



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

TUESDAY, 5 MARCH 2024 AT 9.00 AM

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

Telephone enquiries to Democratic Services - Tel 023 9283 4870
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 Jason Fazackarley
Councillor Stuart Brown
Councillor Leo Madden

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

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

AGENDA

- 1 **Appointment of Chair**

- 2 **Declarations of interest**

- 3 **Licensing Act 2003 - Southsea Brunch Klub, 119 Elm Grove, Southsea, PO5 1LH (Pages 3 - 126)**

Licensing Act 2003 - Review Application - Southsea Brunch Klub, 119 Elm Grove, Southsea, PO5 1LH

The purpose of this report is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 ("the Act") in respect of the above premises.

The Sub-Committee is requested to determine the application.

Additional documents:

4 Exclusion of Press and Public

RECOMMENDED that the following motion be adopted:

"Under the provisions of Section 100A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded for the consideration of the following item on the grounds that the report contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972."

Agenda item 5 - Licensing Act 2003 - Application to vary a premises licence to specify an individual as designated premises supervisor - Consideration of Objection Notice

Exemption paragraph numbers 1, 2 & 3:

1. Information relating to an individual
2. Information that is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

(Members are asked to hand in their confidential papers to the Democratic Services Officer at the end of the meeting)

5 Licensing Act 2003 - Application to vary a premises licence to specify an individual as designated premises supervisor - Consideration of Objection Notice

The Sub-Committee is asked to determine the matter.

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE 5 March 2024

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Review Application - Southsea Brunch Klub, 119 Elm Grove, Southsea, PO5 1LH

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 ("the Act") and in respect of the following premises:

Southsea Brunch Klub, 119 Elm Grove, Southsea, PO5 1LH.

The holder of the premises licence is recorded as Elm Grove Enterprises Ltd.

2. THE REVIEW APPLICANT

The application and grounds for the review are attached as **Appendix A** and has been submitted on behalf of the Chief Officer of Police and relates to the following licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

In summary, Police have concerns about how the premises operate, in particular in relation to drunkenness, violent crime, disorder and anti-social behaviour.

3. BACKGROUND INFORMATION

SBK is located in Elm Grove at the junction with St Peters Grove. The premises were first licensed in November 1975 as a restaurant and remained a restaurant under various trading names until becoming SBK in 2022.

A copy of the current premises licence is attached as **Appendix B**.

In accordance with the act and prescribed regulations, public notice of the review application was given both at the premises and also at the Civic Offices. In addition, a notice of the review application was also posted on the council website.

The review application was also served on the responsible authorities.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

Further representations have been received from Nickii Humphreys, Licensing Manager Portsmouth City Council and Simon Wood, Enforcement Support Officer Hampshire and Isle of Wight Fire and Rescue Service.

Eleven local residents have submitted representations detailing various concerns that they have with the premises some with supporting documentation and camera footage which are attached as **Appendix C**.

Additionally, there are two support representations also attached at **Appendix C**.

Officer note:

At the request of Mr Jon Wallsgrove, the solicitor acting on behalf of Southsea Brunch Klub, no CCTV footage is to be shown prior to the hearing.

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the review 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 guidance 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
- The 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.

The Statutory Guidance provides advice in relation to the consideration of review applications. In particular, members should have regard to the following:

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."*

Paragraph 11.10 - *"Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation."*

Paragraph 11.16 - *"The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives."*

In reaching a decision upon a review application, the guidance offers assistance to the licensing authority as follows:

Paragraph 11.17 - *"The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder."*

Paragraph 11.18 - *"However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to*

address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker."

Paragraph 11.19 - *"Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*
- revoke the licence."*

Paragraph 11.20 - *"In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."*

Paragraph 11.21 - *"For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual."*

Paragraph 11.22 - *"Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives."*

Paragraph 11.23 - *"Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again."*

However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."

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

An appeal against any decision may be made within 21 days of the premises licence holder being notified of the licensing authority's decision to a Magistrates' court. An appeal may be made by:

- The applicant for the review;
- the holder of the premises licence or club premises authorisation; or
- any other person who made relevant representations in relation to the application.

The decision of the committee, following the review hearing, will not have effect until the end of the period allowed for appeal, or until any submitted appeal is disposed of.

7. APPENDICES

- A. Copy of the redacted review application together with any supporting documents
- B. Copy of the current premises licence to include location plan
- C. Copies of any other relevant representations received

THE COMMITTEE IS REQUESTED TO DETERMINE THE REVIEW APPLICATION



For Licensing Manager
And on behalf of Head of Service

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**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Page 1 of 6

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

I Colin Pollard, on behalf of the Chief Officer of Hampshire Constabulary,
(Insert name of applicant)

Apply for the review of a premises licence.

Apply for the review of a club premises certificate.

(Select as applicable)

Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Postal address of premises:	Southsea Brunch Klub 119 Elm Grove Portsmouth
Postcode (if known):	PO5 1LH

Name of premises licence holder or club holding club premises certificate (if known)	Elm Grove Enterprises Ltd [REDACTED]
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Number of premises licence or club premises certificate (if known)	23/02740/LAPREM
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Details of responsible authority applicant

Mr	Mrs	Miss	Ms	Other title / Rank:
Surname: Pollard		First Names: Colin		
Current postal address :	Fareham Police Station Quay Street Fareham			
Postcode:	PO16 0NA			
Daytime telephone number:	[REDACTED]			
E-mail address: (optional)	[REDACTED]			

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



**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

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

*Select one or more
boxes*

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

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

Hampshire & IOW Police are calling for a review of the Premises Licence for Southsea Brunch Klub, Elm Grove, Portsmouth. Police have significant concerns relating to Crime and Disorder, Public Safety and Public Nuisance linked to the premises.

Recent reports to police, CCTV and BWV footage highlight intoxication as a contributory factor to violent crime, disorder, anti-social behaviour and nuisance caused by the clientele at SBK. This is impacting the safety of staff, customers and other members of the public.

The Bottomless Brunch, Drinks Packages, 241 Cocktails, Happy Hours and discounted drinks available at SBK are irresponsible. These promotions, along with a failure from the DPS and staff at the venue to prevent drunkenness, are fuelling these issues.

The volume of incidents and level of injury to members of the public is likely to increase if significant action is not taken.

The Bottomless Brunch, in particular, provides an unlimited or unspecified quantity of alcohol for a fixed or discounted fee, in a manner which is undermining the licensing objectives of prevention of crime and disorder, public nuisance and public safety. This is a breach of the Mandatory Conditions as shown on the licence at 08.2.b.

Conducting licensable activity whilst in breach of this licence condition is an offence under Section 136 of the Licensing Act 2003.

I will include several screen shots and Copies of some of the concerning drink promotions advertised on the SBK website. Appendix 1. To follow.

A Variation application was submitted on 16th August 2023 and following representation from local residents, a Sub Committee Hearing took place on the 09th October 2023. Following the Hearing, in the Sub-Committees reasons for decision, I note the following statement:

'The Sub Committee has noted the strength of assertions regarding the nature of the business to be conducted and would stress that there is a process of review if the premises changes or is not run genuinely as a restaurant with ancillary alcohol provision. A review



**Application for the review of / Representation in respect of a
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can be brought by residents or responsible authorities in due course.'

I attended SBK on the evening of 15th December 2023 and observed approx. 8 customers hanging around to the front of the premises. There were SIA security staff on the door, the music was very loud in the Street and emanating from inside the venue.

Inside was like a nightclub or late night bar. There were approx. 30-40 customers. Most of them were vertical drinking and the main area of the venue was also being used as a dance floor. There were no diners in the venue and no sign of any food provision that I could see.

Whilst there is a food menu advertised online and the bottomless brunch promotion includes some food, the main trade at this premises appears to be built around the bottomless brunch and other alcoholic drink promotions. At the weekends and on new years eve the operation resembles a small nightclub and is definitely not trading as a restaurant with alcohol sales ancillary to food. I haven't visited the venue mid week.

Reports received relating to SBK:

- 44230168541 29/04/2023 22:43 - 29/04/2023 22:44 Assault – Intoxication
- 44230178713 06/05/2023 23:10 - 06/05/2023 23:11 Public Order
- 44230294865 22/07/2023 01:00 - 22/07/2023 01:40 Spiking – Intoxication
- 44230366636 08/09/2023 23:46 - 09/09/2023 00:01 Public Order

CCTV relating to this incident shows a very drunk male ejected from the premises. Later another male becomes very aggressive and fights with security, staff and members of the public. He is pushed and wrestled in and out of the road, in front of moving traffic, as staff struggle to control him. Staff did not wish to provide statements to police and without this support the matter was filed.

I will include CCTV of these two males. Appendix 2 & 3. To follow.

- 44230380201 16/09/2023 23:00 - 16/09/2023 23:00 ASB/Nuisance

- 44230388192 23/09/2023 00:16 - 23/09/2023 00:31 Assault – Intoxication

CCTV relating to this incident shows a very drunk male ejected from the venue who throws punches at the security staff. 10 minutes later he assaults a member of staff and a protracted incident with security staff ensues. The male is taken to ground, in the road, in front of moving traffic where they keep him restrained for 8 minutes until police arrive. Cars have to be directed around them in both directions.

