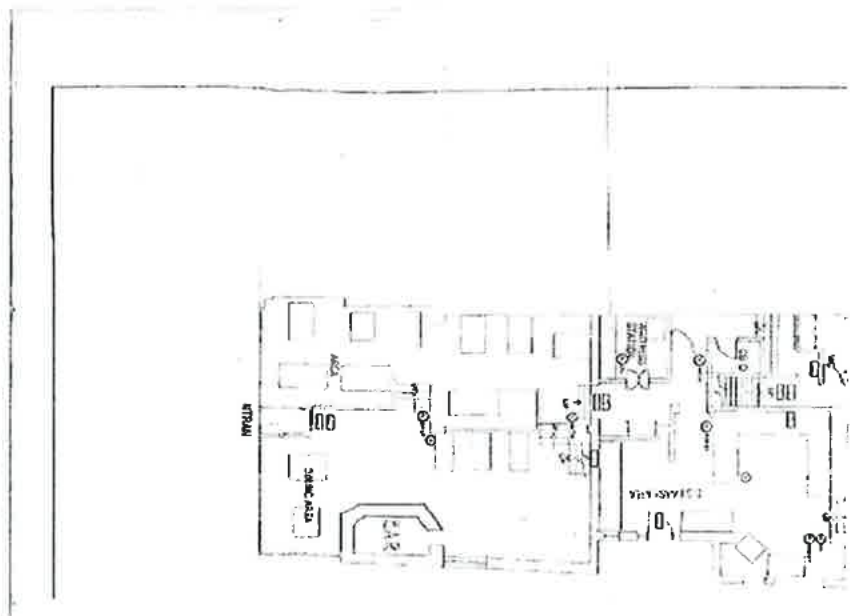
07 The licence holder shall ensure that live music will cease at 00:00 hours.

-- END --

Annex 4 – Premises and location plan

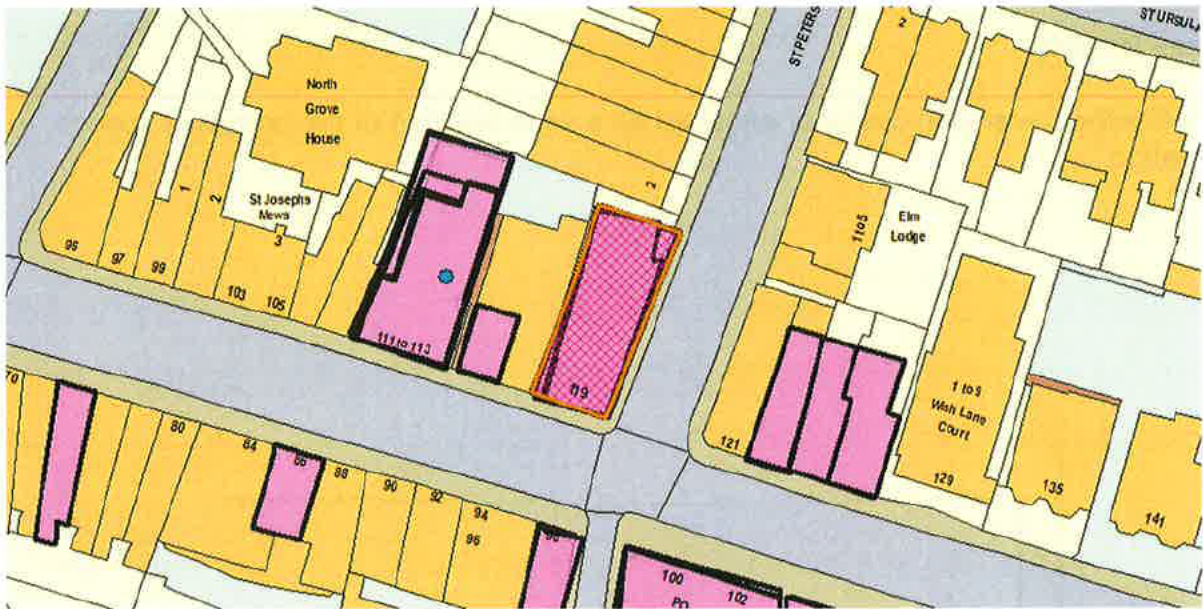
Premises Plan(s)

These will either be shown below or attached as a separate part of the premises licence authorisation.



T

Location Plan: 119 Elm Grove Southsea



REPRODUCED FROM THE ORDNANCE SURVEY MAPPING WITH PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE © CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. LICENCE AGREEMENT NUMBER LA100019671- PORTSMOUTH CITY COUNCIL

Portsmouth
C O U N C I L
Licensing

APPENDIX C

Further comment from Hazel Taylor Jacks

Good Afternoon Debbie

This is exactly what SBK is doing - from SCHEDULE Mandatory Licensing Conditions

Article 3

“SCHEDULE Mandatory Licensing Conditions

1.—(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Taking responsibility

The Licensing Act requires the supervisor - and all personal licence holders - to take responsibility for the sale and supply of alcohol.

This is because of the impact alcohol has on the wider community, on crime and disorder, and antisocial behaviour.

Because of these issues, selling alcohol carries greater responsibility than licensing regulated entertainment and late night sales of food and non-alcoholic drinks.

APPENDIX C

Make a Comment

You can make a comment supporting or objecting to this Licence application. Your comment will be submitted to the Licensing Authority for consideration. Please be aware that names and addresses provided on this Public Access site can be viewed by the public on this site and will also be part of the papers considered by the Licensing Committee when determining applications.

Application Reference:	23/O2740/LAPREM
Address:	119 Elm Grove Southsea PO5 1LH
Licence Category:	Premises Licence
Application Type:	Variation

Are your personal details correct? Click to [update my personal details](#).