I will include CCTV of this male. Appendix 4. To follow.

- 44230440876 27/10/2023 22:00 - 27/10/2023 22:00 ASB/Nuisance

- 44240000046 01/01/2024 00:46 - 01/01/2024 00:46 Assault - Intoxication

Police initially received two reports on NYE relating to a large scale fight. The first stating 30 people fighting and one male unconscious. The second stating 50 people fighting.



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Officer BWV, showing the aftermath, includes a male stating he was knocked unconscious and comments a big fight had occurred in the venue and spilled onto the street.

Security Staff from Vespasian cover most doors in the vicinity and due to only 2 on duty at SBK, Security from One Eyed Dog and Deco had to attend to assist their colleagues. This poor planning at SBK resulted in greater risk to neighbouring premises who had paid for an appropriate number of security to keep their customers safe, only to lose them to SBK during this protracted incident.

CCTV was requested from the venue, in writing, on 03/01/2024 in relation to this incident and police concerns. As I write this review on the 11/01/2024, no footage has been provided or made available. This breaches the CCTV condition on the licence.

I will include my email to the licence holder and DPS requesting CCTV along with the acknowledgement from the licence holder. Appendix 5. To follow.

I will include Mobile Phone Footage from a member of the Public. Appendix 6. To follow.

I will include BWV from Vespasian Security showing the continuation of the incident in the Street. Appendix 7. To follow.

Failing to provide CCTV is the second condition to be breached by the licence holder and all licensable activity carried out at the premises during this breach is an offence under section 136 of the Licensing Act 2003.

Following the incident on NYE, the venue remained open. At this time there is no complaint from staff, security, or members of the public to support a police investigation.

This incident required significant security resources, significant police resources and ambulance, placing a burden on these services on a night of high demand, increasing the risk to members of the public elsewhere in the City.

The business seems to be entirely based around discounted alcohol, multi purchase discounts and the provision of an unspecified amount of alcohol for a fixed fee with 90 minutes to drink your moneys worth.

The name and branding of 'Southsea Brunch Club' is promoting the bottomless booze aspect of the business with the term 'brunch'. The front page of their website states that 'Southsea Brunch Klub is the home of the bottomless brunch'. This business has been built around this irresponsible drinks promotion.

The changes required to promote the licensing objectives are significant and vast.

For example:

Removal of irresponsible drinks promotions. Specifically no bottomless drinks or multi buy promotions. No Happy hours etc.



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Removal of DPS.

Reduction in permitted hours to 23:00.

Addition of conditions:

To prohibit regulated entertainment and dancing.

If permitted to trade beyond 23:00, a provision for a minimum of 2 SIA security staff to be employed at the premises for the first 50 customers and a further one SIA security staff per 50 or part thereof, until 30 minutes after the premises closes to assist dispersal.

BWV cameras will be worn by all SIA security staff and the duty manager. BWV to be activated when dealing with all incidents and ejections. Footage must be kept for a minimum of 31 days and made available to Police and Local Authority immediately on request.

Sale of alcohol to be authorised as ancillary to a table meal only.

An amendment to the CCTV condition to change the wording of 'capacity' to ensure there is 31 days of rolling footage available and that this will be provided to police and LA officers immediately on request.

Given the significant changes required to remove the risk, currently presented by this venues operation, poor decision making and management, Hampshire and IOW Police recommend the Sub-Committee consider revocation of the premises licence.

Whilst making your decision, please consider whether the Sub-Committee were deliberately misled during the hearing in October 2023.

Have you made an application for review relating to these premises before: Yes | No

If yes please state the date of that application:

/ /

Day Month Year

If you have made representations before relating to this premises please state what they were

N/A

Please tick

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

I have sent a copy of this representation to the principal licensing officer of Portsmouth



**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

City Council

**It is an offence, liable on conviction to a fine up to level 5 on the standard scale,
under Section 158 of the Licensing Act 2003 to make a false statement in or in
connection with this application**

Signature of Officer Completing

Name	<u>Colin Pollard</u>	Collar Number:	<u>16866</u>
Signature:	<u>Colin Pollard</u>	Date:	<u>11/01/2024</u>

Signature of Authorising Officer (Inspector or above)

Name	<u>INSPECTOR C MACDONALD</u>	Collar Number:	<u>3664</u>
Signature:	<u>C Macdonald</u>	Date:	<u>11/01/2024</u>

APPENDIX A

From: Pollard, Colin (16866)
Sent: 07 February 2024 15:40
To: Licensing Shared Email
Cc:
Subject: Police Representation for Review of Southsea Brunch Klub Premises Licence
Attachments: All Appendices & Index.docx

Good morning PCC Licensing Team,

Further to the Police application for review, for the Premises Licence at Southsea Brunch Klub, 119, Elm Grove, Portsmouth

Since the initial review paperwork was submitted, further information has come to light which police wish to add to the bundle for discussion at the Sub-Committee Hearing. I also wish to include some further documents to the police bundle.

The cause of the police review is primarily related to Crime and Disorder but there are aspects of the business which have impacted all four licensing objectives.

- In addition to the 3 objectives impacted in the initial submission, the police will also be citing the Protection of Children from Harm Objective, in relation to the incident on New Years Eve and CCTV footage in Appendix 9.
- The violence presented on New Years Eve, as seen on CCTV in Appendix 9, meets the criteria for Serious Crime as defined in S53A of the Licensing Act 2003.

There is a breach of Annex 3 Condition 01, applied by the sub-committee in the October Hearing. This relates to the provision of substantial food as a main meal and the advertising of 'Last Dinner Sitting 9PM' on Fridays at SBK. See **Appendix 16**.

A CCTV request was made by PC 21451 Vincent, relating to the incident on the 08/09/2023 and other licensing concerns. This request was challenged and access to the footage was not given quickly or easily. Once a review was suggested by our force solicitor, the footage was eventually provided. Police consider this to be a breach of the CCTV condition.

The CCTV, relating to New Years Eve, was eventually made available, in part, after the initial review paperwork had been submitted. As I understand, this was prior to any knowledge on the part of Mr HUDSON of the review submission.

The footage provided from the main camera, covering the dance floor and the start of the fighting on New Years eve was corrupted and could not be viewed by police. This was highlighted in a meeting between police, Mr HUDSON and his legal representative on 24/01/2024.

Following a further request for CCTV, made at this meeting, a link was sent to Mr HUDSON to supply the footage from this camera. Unfortunately, a still image of the screen was sent and at this time this CCTV request has not been met in full.

The CCTV requests, relating to New Years Eve have not provided access to the data quickly or easily. This is a further breach of the CCTV condition.

Of the police reports mentioned in the initial review submission, please see a summary of each incident below:

- **On 29/04/2023** a female contacted police to report she had been assaulted by security staff at the premises. The caller disclosed that she had been in SBK drinking when a bouncer put her to the ground and put his hands on her throat. The caller was described by the call taker as 'very much in drink'. Attempts were made to make contact with the female to take a statement, however she failed to engage and the matter was filed. I highlight this as the police call taker identified this customer of SBK as 'Very much in Drink'
- **On the 06/05/2023** a male contacted police to say that security needed help to deal with people at SBK. The male had seen someone throw a punch but could not confirm an assault. On police attendance the situation calmed down and no offences were disclosed. Clearly though, there had been disorder at the premises which resulted in a call for service from police.
- **On the 22/07/2023** a female contacted police to report she had been spiked by an unknown male at SBK. During the report, the female disclosed that she had consumed a large quantity of alcohol, 'up to 10 vodka drinks'. She felt extremely drunk and contacted a friend to take her home. There was no evidence available to confirm a spiking but this incident is included to highlight the excessive alcohol consumption at SBK and extreme drunkenness disclosed by the customer.
- **On the 08/09/2023** a Manager at SBK contacted police to report a male trying to fight staff and customers. The male had been removed from the premises and become 'out of control', placing keys in his hand and trying to punch staff and customers. On police arrival the male was still present, with keys on his person, however staff did not wish to provide statements and support the police investigation so no further action was taken.
- **On the 16/09/2023** a member of the public contacted police and made the disclosure detailed in **Appendix 10**:
 - Ever since SBK has opened the drug use and dealing in the area has increased on many occasions we have ask people to move as the smell of weed is terrible also I would like to report that they use the access to the rear of the funeral directors as a public toilet.
- **On the 23/09/2023** police were called by staff at SBK to report a male had assaulted a number of people and was harassing women in the venue. Police attended and described the suspect as very drunk and un-cooperative. The male was arrested for 4 x ABH offences and officers arranged to take statements at a later date. Of the 4 staff who were assaulted, one is described as 'Flat out did not want to provide an MG11' this is in relation to Mr Hudson. A second chose not to support police, a third was described as 'anti' which I take to mean anti police and didn't turn up to an appointment to give a statement. The fourth did give a statement and the male was issued an Out of Court Disposal.
- **On the 27/10/2023** a member of the public contacted police and made the disclosure detailed in **Appendix 11**:
 - All I can hear is anti social behaviour. Screaming and shouting. Loud music. Loud cars. That place is an absolute nightmare. So much swearing. Customers from SBK regularly use the back of the co op car park for drugs and toilet purposes.