Your Title:	<input type="text" value="Mrs"/>
Your First Name: *	<input type="text" value="Catherine"/>
Your Surname: *	<input type="text" value="Al-Rawi"/>
Your Address: *	<input type="text" value="REDACTED"/>
Your Tel. No.	<input type="text" value="REDACTED"/>
Your Email Address: *	<input type="text" value="REDACTED"/>
Commenter Type: *	<input type="text" value="Neighbour"/>
Stance: *	<input checked="" type="radio"/> Object <input type="radio"/> Support <input type="radio"/> Representation

Comments:

The variation will change the function of SBK from primarily eating establishment to nightclub, remove limits on numbers, increase drinking only customers and remove the requirement to manage customer exit from the premises.

This will lead customers to wait on neighbouring streets (St Peters Grove already suffers from antisocial behaviour from SBK customers namely, frequent urination in the street and residential properties, drug dealing/collection, loud shouting/conversations and drunken behaviour).

It removes the requirement for the majority of its customers to eat, and thus the need for time limits on a booked dining table, increasing likelihood of prolonged drinking into the early hours and antisocial behaviour.

The proposed layout changes do not cater for increased demand on already inadequate toilet facilities and may present a fire safety risk too. Basement capacity is unclear, only 2 fire exits and basement is not shown in the current licence plan.

The application makes no mention in Section 16, how SBK plans to manage these changes specifically in terms of:

16 b) ensuring safe and secure CCTV storage, alongside a record of access

16 c) A safe upper limit of customers for each of its areas (especially the downstairs basement) alongside adequate toilet provision and fire safety for this capacity.

16 d) How SBK will actively prevent and manage increased numbers of drunk customers in the local area (beyond mandatory training)

How SBK will protect the local area from nuisance actions of its increased customers including, when they are smoking and drinking outside the venue with loud conversations, how they will prevent customers urinating in the surrounding area and how they will reduce noise and disruption when customers are queuing to enter and when they leave the premises.

For SBK to outline how they will improve communication with local residents including how to raise concerns, assurances these are taken seriously and evidence of prompt action.

APPENDIX C

SBK - 119 Elm Grove Southsea 22/03193/LAPREM

I would like to register my OBJECTION to the extended Hours opening daily until 1.30 am/2.30 am 7 days a week. Page 15/16 of attached document.

Since SBK have been taken over there has been extensive disruption to this residential area. Loud Music booming out (its all about the Bass!) extremely drunk individuals sitting on walls or standing in streets, in particular 2 St Ursula Road/St Peters | Grove/The Thicket, having LOUD, long, intense conversations, screaming, screeching, offensive language (children waking up) and disturbance to local residents who are working, with families. From the moment they opened they assessed that security was required, unlike Huis or other premises in the area who have never regarded the need for security. I read in the application that Amplified music should stop at 23.00, also a requirement to have 70 covers.

The longer opening hours with extractor fans from kitchen contribute to the noise/smell during the night, and the smoking area is on the pavement which is intimidating to pedestrians, blocking for wheelchair users and prams, and disruptive to other local long established businesses.

Prior to SBK taking these premises we had no problems, who doesn't like a quite burger, which historically these premises have been used for. There are many premises open into the early hours which are not in residential areas, which are adjacent and accessible to Elm Grove, the whole of GunWharf, Osborne Road, Palmerston Road and Albert Road.

Please may I request that a formal notice from PCC is displayed for residents to view, there is a document in the window, (which looks home made), leading me to research as it is ambiguous as to what the licence amendment will be.

I look forward to being advised of the outcome and understand that written OBJECTIONS need to be submitted by 11th September 2023.

With Kind Regards
Hazel Taylor-Jacks

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APPENDIX C

From: Joanne Booth

Sent: Sunday, September 10, 2023 3:52 PM

Ref: 23/02740/LAPREM

Good afternoon,

I would like to register my objection to and concerns for the extended opening hours of Southsea Brunch Klub (SBK) on Elm Grove. The application is for the bar / club to open daily and extend their opening hours until 1.30 am/2.30 am.

As soon as SBK opened there has unfortunately been an increase in noise, litter and concerning behaviour near our home.

Loud music that can be heard until the early hours is one thing but we have groups of people sitting on our garden wall, throwing empty and sometimes smashed bottles into the garden, screeching as people are getting into taxis.

We have to keep our windows closed at the weekends to block out the noise as much as we can but still often get woken up by cars racing down the road and music blaring, picking up customers of SBK.

My main concern is the number of customers that stand outside SBK smoking or vaping and blocking the pavement. There is often bad language used and people shouting at the top of their voices. It's very intimidating if you have to walk past. You have to walk in the road or cross over the road as the pavement is often blocked.

I have witnessed men and women urinating in the street and also leaving used sanitary items in the street which is totally unacceptable and a health hazard.

I am very concerned that this disruption will be a daily occurrence if SBK were to open daily and until the early hours. I have to get up early for work and really need to be able to sleep at night without being woken up in the early hours. It's not very fair.

Kind regards,

Joanne Booth

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APPENDIX C

From: jacqui mair

Sent: Thursday, September 7, 2023 1:55 PM

Objection to the Licensing Application

23/02740/LAPREM | Premises Licence | Open for Consultation | 119 Elm Grove Southsea
PO5 1LH

To whom it may concern:

Please accept my objections for the Premises Licence for 119 Elm Grove Southsea, I am a local resident that has lived in the vicinity for over thirty-five years and have frequented the property regularly to eat and have experienced no issues with noise / unreasonable behaviour until the club SBK was established. I feel a residential area has changed into something I do not recognise and may continue to deteriorate.

Objections under the revised Licensing Act 2003 provides four paramount, clear objectives that SBK are deemed to adhere to:

- 1.The prevention of crime and disorder
- 2.Public safety
- 3.The prevention of public nuisance
- 4.The protection of children from harm.

The legislation also supports the following:

Protecting the public and local residents from crime, anti-social behaviour and noise providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area.

Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

I would like these to have had some importance before SBK opened.

I object due to the following three objectives ; 2.Public safety I have lived in the local area for over thirty-five years and have watched 119 evolve through various guises from restaurants to now a club which offers a new trend of bottomless drinking. I have no objection as to what choices are made inside the club (though I question the appropriateness of a club in a residential area). However, the pavement is permanently blocked on the front and side of the premises with either people waiting or smoking / vaping. People with mobility issues are fully compromised as are pedestrians. People who leave are often drunk and encountering this in a residential area can be intimidating and frightening.

There is an intent to have a bar in the basement, I am concerned the capacity of people may well exceed safety limits, where is the fire exit? It sits close to the kitchen will this not be a safety hazard if a fire breaks out.

3.The prevention of public nuisance

Drunk persons are never attractive, I have encountered the screaming and screeching from my premises from Thursday – Sunday, legislation in the act encourages greater community involvement in licensing decisions and how it will affect residents. The increased noise, drunken individuals in the early hours of the morning, urination in the streets, vomit, bottles, cans, litter in the streets and gardens adds to our concerns as residents about the location of the venue and the excessive consumption of alcohol. I feel disempowered about the situation that is evolving and turning the residential area into something I do not recognise. I have not seen drug deals personally, but it has been seen at the back of the Co-op building and people having sex behind the Southsea Deli. Saint Ursula Grove and Saint Peters Grove sit conveniently together where drug deals regularly take place and have been reported and sited by residents historically.

We hear noise from the double doors being left open at the front entrance and the fact that the kitchen staff are often seen on the side steps with doors open which funnels noise out into the street from the club area, this is not helpful, has their internal development been fully thought through to deter this.

The license of this premises has been in place in its present state since 2005 is there an opportunity to review this and take in to consideration the number of complaints /concerns that the neighbourhood may well have for a venue that has changed from a restaurant with limited covers to a club environment with increased footfall. Monty's a bottomless brunch venue in Castle Street has a license up to 11.45pm would it not be sensible to follow this in all these venues, Monty's sits too in a residential area with issues from residents similar to our own.

1.The prevention of crime and disorder

The Licensing Act of 2003 Licences and Licensing Conditions (Amendment) Order 2014 which came into force points out exactly what LBK encourages. Conditions state in Article 3 that alcohol should not be sold for the purpose of drinking within a time limit or to drink as much alcohol as possible. This seems to be the main objective of the club as it promotes bottomless brunches for a fixed fee all the alcohol you can drink in a fixed period.

I am also concerned that the function of the premises with the conditions the venue has requested will turn it into a club and not remain a restaurant. The city has made every effort to ensure nightclubs and are contained in one area, not in Elm Grove.

Yours Faithfully

Jacqueline Mair

APPENDIX C

From: Janet Wilmot

Date: 6 September 2023 at 22:42:17 BST

Subject: Southsea Brunch Klub

Dear Sirs

I am writing to complain about the Southsea Brunch Klub (SBK) in relation to its current licence amendment application: 23/02740/LAPREM as well as the earlier transfer licence:

22/03193/LAPREM already validated on 16 November 2022.

This licence was presumably transferred from the previous holders of the licence, who never gave any trouble to us as nearby residents. However, since opening under its present ownership the venue has created a huge detrimental effect on our neighbourhood.

On Friday and Saturday nights as well as Sunday afternoons we are subjected to unacceptable behaviour of rowdy customers spilling onto the street and blocking the pavement during opening hours, shouting and screaming continuing after the closing time late into the early morning, littering the streets and private front gardens with drinks bottles and cans and worse, urinating in the streets and even in people's front doorways.

Most of these problems are caused by the venue's primary aim which appears to be to encourage excessive drinking of alcohol. The so-called bottomless brunch is accompanied by bottomless drinks which would appear to undermine the terms of the licence under "Irresponsible Drinks Promotions". The glaring offensive neon sign, clearly visible from outside the venue: "Get to the bar bitches" says it all!

Some attempt at containing noise within the premises has been made by building a lobby at the entrance to create an airlock. Unfortunately this is only partially successful as noise from music, whether live or recorded, escapes through all the doors and windows.

Apart from the litter created by customers, more needs to be done to contain rubbish dealt with by staff. Bins, often overflowing, have been left out in the street to be attacked by seagulls, foxes etc. scavenging for food. This leaves a disgusting, stinking mess which apart from being very unpleasant is clearly a health hazard. There is a large enclosed bin area at the rear of the venue, where bins should be stored until the correct time for collection.

I believe you may have already received photographic evidence by others of some of the problems I have mentioned. I have only one, attached, taken on Saturday 19th August at 18.32 when already this group of men had taken over the whole width of the pavement outside SBK, oblivious of anyone trying to get by.

I trust that my comments as well as those of others of my neighbours will prompt an investigation into the licensing of the Southsea Brunch Klub which is causing such a negative effect on the lives of local residents.

Yours sincerely

Janet Wilmot Resident of St Peter's Grove.



APPENDIX C

From: Karen Fricker

Sent: Wednesday, September 6, 2023 1:54 PM

Subject: License 22/03193/LAPREM

Dear Debra

I am writing with reference to the license granted for SBK Brunch Klub 119 Elm Grove Southsea. I note from the historic trail of licenses that this is the same one granted in September 2005. I can't believe that 18 years ago licenses were granted from 8.00am -2.30 am daily? Please can you clarify this?

I have lived in the area for nearly 30 years and have enjoyed lots of eating establishments on that site. Never was I subject to the volume of noise, foul language, late night disturbances, litter and anti social behaviour which has incurred since this venture opened. We as local residents under section 182 of the Licensing Act 2003 clause 1.5 are entitled to "Be protected from crime, anti social behaviour and noise nuisance caused by irresponsible licensed premises".