- **On the 01/01/2024** a member of the public has contacted police after coming across what they describe as a 'massive brawl' outside SBK. He reports that a young man has been knocked out and about 30 people are fighting. Further calls are received from multiple members of the public and the ambulance service call making a similar report.

A member of the public contacted police in relation to New Years Eve and gave the account shown in **Appendix 12**.

Police have highlighted the Decision notice from the Sub-Committee hearing in October. I exhibit the 'Resons for Decision' section of this document as **Appendix 15**.

Police wish to add the attached documents to the appendices for the police review. I have included a contents page to assist with collation.

Kind regards,

Colin Pollard 16866
Police Alcohol Licensing Officer

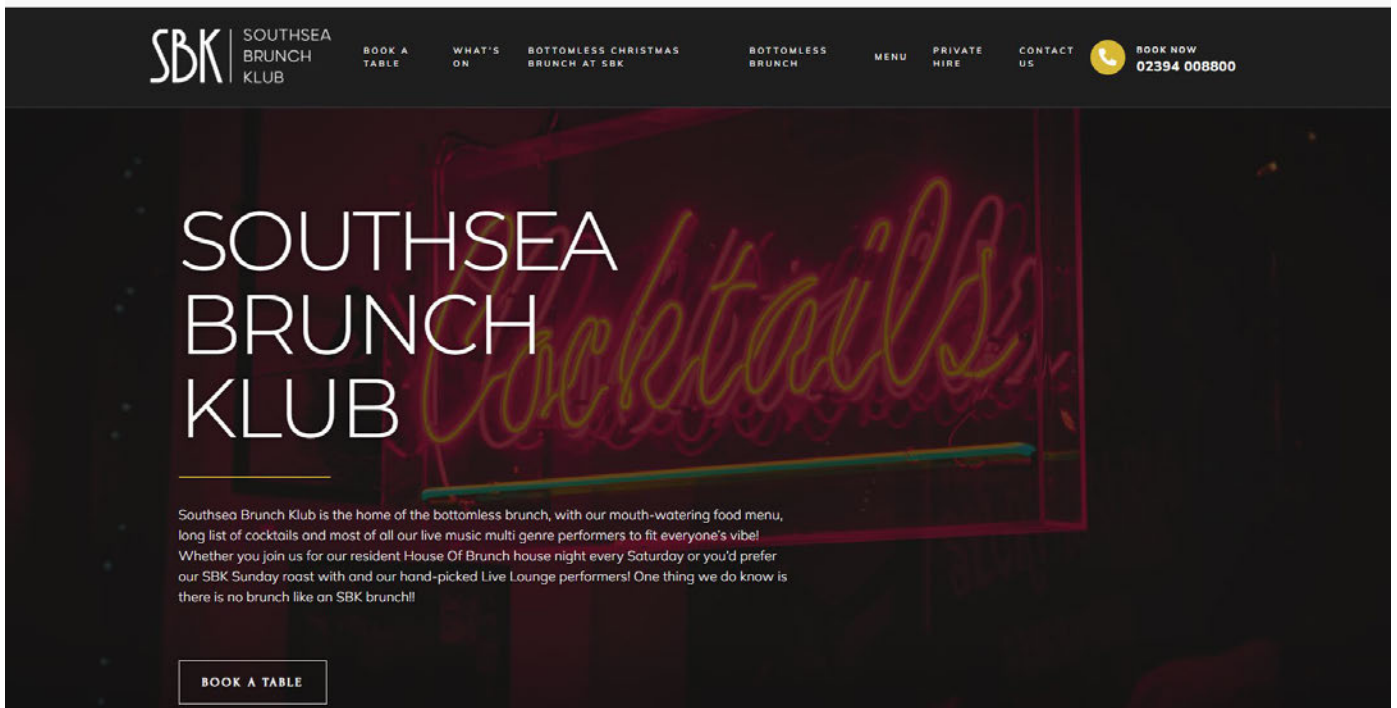


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Appendices - Police Review of SBK

- **Appendix 1**
Drinks Promotions & Advertisements
- **Appendix 2**
CCTV of 08/09/2023 – Drunk Male Ejected
- **Appendix 3**
CCTV of 08/09/2023 – 2nd Drunk Male Fighting Staff & Public
- **Appendix 4(a)**
CCTV of 23/09/2023 – Drunk Male Ejected & Throwing Punches
- **Appendix 4(b)**
CCTV of 23/09/2023 – 2nd drunk male vomits after getting in a taxi
- **Appendix 4(c)**
CCTV of 23/09/2023 – Original Drunk Male Fighting Staff
- **Appendix 5**
Email request from police for CCTV relating to NYE
- **Appendix 6**
Mobile Phone Footage of the NYE Fight, Inside the Venue
- **Appendix 7**
Security Body Worn Video of the aftermath of the NYE Fight
- **Appendix 8**
CCTV of 01/01/2024 – The NYE fight breaking out inside SBK
- **Appendix 9** ***WARNING GRAPHIC CONTENT***
CCTV of 01/01/2024 - The fight spills outside & serious violence occurs.
- **Appendix 10**
Disclosure from Member of the Public on 16/09/2023
- **Appendix 11**
Disclosure from Member of the Public on 27/10/2023
- **Appendix 12**
Disclosure from Member of the Public relating to NYE
- **Appendix 13**
Mandatory Condition – Irresponsible Drinks Promotions
- **Appendix 14**
Annex 3 Condition – SBK Premises Licence
- **Appendix 15**
Licensing Sub-Committee Decision Notice from the October Hearing
- **Appendix 16**
Friday Flava's advertisement from the SBK Website
- **Appendix 17**
CCTV OF 01/01/2024 - Dance Floor Camera

SBK Review – Appendix 1 Page 1 of 3



- **90 Minutes Bottomless Drinks, including Prosecco; Aperol Spritz, Draught Beer and Managers Cocktails.**
- **Multi Genre Brunches with Live DJ's or Performers.**
- **Sittings are 90 minutes long; bottomless brunch will start from the session time on your booking. Tables are reserved for two hours with bottomless brunch served for 90 minutes beginning at the start of your session time, not the time of arrival. After each session ends, you're welcome to stay at the venue.**
- **Happy hour 2 for 1 cocktails 7pm-9pm**
- **Drinks packages from 8pm**
- **Drinks tables available from 8pm**
- **Discounted drinks available & walk ins welcome!**