You may consider the way in which SBK dispense alcohol responsible but it is against the law to serve alcohol to anyone who is drunk.

Under Clause 2.30 of the 2003 Act concerning public nuisance it states "It is therefore important in considering the promotion of this licensing objective that responsible authorities focus on the effect in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light Pollution, noxious smells and litter".

Clause 2.2 indicates closure of windows and doors, these are regularly left open including the kitchen ones.

I have enclosed two videos the first on Elm Grove the second from my bedroom which is some distance away in St Ursula Grove.

You can see public nuisance from overcrowding and blocking pavements together with excessive noise. The second video contains a young girl screaming. I sent this to the manager of the club who was more interested in telling me the woman was banned, not in her welfare or safety. She sounds as if she is being assaulted.

Every weekend I am a victim of this cacophony until gone 2.30am I cannot sleep with any windows open in the house and have had people trespass into my garden, break trees and vomit.

This establishment brings nothing to the residents who have until now enjoyed a quiet neighbourhood. I never elected to live in Club Land and I implore the council to do something to help.

Please can you acknowledge this email to ascertain it is a valid objection.

Regards Karen Fricker

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APPENDIX C

From: Ade Bird

Sent: Wednesday, September 6, 2023 5:02 PM

Dear Sir/Madam,

Please find my comments on the Premises Licence Variation:

1. Approve a new layout plan with the addition of another bar counter and also an internal lobby.

Comment on the addition of a lobby. This is very welcome to mitigate noise emission from the premises onto Elm Grove and surrounding area. However this will only be effective if only one door is open at a time. The lobby size is small and the doors are parallel increasing the chances of both doors being opened at the same time. This layout could be improved by having a wider lobby with a door at each end, perpendicular to the main entrance; one door for entering and one for leaving. In this way several people will be able to enter and leave the premises without both doors needing to be open simultaneously. There would also be a structural barrier of the lobby wall to assist with noise reduction.

This comment is based on Licencing Objective Prevention of Public Nuisance-Noise.

Comment on a new bar counter in the basement - If this variation is approved the limit of 25 persons at the bar will be removed, and therefore the basement may become quite crowded. I notice that there is no fire exit from the basement and yet the basement is directly beneath the kitchen where many fires start. I would like to have the reassurance from the Fire Authority that there is a safe capacity recommended, that this will not be exceeded, and that the means of escape is adequate.

This comment is based on Licencing Objective Public Safety - Overcrowding, and Fire issues.

2. Amend Condition 1 in Annex 2 to remove the address of the Police

No Comment

3. Amend Condition 2 in Annex 2 on CCTV

No Comment

4. Amend Condition 3 in Annex 2 to: Substantial food will be available to order at least 90 minutes before the premises close.

I object to this amendment replacing the existing Condition which is 'Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals

there and for consumption by such a person as an ancillary to his meal, except that this shall not apply to the bar area'.

119 Elm Grove has always principally been a restaurant. By amending this condition to remove the requirement for alcohol to be ancillary to a meal, the venue will fundamentally change from a restaurant with a bar, to just a drinking venue with loud music and DJs.

Portsmouth CC were previously very successful in collating all the nightclubs away from the residential areas of Southsea to the commercial centre of Portsmouth. This amendment a retrograde step, undermining the positive progress that PCC has achieved managing behaviours.

This Objection is based on Licencing Object Prevention of Crime and Disorder - Antisocial Behaviour.

5.Remove condition 1 and 3 in annex 3- Conditions Attached after a hearing by the licensing authority

I object to the removal of this condition 1 'There will be no more than 25 persons in the bar area'.

A maximum of 25 persons in the bar area implies that the venue is primarily a restaurant which also has a bar for people to sit at before or after a meal. By removing this restriction the venue becomes more of a bar and nightclub. As mentioned above this undermines PCCs efforts to move nightclubs from residential areas.

In addition there will be more people congregating outside the venue to smoke and vape. This activity is loud and intimidating. The main entrance to 119 Elm Grove is directly onto a narrow pavement on Elm Grove, and currently the pavement gets obstructed for pedestrians when patrons spill into the road. This will only get worse if the numbers at the bar increase. This in turn will increase the noise generated and the likelihood of a road traffic accident.

This objection is based on Licencing Objective Public Safety - Overcrowding; Licencing Object Prevention of Crime and Disorder - Antisocial Behaviour; Licencing Objective Prevention of Public Nuisance- Noise; and Licencing Objective Public Safety- Hurt or Accident.

I object to the removal of this condition 3 'The licence holder shall ensure that hostesses to [Sic] supervise the departure of customers from the premises'

Having a host to supervise patrons leaving the venue in the early hours of the morning is essential to ensure that they disperse quietly from the venue and then from the residential locale.

This objection is based on Licencing Objective Prevention of Public Nuisance- Noise, and Licencing Object Prevention of Crime and Disorder - Antisocial Behaviour.

6.Amend Conditions 5 in Annex 3 to: There will be a minimum of 70 seats available when the premises are open

I object to this amendment replacing the existing condition which is 'The premises, when operating, there [Sic] will always be 110 restaurant covers, i.e. a minimum of 110 seats available for use.

Again this existing condition reinforces the original licensing purpose of this venue functioning as a restaurant. It would be reasonable to assume that by removing the tables, the licence holder is attempting to change the use of the venue from a restaurant to a nightclub and bar.

This objection is based on Licencing Object Prevention of Crime and Disorder - Antisocial Behaviour, Licencing Objective Public Safety - Overcrowding, and Licencing Objective Prevention of Public Nuisance- Noise.

Yours faithfully

Laura Cook

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APPENDIX C

From: Lee Marshfield

Sent: Monday, September 11, 2023 9:18 pm>

Subject: Objection to Licensing Application 23/02740/LAPREM- Southsea Brunch Klub -119 Elm Grove, Southsea, PO5 1LH

Dear sir or madam,

We wish to register our concerns regarding SBK, 119 Elm Grove, Southsea - variation to license that has been submitted.

We are aware that our neighbours (Laura Cook and Ade Bird) have already submitted an extensive response and we would like it registered that we wholeheartedly agree with their concerns and would therefore request that you consider their views as part of our registered concerns.

We also wish to register that we have submitted 2 previous emails regarding concerns about the operation of SBK - submitted to Councillor Attwell (Tuesday 15th August) and Councillor Holder (Tuesday 29th August).

Neither email has been replied to or even acknowledged.

In addition, we would like to raise concerns that are focussed upon:

Dignity & Respect

Health & Safety

Impact upon Quality of Life

Dignity & Respect

We find the neon signage within SBK that requests “Bitches” to go to the bar highly offensive and demeaning to females. In a society which has taken large leaps to work towards providing a safe, respectful and non-derogatory environment for women, this type of signage is offensive and may have the effect of suggesting that it is acceptable to behave this way toward females, label them with inappropriate terms and to encourage excessive alcohol intake.

We also find the continued obstruction of the footpath by patrons wishing to smoke, vape or talk about who they are hoping to have sex with, to be intimidating as you are forced to “push your way” through the groups of men & women to access the footpath.

Health & Safety

Prior to SBK opening, St Peter’s Grove was not regularly littered. Following SBK being open on a Friday and Saturday night it is common to be faced with broken bottles, used condoms, overspilling bins that are frequently in the road or blocking the footpath, urine and cigarette butts (photographic evidence is available on request).

We have also endured vehicle damage such as wing mirrors being bent and vehicle paintwork being scratched (see email of 29th August sent to Councillor Holder - (photographic evidence is available on request).

In addition to the perception of intimidation there is also a safety impact as SBK utilise a barrier system outside the main entrance and have also deployed illegal coning to the road outside causing obstruction (photographic evidence is available on request).

Impact Upon Quality of Life

We have resided in St Peter's Grove for over 20 years and have welcomed businesses into 119 as we are wholly supportive of local businesses wishing to thrive.

However, we have never experienced noise pollution. The arrival of SBK whose bass levels are intrusive means that we are unable to go to bed until after 2am and it is apparent that we now have what could be considered a nightclub rather than a restaurant which is inappropriate and lacks decent consideration within a residential area.

The subsequent emptying of patrons into the street further impacts and appears to be unmanaged or not monitored by SBK management or door staff and during the afternoon sessions we have not witnessed any door staff to be visual at all. This is despite patrons being "in drink", loud and blocking the public footpath to chat in groups of four or more people whilst smoking or vaping.

We note that a condition of the current licence is to have all doors closed during business trading hours but we have witnessed both the front entrance and side door that opens into the kitchen to be fully open most of the time. This further increases the noise-spill and is a blatant breach of current licence stipulations.

We fully appreciate that there are procedures to follow when submitting a complaint or objection to the operation of such an establishment, but it really isn't as straightforward as putting pen to paper as it were, to get the point across.

We genuinely invite any of the Portsmouth City Council decision-makers in respect of this application and our objection, to join us one Friday or Saturday evening (of their choosing) for "quite drinks" in our garden before making their decision regarding the SBK application.

Kind regards,

Lee & Louise Marshfield

APPENDIX C

From: paul

Sent: Friday, September 8, 2023 11:04 AM

Subject: SBK 119 ELM GROVE Application request

I wish to appeal the application for SBK 119 ELM GROVE

On the grounds that I have a ongoing noise and anti social behaviour against the said premises ref no 23/01985/ENI the person dealing with this is a Lorraine Astill.

I have had noise recording devices installed by the council to monitor the noise of the music emmitted from the property, at the weekends we have to try sleep with all my windows closed due to the lack of control by the the business not controlling the noise levels of the music as the levels increase as the night goes on and the noise of people going to and leaving the property.

On many occasions I have gone out to ask people to move as we have are grandchildren over and the noise keeps them awake and they use the driveway to the rear of the funeral directors as a toilet.

I feel that a extending the business hours a infringement on rights for a peaceful weekends which we don't have because of lack of sleep.

Thank you

Paul.kitchenham

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APPENDIX C

From: NoReply@portsmouthcc.gov.uk
To: [Stone Derek](#)
Subject: Comments for Licensing Application 23/02740/LAPREM
Date: 01 September 2023 18:13:48

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 01/09/2023 6:13 PM from Ms Pamela Newick.

Application Summary

Address: 119 Elm Grove Southsea PO5 1LH

Proposal: Premises Licence

Case Officer: MR DEREK STONE

[Click for further information](#)

Customer Details

Name: Ms Pamela Newick

Email: [REDACTED]

Address: 10 St Peters Grove, Southsea PO5 1LS

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 01/09/2023 6:13 PM In the current licence there is a minimum of 110 covers but the application reduces this to 70. Another bar is added, with no more than 25 people in each bar area, making a total of 50. Bar numbers will be difficult to regulate. The purpose of the change seems to be to increase drinking and reduce eating.

Considerable nuisance is caused by customers standing outside the building, from early evening till closing time, drinking, smoking, bellowing, screaming, urinating and changing tampons against our walls and in between our cars, impeding doorways to accommodation, as in Grove House where a resident has had to wait for those urinating to finish, before he can enter the block of flats. When the club closes people sit, shouting on garden walls, before rampaging through nearby streets. Damage has been caused to the shopfront of the adjacent optician. All of this will be exacerbated by the increase in drinking opportunities in the night club.

Increased provision of WCs might possibly diminish the nuisance. There is no mention of these. The clientele probably moves outside to smoke, not simply to vomit or urinate. The current plan (PLAN-2338296.pdf) is not clear on the website, so the number of WCs is impossible to determine and it is not clear from the proposed plan (PLAN-2547498.pdf) whether this will change.