SBK Review – Appendix 1 Page 2 of 3

SBK

VIP MENU

SBK SILVER PACKAGE UP TO 4PPL

AU VODKA / G. GOOSE / BELVEDERE / HENDRICKS / BATHTUB - 70CL MIXERS INCLUDED

8 SBK SHOTS

SBK SNACKS

£150

SBK GOLD PACKAGE UP TO 8PPL

2 BOTTLES OF AU VODKA / G. GOOSE / BELVEDERE / HENDRICKS / BATHTUB / DEAD MAN'S FINGER BOTTLES - 70CL MIXERS INCLUDED

16 SBK SHOTS

BOTTLE OF PROSECCO

2 JUGS OF SIGNATURE COCKTAILS

SBK SNACKS

£250

SBK PLATINUM PACKAGE UP TO 12PPL

MAGNUM OF AU VODKA

MIXERS INCLUDED

2 BOTTLES OF PROSECCO

24 SBK SHOTS

4X JUGS OF SIGNATURE COCKTAILS

SBK SNACKS

£600

BOTTLES

AU MAGNUM **£310**

AU JERABOAM **£620**

SAMBUCA 70CL **£90**

CAZCABEL WHITE 70CL **£120**

CAZCABEL COFFEE 70CL **£120**

CAZCABEL GOLD 70CL **£120**

CHAMPAGNES

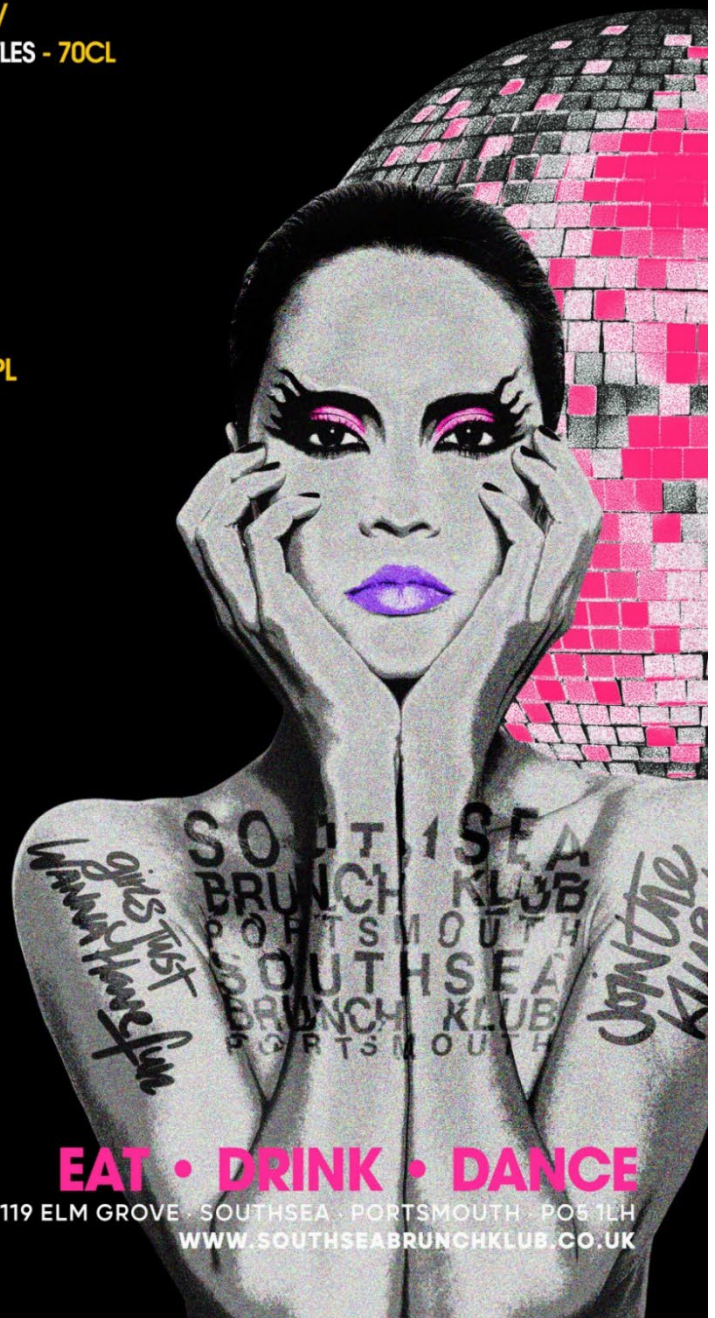
VEUVE **£85**

VEUVE ROSE **£95**

LAURENT PERRIER ROSE **£110**

CRISTAL **£375**

DOM PERIGNON **£295**



EAT • DRINK • DANCE


119 ELM GROVE · SOUTHSEA · PORTSMOUTH · PO5 1LH
WWW.SOUTHSEABRUNCHKLUB.CO.UK

SBK Review – Appendix 1 Page 3 of 3

SBK

SOUTHSEA BRUNCH KLUB
 BOOK A TABLE
WHAT'S ON
BOTTOMLESS CHRISTMAS BRUNCH AT SBK
BOTTOMLESS BRUNCH
MENU
PRIVATE HIRE
CONTACT US

 BOOK NOW
02394 008800




SBK FRIDAY FLAVA'S

SBK will be bringing you our ever-changing Friday's roster of the biggest brunch take overs including Garage, 90's Dance classic, Disco & Funk, SBK takeovers! Check out our Instagram to stay in the loop with our up-and-coming Friday Flava's!

Lo3fancy will be bringing his Bi-Weekly residency with the house & garage classics!

-New theme every Friday, from Garage take overs, 90's Dance classic, Disco & Funk, SBK takeovers! - Every Friday from 5pm


SBK signature small dishes & bar menu



SBK AFTERNOON SESSIONS

Round up your crew for SBK Saturday Afternoon Sessions!! Bringing you all genres of music with Ollie Crosswell & AJ Bomb dropping the very best RnB, Noughties, Feel good classics!

- Every Saturday: from 12:30pm - 6pm
- RnB, Noughties & feel good classics
- Feel good classics
- Bottomless brunch, 2 course meal
- Stay after your brunch and enjoy the vibes
- Live DJ's with Ollie Crosswell & AJ Bomb



HOUSE OF BRUNCH

SBK's resident house night...House Of Brunch will be taking over every Saturday! Bringing you the hottest house tunes past & present with Soul Divide inviting a mix of guests to join us on the journey through the night!


- Every Saturday from 6pm
- House classics old & new with SBK's resident house night
- Bottomless brunch, 2 course meal
- Drinks tables available from 8pm
- Live DJ's featuring Soul Divide & Guests

SBK

SOUTHSEA BRUNCH KLUB
 BOOK A TABLE
WHAT'S ON
BOTTOMLESS CHRISTMAS BRUNCH AT SBK
BOTTOMLESS BRUNCH
MENU
PRIVATE HIRE
CONTACT US

 BOOK NOW
02394 008800


BOOK NOW



SBK PRESENTS...NYE DISCO GLITTER BRINCH PARTY

- Soul divide, Mister sledge, Ollie Crosswell + Special guest
- SBK Disco Dancers
- Live Vocalist & Sax Player
- Bespoke NYE bottomless menu

BOOK NOW

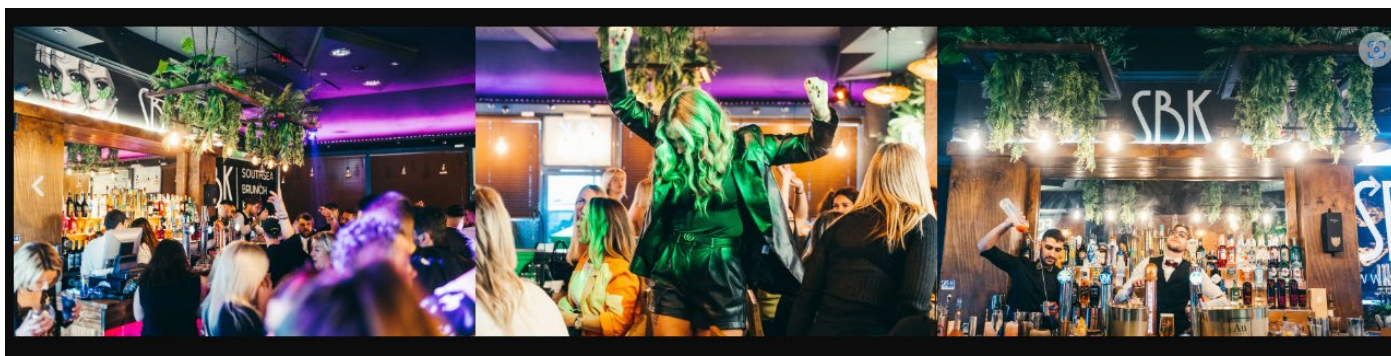


SOUTHERN EXPOSURE IS BACK AT SBK FOR A PRE-NYE BRUNCH PARTY

Come and enjoy nostalgic Back 2 Balearic beats, with music from 1988 onwards 🎧

★Bottomless Brunches★Walk Ins Welcome★
Drinks only tables available

BOOK NOW



SBK Review - Appendix 2

- CCTV Footage relating to Police Incident 44230366636 on 08/09/2023
- A heavily intoxicated male is ejected from the premises.

SBK Review – Appendix 3

- CCTV Footage relating to Police Incident 44230366636 08/09/2023
- A drunk male is seen fighting with staff and customers.
- No control of the scene, members of the public are at risk in the road.

SBK Review – Appendix 4(a)

- CCTV Footage relating to Police Incident 44230388192 on 23/09/2023
- Drunk male is ejected and throws punches at staff.

SBK Review – Appendix 4(b)

- CCTV Footage of Police Incident 44230388192 on 23/09/2023.
- 2 drunk males leave SBK, enter a taxi, one vomits from the taxi.

SBK Review Appendix 4(c)

- CCTV Footage of Police incident 44230388192 on 23/09/2023
- Drunk male from 4(a) fights staff and security.
- Members of staff and public are at risk in the road.

SBK Review – Appendix 5

On Wed, 3 Jan 2024 at 15:55, Pollard, Colin (16866) <colin.pollard@hampshire.police.uk> wrote:

Ref: Southsea Brunch Klub (SBK), Elm Grove, Portsmouth

I am contacting you as you are the sole director of Elm Grove Enterprises Ltd who are the Premises Licence Holder of SBK and the named DPS.

Southsea Brunch Klub is of concern to Hampshire & Isle of Wight Police following reported incidents of crime and disorder at the premises which appear to be fuelled by drunkenness.

I am currently looking into an incident ref: 44240000046 which occurred at the premises during New Years Eve into New Years Day.

Please could you supply the following CCTV footage in line with your premises licence condition Annex 2- Condition 02:

- Coverage of the main bar area, raised area, lower basement area and outside front of the premises between 00:00-01:15 in the early hours of 01st January 2024.
- Coverage of the main bar area, raised area, lower basement area and outside front of the premises from 02:00 in the early hours of 01st January 2024 until the final customer leaves the premises.

I can send an electronic link for you to securely upload this footage or I can attend to collect. Please let me know as soon as possible which you would prefer.

Kind regards,

Colin Pollard 16866

Police Alcohol Licensing Officer

A response to this email was received on 04/01/2023 from Mr HUDSON, which said:

From: Steve Hudson

Sent: 04 January 2024 14:34

To: Pollard, Colin (16866)

Subject: Re: Police request for CCTV Ref: 44240000046

Hi,

Fabio is on holiday in Italy so I have picked this up. I will let you know the best method tomorrow.

Regards

Steve Hudson

No further communications had been received at the time of the review submission on 12/01/2023

SBK Review - Appendix 6

- Mobile Phone Footage Relating to Police Incident 44240000046 on New Years Eve.
- This was sent to Police twice.
- Footage shows 5 seconds of a portion of the fight inside the venue.

SBK Review – Appendix 7

- Body Worn Video with Audio relating to Police Incident 44240000046 on New Years Eve.
- Showing the aftermath and further breakouts of disorder.
- Highlights the impact these types of incident have on local members of the public.