There has been no known attempt by the business to address these problems. Attention has been focused on the loud music emanating through the single-glazed restaurant windows on the external walls, the doorway onto Elm Grove and the windows on the first floor and the kitchen door, usually wide open when the club is functioning. No doubt the sound vibrations are also transmitted through the walls. A small lobby has recently been built inside the Elm Grove entrance, presumably to function as a kind of airlock to enable customers to enter or leave individually. Since the building is not a spaceship this has made no difference.

Kind regards

APPENDIX C

From: Matt Scott-Joynt

Sent: Sunday, September 10, 2023 5:04 PM

Dear Sir/Madam,

Re: Southsea Brunch Klub (SBK), 113 Elm Grove.

I understand SBK have applied to vary their license. As a close 'neighbour' of the club, I need to make a representation that I hope conveys what an awful negative effect to the quality of life their presence on the end of St.Peter's Grove has been from the moment they opened, and continuing.

I cannot understand why the city council has licensed a nightclub within a residential area. As they now apply for a variation of their license I'm very apprehensive that SBK will continue to be allowed to wreck the environment in which I live. Those running the nightclub have shown they have no concern whatsoever for local residents. The behaviour of the club's management and their customers has made living here at weekends feel like being under siege. The routine weekend's gross disturbance from noise nuisance, antisocial behaviour, drug dealing and taking, drunkenness, large crowds and the associated threat of violence surely cannot be re-licensed?

History

In the first weeks after SBK opened I contacted my local councillors hoping to draw their attention to the levels of noise and antisocial behaviour that were routine on weekend evenings, nights, and through some afternoons, but they showed little or no interest.

On at least 6 separate occasions I spoke to the manager Sam to complain about noise nuisance and antisocial behaviour. To his credit he was unfailingly gracious and polite whilst listening to my sometimes very stressed reports. This was in contrast to the behaviour of some of his customers and also a member of his staff, who if over hearing our conversation attempted to intervene, sometimes threateningly, such is the character of the place. I have now given up reporting the continuing noise nuisance and antisocial behaviour to the manager. It was always very clear that he had no control over the running of the club or the behaviour of the customers. ***As long as the nightclub is open it is now very clear that the problems will continue.***

I contacted the noise nuisance team at the council. A staff member came round to my flat but explained that due to the noise of traffic on Elm Grove no sound readings taken in my flat from the constant bass vibration of the SBK sound system would significantly register. It was suggested that I keep a diary of antisocial behaviour! The noise and antisocial behaviour caused by the presence of SBK is every weekend and must surely be known to the council who approved their license and through interactions with the owners must have known the character of the club and the likelihood of the severe disturbance to residents?

Before SBK opened I'd lived in this flat at the Elm Grove end of St.Peter's Grove for two and a half years. The level of noise from people out on Friday and Saturday nights walking along Elm Grove has been fine and well within normal limits. I now spend as many weekends away as I can. This is not fair.

Antisocial behaviour from noise

SBK's sound system

I'm aware that SBK has recently installed a door system. This has coincided with a huge reduction in the noise nuisance being experienced from their sound system. It has taken them months to do this. In the intervening time they showed no concern whatsoever for the noise disturbance they were causing at weekends, sometimes from early afternoon, and always into the early hours. And this was despite me asking the manager continually to turn the music down. His response was that he had no control over the level of noise!

The side door of SBK is still routinely open allowing noise from the premises into St.Peter's Grove.

SBK's customers

The amount of noise made by SBK's customers hanging around the outside of the club is awful and continues. They can be heard shouting and swearing at each from their groups outside the club on Elm Grove and around the corner of Elm Grove and St.Peter's Grove all through weekend evenings and nights. And many groups, sometimes numbering many more than twenty, spread down into St.Peter's Grove. It's very noisy and very unpleasant. They are clearly either drunk and/or under the influence of drugs as they wouldn't normally talk and shout at each other at this volume. The club management and door staff seem to have no concern for local residents living in St.Peter's Grove. It's really unpleasant. At weekends the top of our road has been taken over by SBK. This cannot be right.

From my window I've witnessed several fights in St.Peter's Grove clearly involving customers of SBK as they've been seen coming from and then rejoining the groups who congregate round the corner, in front of, and the groups on St.Peter's Grove.

It has become routine to hear customers of SBK congregating in the shelter provided by our building's underpass (Elm Lodge) through to our car park behind our flats, as well as actually in our car park. On the occasions I've politely asked people if they'd move as we live here, they'd invariably replied aggressively. On one nasty occasion two young men were shouting and swearing loudly at each whilst drinking and taking cocaine in our back car park. When asked politely if they might move on as they'd woken me up, they swore back suggesting I come down and fight them! They eventually returned to the front of SBK. It now feels dangerous to go down into our car park or underpass late at night as there's a likelihood of meeting drunk and drug taking customers of SBK. The customers of SBK use the area of St.Peter's Grove in the area of our flats which are unfortunately near the club as an extension of the club. It is not right.

There have been so many evenings and nights when horrible aggressive shouting from SBK customers taking issue with each whilst in St.Peter's Grove has been frightening and unpleasant. It can be men or women. Having been woken up, I've seen some of the groups shouting and arguing to the point of fighting with each other have numbered more than 10 people. This is not ok and is a result of the presence of SBK.

The level of traffic has hugely increased due to the club. Customers are parking, and dropping off friends into the early hours on weekend evenings and nights. Customers are congregating around cars with car stereos playing and car doors open. Multiple taxis are dropping off and collecting SBK customers in St.Peter's Grove and on Elm Grove around the junction. This is disturbing my evenings and also my sleep. It is not right.

Antisocial behaviour from using St.Peter's Grove as a toilet

SBK's customers

It has become routine to witness SBK customers using the top end of St.Peter's Grove as a toilet, as well as going to the toilet in our flat's underpass and in our back car park. This is very unpleasant. Both genders are doing this. On a series of occasions I told the management of SBK that this was happening. They didn't care. Because the club has been allowed to open next to a residential area with lots of alleys and front gardens I'd imagine it would be impossible for employed door staff to keep SBK customers from spreading down St.Peter's Grove and using our road as their toilet. The management of SBK seem to only care about their own premises.

On many occasions I've politely pointed out to SBK customers, male and female, that our road isn't their toilet. The usual reply has been less polite, but something like, "what do you expect, you live near a venue"! Or, "you're near a club, aren't you". On one horrid night, my girlfriend and I when returning from pubs at 10.30, paused at the entrance of our flats to allow 2 young men to finish urinating against our building. This provoked them into taking their coats off and asking me to fight them. I managed to calm the situation and they eventually returned to the front of SBK. This is not right.

Antisocial behaviour from drug taking

SBK's customers

It has become routine to be disturbed during weekend evenings and nights by loud talking and shouting from groups of SBK customers on St.Peter's Grove in front of our flat and towards and around the corner of Elm Grove. I now lose count of the number of times I've seen people standing around in groups in these areas, which are out of sight of SBK passing pedestrians and SBK door staff, sniffing cocaine together. This is not right.

The problem with licensing SBK to serve alcohol and operate as a club/nightspot at 113 Elm Grove.

My quality of life and sleep at weekend evenings and into the early hours has been so negatively impacted since SBK opened that I'm going to sell my flat and move. This is not fair. The way the club is set up and run - my experience of the disregard of neighbours by the club's management - and the routine nature of the antisocial behaviour caused by SBK customers on Elm Grove in front of the club, around the corner of St.Peter's Grove, and down and along St.Peter's Grove - gives me no confidence that whilst open and licensed SBK as a venue can change character so as to not grossly disturb the lives of people who previous to it opening enjoyed living in this area just off Elm Grove.

I really object to SBK's license being positively varied or continued.

If you would like any representation from me in person I would be glad to meet anyone from licensing.

Matthew Scott-Joynt

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APPENDIX C

From: danny wells

Sent: Sunday, September 10, 2023 4:12 PM

Ref: 23/02740/LAPREM

I would like to register my objection to and concerns for the extended opening hours of SBK on Elm Grove. The application is for the bar / club to open daily and extend their opening hours until 1.30 am/2.30 am.

In the evenings, when SBK is open there has been a noticeable increase in antisocial behaviour in our area. Just last night we were woken by a couple arguing who had just left SBK, girls shouting and screaming as they were getting into a taxi just down the road from SBK, outside of our house. We then couldn't get back to sleep as we could hear loud noise from a gathering of people that was stood outside of SBK on the pavement.

I am concerned that there are large groups that stand outside SBK smoking or vaping and blocking the pavement. The customers tend to leave in groups, shouting, swearing and I am increasing finding it stressful and on edge.

Bottles, cans and litter in the area has increased with a noticed increase of these items being thrown into our garden.

It appears to me that SBK is a late night bar / nightclub rather than a brunch club and a residential area is not the place for this kind of establishment.

I have lived in the area for nearly 30 years and am very concerned about the effect that SBK opening daily could have on the area.

Kind regards,

Daniel Wells

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LICENSING ACT 2003

LICENSING SUB-COMMITTEE MEETING

Portsmouth CITY COUNCIL

NOTIFICATION OF DECISION

Notice is hereby given to:

Name: Addison Madden Solicitors

Address: [Redacted]

Status: Solicitors to applicants

in accordance with the provisions of the Licensing Act 2003 ("the Act") and Regulations made thereunder, that a hearing was held on:

Date: 29 September 2005

to consider an application for the variation of a premises licence made in accordance with paragraph 34 of the Act. The details of the applicant and premises are:

Name of Applicant:	Mr [Redacted] & Mr [Redacted]
Premises and address:	Touchdown, 119 Elm Grove, Portsmouth, PO5 1LH

Decision of Licensing Authority:	
In considering the application, the Committee had regard to the promotion of the licensing objectives, the Act, its statement of licensing policy, the statutory guidance issued by the Secretary of State and the representations (including supporting information) presented by all the parties.	
Decision:	That the variation of the licence be granted as amended and with the following conditions:
	<ul style="list-style-type: none"> *That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to their meals, except that this shall not apply to the bar area. *When operating there will always be 110 restaurant covers, i.e. a minimum of 110 seats available for use. *There will be no more than 25 persons in the bar area. *Rubbish not to be placed outside the premises between 10.30pm and 9am. *Doors and windows to be kept closed whilst the premises are open for business. *Hostesses to supervise the departure of customers from the premises. *Customers requiring taxis are required to wait inside the premises. *Live music to cease at 12midnight.

Reasons for decision:

The Committee had regard to its statement of licensing policy and had taken into account the representations from interested parties, and believed it both reasonable and proportionate to prevent nuisance to neighbours.

Where an application (or any part of an application) has been granted, the variation will take effect from¹:

24 November 2005

Appeal provisions:

In accordance with the provisions of Schedule 5, Part 1, Paragraphs 1 & 4 of the Act, appeal provisions exist in respect of this application. Those provisions are as follows:

The applicant:

Where the Licensing Authority rejects (in whole or in part) an application to vary a premises licence under section 35 of the Act, the applicant may appeal against the decision. (*Schedule 5, Part 1, Paragraph 1(b) of the Act*).

Where an application to vary a premises licence is granted (in whole or in part), the applicant may appeal against any decision to modify the conditions of the licence. (*Schedule 5, Part 1, Paragraph 4(2) of the Act*).