SBK Review – Appendix 8

- CCTV Footage relating to Police Incident 44240000046 New Years Eve.
- This is the only camera angle provided of the incident at the time of writing (07/02/2024)
- This shows the beginning of the big fight inside the premises.
- Note the customers overlooking the fight who smash glasses and throw drinks into the fighting crowd.

SBK Review – Appendix 9 **WARNING GRAPHIC CONTENT******

- CCTV Footage relating to Police Incident 44240000046 New Years Eve.
- Shows the fight spilling into Elm Grove.
- Shows serious violence by way of a powerful kick to the head of a young male.
- Shows two young males are rendered unconscious from the level of violence.
- Shows children witnessing a serious violent incident.
- Shows Children running to escape violence.
- Shows a young female pushing a pram into the road to avoid the violence. She puts up her hand to stop the traffic and protect her and the baby.
- Shows staff and customers at risk in the road.
- Shows a belt being used as a weapon.

SBK Review – Appendix 10

Ref: 44230380201

Reported on 17/09/2023 20:47

Please tell us what has happened during this incident: Ever since SBK has opened the drug use and dealing in the area has increased on many occasions we have ask people to move as the smell of weed is terrible also I would like to report that they use the access to the rear of the funeral directors as a public toilet

SBK Review – Appendix 11

Ref: 44230440876

Reported on 27/10/2023 23:29

Please tell us what has happened during this incident: All I can hear is anti social behaviour. Screaming and shouting. Loud music. Loud cards. That place is an absolute nightmare. So much swearing.

Do you think drugs or alcohol have been involved in this incident?:Yes

Please describe what you saw or heard specific to the drug and/or alcohol use: Customers from SBK regularly use the back of the co op car park for drugs and toilet purposes.

SBK Review – Appendix 12

- Disclosure from a member of the public relating to the incident on New Years Eve. Ref: 44240000046.

Please tell us anything else that might help pinpoint the location, if it is remote or unusual: Elm Grove, outside SBK, The Thicket by the Co-op, outside the launderette and the top end of St Peter's Grove.

Please tell us what has happened during this incident: It was about 12:45. I was walking home alone from The Retreat, a group of men were hanging around in The Thicket by the Co-op, one being sick. There was lots of shouting going on in Elm Grove and at least a dozen security people and a white patrol van were surrounding SBK. One said to me not to go down St Peter's Grove, it was dangerous: people and glass. I asked a big security guy if he would escort me at which point a fight broke out by the launderette and they rushed off. A security woman was in the middle of the road so I asked her to walk me home as it was only a few houses down the street. She was pleasant and helpful and saw me to my door. I am 75 and have been walking home on New Year's Eve from Old Portsmouth for 40 years and never before felt the need to ask for protection to get to my door. Why does SBK (which has a restaurant license) need over a dozen security guards to control its clients? There were at least half a dozen there when I drove home at about 11:30 on Friday 15 December.

Do you think drugs or alcohol have been involved in this incident?: Yes

Please describe what you saw or heard specific to the drug and/or alcohol use: People being sick. There were several piles of vomit in the streets this morning. There was lots of shouting and aggressive behaviour.

SBK Review – Appendix 13

“SCHEDULE - Mandatory Licensing Conditions – Irresponsible Drinks Promotions

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).

SBK Review – Appendix 14

Annex 3 Condition from Premises Licence 23/02740/LAPREM

01 Substantial food (substantial food being defined as: food items prepared or cooked on the licenced premises and that are typically served as a main course or entrée) will be available to order until at least 90 minutes before the premises closes.

SBK Review – Appendix 15

Sub-Committee - October Hearing – Decision Notice – Reasons for Decision

The Sub-Committee accepted advice that it was considering the application to vary only i.e. whether the premises ought to be granted the changes sought and not a general review of the premises licence.

The Sub Committee also accepted advice that it must focus its attention on the licensing objectives and cannot take issues that have not been formally raised in written representations into account.

The Sub-Committee listened very carefully to residents' concerns - and has had to balance those concerns against the interests of the business. In doing so it has had to determine the extent of the impact that the proposed variation might have upon the licensing objectives of the prevention of public nuisance and crime and disorder. The hearing was unusual in that parts of the application had already been put in place (eg lobby, basement bar, and an apparent change in focus of trading). A previous hearing had imposed conditions clearly intended to limit the potential for nuisance that might be caused by a vertical drinking establishment rather than a premises primarily focussed on food and restaurant use. **The Sub Committee heard repeated reassurance from the premises that its intention was to operate as a restaurant but to allow flexibility for tables to be "flipped" and for patrons to remain after having eaten.** The Sub Committee heard evidence that the premises have been operating with typically 80-85 covers and that this was most definitely a restaurant - the intention was to run as such. Reducing covers to only 70, the Sub Committee felt, would likely lead to a disproportionate amount of drinkers compared to diners. Particularly given the restriction on the number of patrons at the bar (and now bars) has been removed.

It was noted that the police and environmental health in particular had not made representations (notably following agreed amendment of the CCTV condition and introduction of the acoustic lobby). It was accepted by the Sub Committee that the inference as a result is support of the application from the lead authority for the prevention of crime and disorder and prevention of public nuisance objectives. However, appropriate weight was attached to the clear strength of resident representations. First-hand evidence was heard from residents that the premises had significantly increased anti-social behaviour and the issues complained of generally since it had operated under its latest / current management. It is unusual that such a large number of residents should express these concerns. It is unfortunate and disappointing that the application is a result of complaints received regarding noise and non-compliance with conditions - meaning it is a retrospective attempt to regularise the change in the business already in force. Whilst it is accepted that flexibility may mean the business has increased viability this has had to be balanced against the interests of the residents and the licensing objectives of the prevention of crime and disorder and public nuisance. The Sub Committee is keen to support and endorse a successful restaurant but recognises and acknowledges the residents' concerns given the level of anti-social behaviour in the area in general (the Sub Committee heard and accepted that not every instance of anti-social behaviour could necessarily be attributed to the premises). **Page 28** The balance of the evidence that it heard

determined that there was some impact on the licensing objectives in the vicinity of the premises. Accordingly, it was considered appropriate to implement some safeguards to ensure that sufficient restaurant provision remains in place at all times. The removal of the limit at the bars means that queuing outside the premises should be reduced.

The Sub Committee has noted the strength of assertions regarding the nature of the business to be conducted and would stress that there is a process of review if the premises changes or is not run genuinely as a restaurant with ancillary alcohol provision. A review can be brought by residents or responsible authorities in due course.

SBK Review – Appendix 16

Friday Flavas – Elarged Advertisement from SBK Website

NEW THEME EVERY FRIDAY
GARAGE TAKEOVERS
90'S DANCE CLASSICS
DISCO & FUNK &
SBK TAKEOVERS

FRIDAY FLAVAS

SBK SMALL DISHES & BAR MENU

LAST DINNER SITTING 9PM

BOTTOMLESS OPTION AVAILABLE

2 FOR 1 COCKTAILS FROM 7PM-9PM

WALK INS WELCOME

DRINKS TABLES AVAILABLE HERE

SBK

119 ELM GROVE · SOUTHSEA · PORTSMOUTH · PO5 1LH
WWW.SOUTHSEABRUNCHKLUB.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
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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 Fabio Mazzoni

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: 22/03378/LAPERS

Issuing Authority: Portsmouth City Council

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: 9 October 2023

Type: Variation



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 Where any condition of this licence requires that, at specified times, one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

For the purposes of this condition "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act).

This condition is subject to any exemptions in accordance with the provisions of the Private Security Industry Act 2001.

02 In accordance with section 20 of the Licensing Act 2003, no child shall be admitted to any film exhibition unless that exhibition has been granted a certificate by the British Board of Film Classification or the licensing authority itself.

03 Where a programme includes a film in the 12A, 15 or 18 category, no person appearing to be under the age of 12 (and unaccompanied by a person over the age of 18 years in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained.

04 Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board indicating the category of the film. For a film passed by the Licensing Authority, notices shall be displayed both inside and outside the premises so that persons entering can readily read them and be aware of the category attached to any film or trailer.

05 If the Licensing Authority does not agree with the category in which any film passed by the British Board of Film Classification is placed, they shall be at liberty to alter such category, and, on notice of such alteration being given by the Licensing Authority to the licence holder, the film thereafter shall be treated as having been placed in the altered category and the conditions applicable to the exhibition of films in such altered category shall be complied with.

If the Licensing Authority requests the licence holder to exhibit to them any film, he shall do so at such reasonable time as the licensing authority may, in writing, direct.

06 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.

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

08 (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).

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

10 (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.

11 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.

12 (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 and the Licensing Authority;
- 4) an absolute veto for the police in respect of any of the occasions.

02 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 and all recorded footage must be securely retained for a minimum of 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.

03 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 times as they have successfully completed this training. Training shall cover:

Sale of alcohol to persons under 18
Challenge 25 and acceptable forms of identification
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.

04 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.