A person who made relevant representations:

Where a person who made relevant representations in relation to the application desires to contend:

- (a) that any variation made ought not to have been made, or
- (b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, he may appeal against the decision. (*Schedule 5, Part 1, Paragraph 4(3)(a) or (b) of the Act*).

General provisions about appeals under the Act:

An appeal must be made to the magistrates' court for the petty sessions area in which the premises concerned are situated.

¹ The time that the variation will take effect is the time specified in the application or, if that time is before the applicant is given this notice, such later time as the Licensing Authority specifies in this notice.

² In the case of a hearing under section 35 of the Act which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 of the Act, the Licensing Authority must make its determination at the conclusion of the hearing and therefore the period of 21 days will commence from the date of the hearing.

In any other case of a hearing under section 35 of the Act, the period of 21 days will commence from the date on which written notice is given, or in the case of electronic transmission, when the text is received.

An appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of **21 days** beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.²

On an appeal under paragraph 4(3), the holder of the premises licence is to be the respondent in addition to the Licensing Authority.

Action that may be taken by the magistrates' court:

On an appeal against a decision of the Licensing Authority, a magistrates' court may:

- (a) dismiss the appeal;
- (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court,

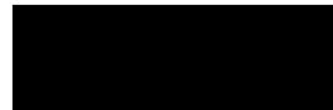
and may make such order as to costs as it thinks fit.

Should you have any questions relating to this Notification of Decision, please contact the Licensing Manager:

Tel No: 023 9283 4604
Fax No: 023 9283 4811
Email: licensing@portsmouthcc.gov.uk

Date of Notice: 7 October

Signed:



Licensing Manager

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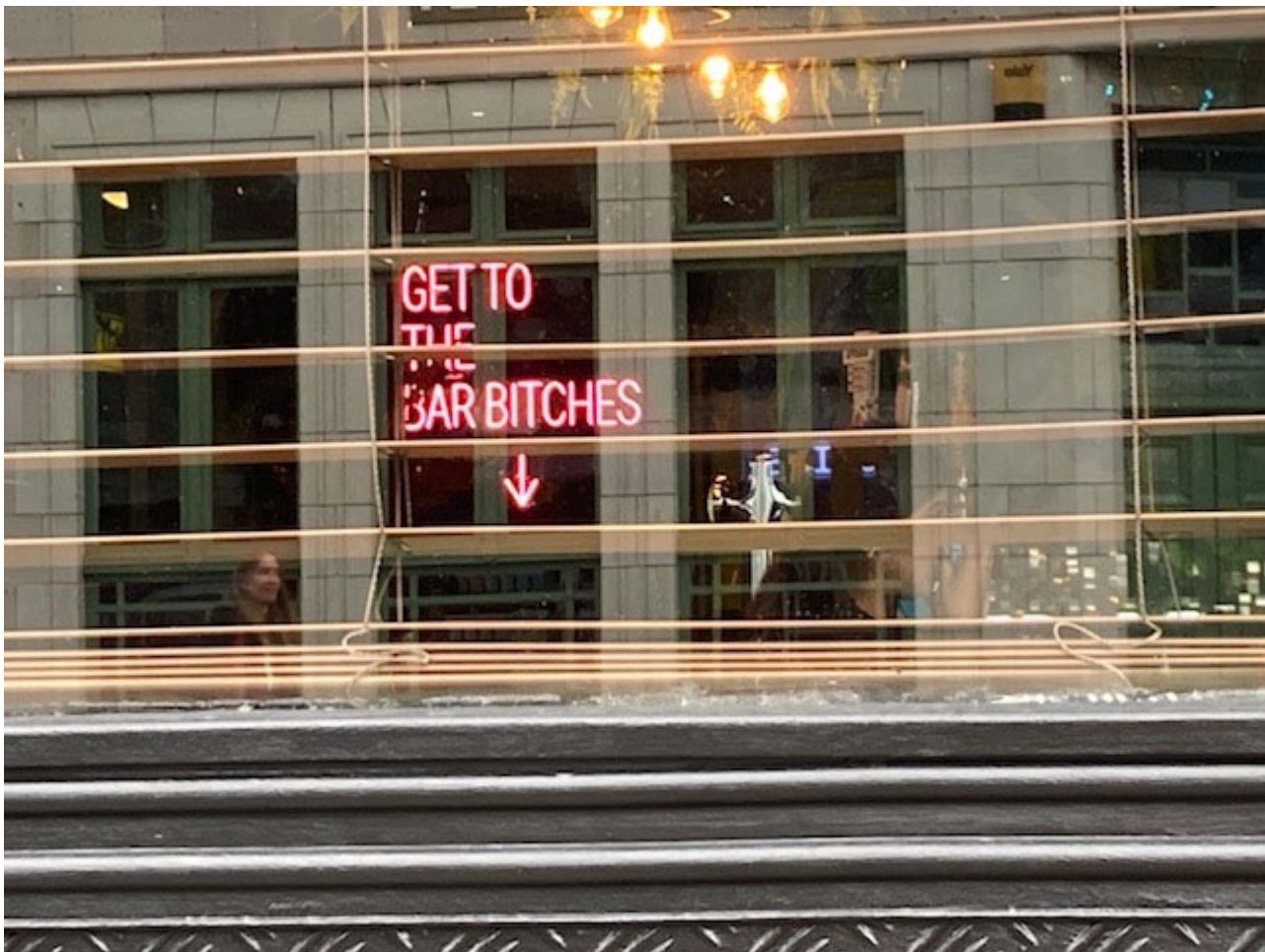
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APPENDIX C

From: Pam Newick [REDACTED]
Sent: 06 September 2023 10:50
To: Robson, Debra
Subject: Neon sign

Perhaps this could be added to my objection Debra. I think it says something about the focus of the 'restaurant'. I sent it to Chris Atwell a few weeks ago and he said he'd forward it to a couple of people to confirm, but he didn't think the council could do anything about it.

Regards,
Pam



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