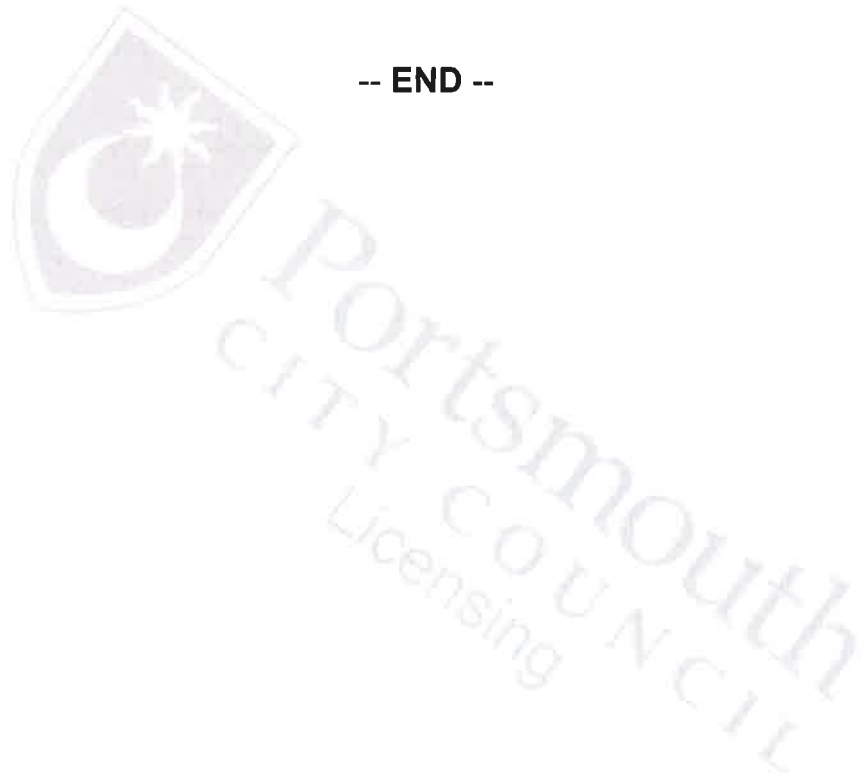
05 An incident log shall kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

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

06 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 Substantial food (substantial food being defined as: food items prepared or cooked on the licensed premises and that are typically served as a main course or entrée) will be available to order until at least 90 minutes before the premises close.

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

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

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

05 The licence holder shall ensure that all external doors and windows shall remain closed whilst the premises are open for business save for access and egress.

06 There will be a minimum of 85 restaurant covers available at all times the premises are open.

07 The premises licence holder shall ensure that staff (and when so employed, SIA accredited doorstaff) supervise the orderly departure of patrons from the premises to minimise noise nuisance.

-- 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.

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

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Licensing Sub-Committee
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
Hants
PO1 2AL

**Culture, Leisure and
Regulatory Services**

Licensing Service
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: [REDACTED]

Our Ref: 24/00435/LAREVI
Date: 7 February 2024

Dear Members of the Licensing Sub-Committee

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - 24/00435/LAREVI
SOUTHSEA BRUNCH KLUB 119 ELM GROVE SOUTHSEA PORTSMOUTH**

I refer to the recent application for the review of the premises submitted by the Chief Officer of Police on 12 January 2024 in respect of Southsea Brunch Klub, situated at 119 Elm Grove, Southsea, Portsmouth.

On behalf of the Licensing Authority, I wish to make a formal representation in respect of this application on the following grounds:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance

As members of the committee will be aware, any application for a review of a premises licence must relate to particular premises and must be relevant to the promotion of one or more of the licensing objectives. It is the view of the Licensing Authority that the incidents and reports that have led to the application for the review of this licence, together with other representations made, can be positively tied and linked by causal connection to Southsea Brunch Klub.

By way of background information, these premises have historically operated as a restaurant type venue. Licensing records, which commence from when alcohol licensing became a statutory function for local authorities in 2005 (In accordance with the Licensing Act 2003) identify the following uses of these premises:

- | | |
|-----------------------------|-------------------------------------|
| • Bangkok Spice Restaurant | September 2005 until September 2009 |
| • Big Ernies Restaurant | September 2009 until April 2013 |
| • Jags @ 119 Restaurant | April 2013 until October 2021 |
| • Three Cuts Burger and Tap | October 2021 until November 2022 |
| • Southsea Brunch Klub | November 2022 to date |

The current premises licence holder is Elm Grove Enterprises Ltd, the sole director of this company is Mr Steven Hudson.

Mr Hudson is also currently in place as the designated premises supervisor (DPS) following an application on 24 January 2024 to vary the DPS on the premises licence from the previous manager, Mr Fabio Mazzone. This type of application permits the proposed DPS to have immediate effect pending any objections from the Chief Officer of Police which would result in the Licensing Sub-Committee determining the application.

The Police have submitted an objection to the variation of DPS application in respect of Mr Hudson and this will be subject to consideration and determination by the Licensing Sub-Committee under separate hearing procedures.

An application to vary the premises licence was made in August 2023 following a compliance visit to the premises where it was established that the layout of the premises did not accord with the deposited plan with the Licensing Authority. Works had been undertaken to the premises without licensing approval. The application prompted a number of objections from local residents which led to a licensing sub-committee meeting on 9 October 2023. After careful consideration of the facts before them, the Licensing Sub-committee determined to grant the application, in part, and made modifications to the licence in relation to the use of the premises for restaurant purposes.

A copy of this decision and the associated reasons is attached as **Appendix A**.

The Licensing Authority has had cause to undertake a number of compliance visits to these premises and a summary of those visits, in chronological order, is set out below:

Date:	8 September 2023	Time:	21:00 hours
<p>Comments:</p> <p>Visit made to the premises following receipt of a complaint/service request.</p> <p>The premises was open with 2 SIA staff on duty outside and a rope barrier on the highway which obstructed the footpath at the junction of Elm Grove and St Peters Grove.</p> <p>The designated premises supervisor at the time was identified as Sam Wellington who was present at the premises. An officer undertook a review of the licence requirements with the DPS.</p> <p>The ground and basement areas of the premises were checked and it was observed that a resident DJ was on site.</p> <p>Fire exits were clear.</p> <p>The kitchen area had some food provision (skewered kebabs) but "not much more".</p> <p>The officer reported that the emphasis was more of a "bar environment" than a food led outlet.</p> <p>Security provided at the premises was now being undertaken by Taurus and not Vespasian and the area manager of the security company arrived at the time of the visit.</p> <p>A floor walker was observed inside the premises with radio contact with the DPS and SIA staff.</p>			

The owner of the premises, Mr Steven Hudson arrived at the premises and advised that he had seen officers in attendance via the CCTV he was able to view on his mobile phone.

Mr Hudson advised that he was the leaseholder of the premises which also had an Air B&B business at first floor level.

Photographs were taken at the time of the visit and are attached as **Appendix B**.

Date:	29 September 2023	Time:	23:08 hours
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Comments:

Further visit to the premises for compliance purposes having regard to ongoing complaints from local residents.

3 SIA staff were on duty outside of the premises and the security company has reverted back to Vespasian. Door supervisor SIA licence checks undertaken and all satisfactory.

The DPS, Sam, was on duty and accompanied the officer on a walk round of the premises. The officer reported very loud DJ led music being played with about 25 persons in the premises with 8 persons located at the bar area. Lower basement bar was in use. The officer noted that the patrons were of a very young age.

Whilst at the premises, one male was ejected from the premises for "mooning" and was arguing with staff outside.

A small group of people were seen to be standing outside the premises.

The officer was of the view that the premises were operating as a late night bar.

Compliant licence check visit.

Date:	27 October 2023	Time:	22:42 hours
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Comments:

Officers carried observations of the premises from a parked position at the top of St Peter's Grove. Premises were observed to be open and 3 SIA staff seen outside.

The officer reports a constant huddle of males/females (one worse for wear and stumbling) around the pavement area of St Peter's Grove. It appeared that persons were either smoking and/or waiting for transport. No barriers were evident outside the premises.

The officer again reported a very young demographic of clientele.

Date:	3 November 2023	Time:	22:12
--------------	------------------------	--------------	--------------

Comments:

Premises was open and appeared to be busy with a private Halloween party taking place. Entry to the premises was by invitation only. 3 Vespasian door staff working and using "clickers" to limit capacity to 150 persons only.

Group of young females sitting on the pavement in St Peters Grove. The main entrance to the premises were closed but loud music was evident coming from the premises when the door was used for access and egress.

Date:	22 December 2023	Time:	22:24
<p>Visit to premises to deliver licence and summary to the premises following the amendment of the premises licence by way of a new DPS, Mr Fabio Mazzoni.</p> <p>2 SIA door staff from Vespasian were on duty outside the premises and persons were observed to be standing outside the premises smoking.</p> <p>Officers report that the premises was very very busy and when enquiries were made as to the nature of event being hosted that evening, they were advised that it was a "private party" company booking. Officers spoke with males outside of the premises, who were wearing red wristbands, and they confirmed they worked for the named company.</p> <p>153 persons were present within the premises. Whilst officers were in attendance, a notice was then placed on the front door of the premises to say that a private party was taking place.</p> <p>This notice was not on display when officers first arrived.</p> <p>Officers report that the premises was very very busy with vertical drinking, bar area crowded and a table of "left-over" or currently available buffet style food was observed by the front window.</p> <p>Officers report that there was no evidence of 85 table covers being available whatsoever along with no substantial food. No table mat placings, condiments, cutlery, chef or waiting staff for food sales apparent.</p> <p>A DJ and guitarist were present and very loud music was being played.</p> <p>An officer visited the kitchen and reported that there was limited provision of foodstuff available.</p> <p>A further small table of food (much of it having been consumed) was observed at lower ground floor level.</p> <p>The officers provided the licence and summary to the DPS (Fabio) and they expressed concern about food availability.</p> <p>They were of the view that the premises were being operated as a vertical drinking establishment/club and not a restaurant.</p> <p>Officers observed a male vomiting outside the main entrance who then walked around the side of the premises into St Peters Grove. Another male was seen falling down a small flight of stairs whilst inside the premises who appeared unsteady and in drink and another male who was seated and who appeared to either have "wet himself" or spilt drink over his groin area.</p>			
<p>Pending investigations:</p> <p>Following the visit to the premises on 22 December 2023, officers are actively investigating breaches of the premises licence conditions (which is an offence under section 136 of the Licensing Act) relating to:</p> <ul style="list-style-type: none">• Non-compliance with the requirement of 85 covers at the premises;• Provision of substantial food; and• Failure to both keep and provide CCTV as requested by licensing authority officers.			

Having regard to the concerns raised by way of the review application made by the Chief Officer of Police, the visits made to the premises by licensing authority officers, the concerns raised by local residents and the Chief Fire Officer, it is clear that the premises are not being utilised as a restaurant type premises as they purported to be at the Licensing Sub-Committee meeting on 9 October 2003.

Whilst it is accepted that licensed premises are not generally prevented from diversifying in their operation and businesses will wish to adapt to meet both their own and their customer needs, Members may wish to consider whether the Licensing Sub-Committee were deliberately misled by the licence holder as to the true nature of the operation of the premises.

The observations submitted for consideration by members, clearly indicate that the primary use of these premises, particularly in the evening, is a vertical drinking/club establishment and there is a heavy emphasis on the consumption of alcohol rather than the availability of food which, in turn, is having a detrimental effect upon the promotion of the licensing objectives.

The Licensing Authority is equally concerned that the "responsible person" (as defined in the Licensing Act 2003) is failing to meet the statutory requirements in relation to preventing irresponsible promotions and is failing to adhere to the mandatory condition attached to all premises licences who supply alcohol for consumption on the premises.

The aim of this condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which undermines the licensing objectives.

The Licensing Authority has sought further information from the South Coast Ambulance Service in relation to calls for their services in relation to these premises, but, unfortunately, at the time of preparing this representation, that report has not yet been received. Should this information be released to the licensing authority in advance of the hearing for the review application, this information will be shared in advance with the licence holder and will be expanded upon at the hearing.

Given the serious negative impact arising from the licensable activities being provided at these premises, the Licensing Authority considers that the most appropriate course of action available to the Licensing Sub-Committee is to revoke the premises licence.

Yours sincerely


Nickii Humphreys
Licensing Manager

Email: 



Portsmouth
CITY COUNCIL

NOTIFICATION OF DECISION

Licensing Act 2003 - Licensing Sub-Committee

PORTSMOUTH CITY COUNCIL as licensing authority in accordance with the Licensing Act 2003 ("the act") and regulations made thereunder, hereby give notice pursuant to section 36 of the act to:

All Parties who made representations

Status: **Other Person**

That a hearing was held on: **9 October 2023**

To consider an application for the **VARIATION of a premises licence** made in accordance with Section 34 of the Act. The details of the applicant and premises are:

Name of Applicant: **Elm Grove Enterprises Ltd**
Premises and address: **Southsea Brunch Klub**
119 Elm Grove
Southsea
PO5 1LH

Decision of The Licensing Authority:

In determining and considering the application pursuant to section 35 of the act, the Committee had regard to:

- The Licensing Act 2003
- The promotion of the licensing objectives
- The council's adopted statement of licensing policy for the time being in force
- The statutory guidance issued by the Secretary of State for the time being in force
- Any relevant case law
- The representations (including supporting information) presented by all the parties

Decision:

The Sub Committee has considered very carefully the application for variation of a premises licence at SBK. It gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of licensing policy.

The Sub Committee considered the relevant representations, both written and given / expanded upon at the hearing, by all parties. Human rights legislation and the public sector equality duty has been borne in mind whilst making the decision.

The Sub Committee noted that the application sought approval for an inner lobby at the front of the premises and an additional bar in the basement, with several proposed changes to conditions on the existing premises licence as detailed in the application. These included the removal of a police station address that is now closed, the updating of the CCTV condition, the re-wording of a condition currently preventing alcohol sales other than to persons taking table meals (save for those at the bar) to requiring substantial meals until 90 minutes before the premises close, a reduction from 110 covers to 70 covers and removal of the limit of the number allowed in the bar area.

There had been representations from 12 residents. Those objecting raise concerns broadly in relation to the licensing objectives of public nuisance and crime and disorder with issues of concern relating to: irresponsible drinks promotions, patrons outside causing noise, noise from within the premises, nuisance in the form of blocking of pavements, litter, vomiting and urination in the street and near to the premises as well as crime such as drug taking in the locality, criminal damage etc. It is stressed the premises have an impact on a residential area.

After having heard all of the above evidence the Sub Committee determined to grant the proposed application in part and subject to amendment as set out below.

- Layout amendment to include additional bar and an internal lobby at the entrance. This part of the application is approved as applied for.
- Amend Condition 1 in Annex 2 to remove the address of the police.

This part of the application is approved as applied for.

- Amend Condition 2 in Annex 2 on CCTV.

This part of the application is approved as applied for.

- Amend Condition 3 in Annex 2 to "Substantial food will be available to order until at least 90 minutes before the premises close"

This part of the application is approved save for adding clarification to the condition as follows:

"Substantial food (substantial food being defined as: food items prepared or cooked on the licensed premises and that are typically served as a main course or entrée) will be available to order until at least 90 minutes before the premises close."

- Remove Conditions 1 and 3 in Annex 3.

The removal of Condition 1 in Annex 3 is approved.

The removal of Condition 3 in Annex 3 is refused and the existing condition is to be amended to read as follows:

"The premises licence holder shall ensure that staff (and when so employed, SIA accredited doorstaff) supervise the orderly departure of patrons from the premises to minimise noise nuisance"

- To amend Condition 5 in Annex 3 to: "There will be a minimum of 70 seats available when the premises are open"

This part of the application is refused and the condition shall be amended to read as follows:

" There will be a minimum of 85 restaurant covers available at all times the premises are open"

- In addition the Sub Committee has determined to amend condition 2 of Annex 3 to read:

The premises licence holder shall ensure that all external doors and windows shall remain closed whilst the premises are open for business save for access and egress.

Reasons For Decision:

The Sub-Committee accepted advice that it was considering the application to vary only i.e. whether the premises ought to be granted the changes sought and not a general review of the premises licence.

The Sub Committee also accepted advice that it must focus its attention on the licensing objectives and cannot take issues that have not been formally raised in written representations into account.

The Sub-Committee listened very carefully to residents' concerns - and has had to balance those concerns against the interests of the business. In doing so it has had to determine the extent of the impact that the proposed variation might have upon the licensing objectives of the prevention of public nuisance and crime and disorder. The hearing was unusual in that parts of the application had already been put in place (eg lobby, basement bar, and an apparent change in focus of trading). A previous hearing had imposed conditions clearly intended to limit the potential for nuisance that might be caused by a vertical drinking establishment rather than a premises primarily focussed on food and restaurant use. The Sub Committee heard repeated reassurance from the premises that its intention was to operate as a restaurant but to allow flexibility for tables to be "flipped" and for patrons to remain after having eaten. The Sub Committee heard evidence that the premises have been operating with typically 80-85 covers and that this was most definitely a restaurant - the intention was to run as such. Reducing covers to only 70, the Sub Committee felt, would likely lead to a disproportionate amount of drinkers compared to diners. Particularly given the restriction on the number of patrons at the bar (and now bars) has been removed.

It was noted that the police and environmental health in particular had not made representations (notably following agreed amendment of the CCTV condition and introduction of the acoustic lobby). It was accepted by the Sub Committee that the inference as a result is support of the application from the lead authority for the prevention of crime and disorder and prevention of public nuisance objectives. However, appropriate weight was attached to the clear strength of resident representations. First-hand evidence was heard from residents that the premises had significantly increased anti-social behaviour and the issues complained of generally since it had operated under its latest / current management. It is unusual that such a large number of residents should express these concerns. It is unfortunate and disappointing that the application is a result of complaints received regarding noise and non-compliance with conditions - meaning it is a retrospective attempt to regularise the change in the business already in force. Whilst it is accepted that flexibility may mean the business has increased viability this has had to be balanced against the interests of the residents and the licensing objectives of the prevention of crime and disorder and public nuisance. The Sub Committee is keen to support and endorse a successful restaurant but recognises and acknowledges the residents' concerns given the level of anti-social behaviour in the area in general (the Sub Committee heard and accepted that not every instance of anti-social behaviour could necessarily be attributed to the premises) but on the balance of the evidence that it heard determined that there was some impact on the licensing objectives in the vicinity of the premises. Accordingly, it was considered appropriate to implement some safeguards to ensure that sufficient restaurant provision remains in place at all times. The removal of the limit at the bars means that queuing outside the premises should be reduced.

The Sub Committee has noted the strength of assertions regarding the nature of the business to be conducted and would stress that there is a process of review if the premises changes or is not run genuinely as a restaurant with ancillary alcohol provision. A review can be brought by residents or responsible authorities in due course

Appeal Provisions:

In accordance with the provisions of Schedule 5 of the Act, appeal provisions exist in respect of applications made to the Licensing Authority. Those provisions are outlined as follows:

The applicant:

Where the Licensing Authority rejects (in whole or in part) an application to vary a premises licence, the applicant may appeal against the decision - *Part 1, paragraph 1(b) of the Act*.

Where the Licensing Authority grants (in whole or part) an application to vary a premises licence, the applicant may appeal against any decision:

to modify the conditions of the licence - *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:

- that any variation ought not to have been made, or
- 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 – *Part 1, paragraph 4(3) of the Act.*

Note: The applicant for the licence is to be the respondent in addition to the Licensing Authority in relation to any appeal lodged by a person(s) who made relevant representations.

General Provisions About Appeals:

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

An appeal must be commenced by notice of appeal given by the appellant to the designated officer 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.¹

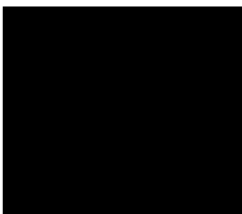
Action that may be taken by the Magistrates' Court:

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

- dismiss the appeal;
- substitute for the decision appealed against, any other decision which could have been made by the Licensing Authority; or
- 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.

Date of Notice: **9 October 2023**



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

¹ 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.









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**Hampshire
& Isle of Wight**
FIRE & RESCUE SERVICE

Headquarters
Leigh Road
Eastleigh
Hampshire
SO50 9SJ

t. [REDACTED]
e. [REDACTED]
w. [REDACTED]

Licensing Manager
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Date 01 February 2024

Dear Sirs,

We would like to make a representation in support of the review of the licences for the Southsea Brunch Klub, 119 Elm Grove Southsea, PO5 1LH, brought about by the HIW Constabulary.

We are currently in contact with the premises and have some fire safety concerns which we are dealing with via our Fire Safety Matters process.

This process is a formal process that requires certain issues to be addressed and if it is at the top end of this process, they are to be completed within a set timeline. There are three levels to it whereas level one is advisory only and level three requires a follow up. It usually arises after an audit of the premises has been conducted and issues found that fall short of enforcement or prohibition action. This means that they are serious enough to require completion for the safety of the business and the occupants of the premises but may not be serious enough to be considered as breaches of the Regulatory Reform (Fire Safety) Act 2005. Failure to comply with the Fire Safety Matters process in the time allowed can however, result in the issues being escalated to enforcement notices. It is part of the ethos of Regulatory work where all parties involved try to work together to achieve a satisfactory outcome.

On the 13th October 2023 an Alleged Fire Risk was raised about the premises by a member of the public surrounding the escape routes from the flats above. This was looked at and contact was made with the owner of the premises which satisfied the immediate concern but raised enough concern for an audit of the premises to be carried out which was held on the 1st November 2023.

As a result of this audit a Fire Safety Matters level 2 letter was issued. This matter was listed with thirteen areas of concern which covered the fire risk assessment not being suitable and

sufficient, a document that should underpin the fire safety of a premises. Various basic safety management practices that were not being followed and compartmentation issues separating the premises from the flats above. This is at annex 1. Annex 2 is the Note For File recorded by the Inspector which shows details in note form what the issues were. The letter for the owner covered the issues in detail and outlined what they needed to do to put them right.

With further information coming to light about the usage of these premises our enforcement team reviewed the outcome of the audit and requested that given the nature of the premises and what we were hearing about it that a second review was necessary.

On the 13th December 2023 a different fire safety inspector attended the premises and conducted an audit. During that audit similar issues were found that gave rise to the concern of some people being put at risk on those premises in case of fire. Given the further information as to the use of the premises the outcome was slightly different. It was still left as a fire safety matters outcome but this time it was a level three which requires the follow up procedure.

A fire safety matters report was compiled and passed onto Steve Hudson of those premises outlining the works that were required to address the matters, and considering the nature of some of the works required a completion time was given as 1st May 2024. This letter is at annex 3.

Our concerns are that as the premises are not currently as safe for customers, staff and residents living in the flats as we would require. If the works listed in the FSM 3 letter as per annex 3 are completed, then the premises would be considered safe for its use as envisaged by the description of the operation being a mainly food led venue with some drinking and dancing as ancillary to the food. The reason for this is that the customers would be calmer and more responsive in the event of a fire and could be evacuated relatively safely.

However, it appears that the venue is more of a drink led venue and the food being secondary in nature, especially as it is open so late. Or is certainly so on some nights in the week. The clientele at such venues behaves in a different nature to those in a restaurant given the manner of the activity and the amounts of alcohol generally consumed. This is evidenced within the report from the Police for this venue and can be seen around the country in other premises. Our concern is that the fire safety measures that are in place may not prove sufficient in the evacuation of people who are intoxicated and agitated. To make the premises fit for such use would require further works and detract from the nature of the premises as it is currently said to be used.

We therefore support the recommendations made in the review document to reduce the opening hours and put more of an emphasis on the use of the premises as a restaurant.

Yours sincerely

Simon Wood

Enforcement Support Officer

Hampshire and Isle of Wight Fire and Rescue Service



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e.
w.



For the attention of Steve Hudson
Southsea Brunch Klub Cafe
119 Elm Grove
Southsea
PO5 1LH

Date: 07 November 2023

Enquiries To: Paul Martin

My Reference: F6/PM/10444/00448066

Mobile Tel:

Dear Mr Hudson,

Letter of Fire Safety Matters

Premises: Southsea Brunch Klub Cafe, 119 Elm Grove, Southsea, PO5 1LH

I visited your premises on **01 November 2023** and evaluated the fire safety provided. I am of the opinion that some people are at risk in case of fire. You have reassured me that you will make necessary improvements. You have an ongoing duty to ensure the safety of people. The attached schedule sets out what you need to do.

Timescale for Completion

You should complete the work outlined in the schedule as soon as possible, balancing the need for safety against the demands on your business or undertaking. Based on the reassurance you have given me, I do not intend to return in connection with this visit.

Consequence for Non-compliance

If you do not address the matters in the schedule (or I find that safety provisions have worsened), the authority may serve an enforcement notice on you. An enforcement notice would legally bind you to do the work.

Route to Appeal

If you are unsure of the contents of this schedule, you can clarify or challenge what you need to do by contacting us on the above details.

Have Your Say

We would also appreciate feedback on our visit, please feel free to complete our post engagement form, it should take a couple of minutes and all responses are anonymous (unless you provide us with your details). [HIWFRS Fire Safety Post Engagement Feedback Form](#).

Alternative Solutions

You might want to use a different solution to meet the outcome(s) stated in the schedule. An alternative approach might enable you to make improvements that better meet your needs. I will be happy to discuss your ideas and suggestions.

Yours Sincerely



Paul Martin

Authorised Fire Safety Inspecting Officer
On behalf of, and duly appointed by the Hampshire & IOW Fire & Rescue Authority

Schedule of Fire Safety Improvements

Notes to this schedule:

The government guidance most suitable to your premises is CLG guide “Places of small / medium assembly” which can be found at: <http://www.cfoa.org.uk/19512>

Before you make certain changes to the premises, you may have to apply for approval from statutory bodies and/or others having interest in them. If you have doubt about the need for approval, you should ask the relevant body. For example, you may have to apply for approval from a Building Control Body to make material alterations, website:

<http://www.legislation.gov.uk/ukxi/2010/2214/regulation/3/made> tells you how.

You might also need to apply for the property owners' permission or for listed building consent, website: <https://www.historicengland.org.uk/advice/planning/consents/lbc/> among others tells you how.

Item Number 1	
Outcome	This work is necessary to identify significant risks from within the premises.
Suggested Action	<p>You should undertake a/review your fire risk assessment and ensure that it is suitable and sufficient in order to identify the fire safety measures that you already have in place and to identify any further fire safety measures that you need to implement.</p> <p>If you identify that additional fire safety measure(s) are required in consequence of the fire risk assessment, then you must provide them.</p> <p>You should record:</p> <ol style="list-style-type: none">i. The significant findings of your fire risk assessment (i.e., what you have done and what you will do to ensure the safety of people in case of fire).ii. Any people identified as being especially at risk.iii. The arrangements that you have in place to plan, organise, control, monitor and review the fire safety measures identified within the risk assessment. <p>You should review you fire risk assessment at least annually or if there are any significant changes to the building or use of the building.</p>

Reason	<p>The fire risk assessment was not suitable and sufficient.</p> <p>Insufficient consideration was given to determining the risks regarding:</p> <ol style="list-style-type: none"> 1. Relevant persons (Flats above) – Fire separation breaches in kitchen ceiling and door to stairs to flat above do not provide adequate protection to the accommodation above. 2. Occupancy – Not stated in document 3. No. of exits – Not considered for occupancy levels, inward opening front door, escape route passing through risk room (Kitchen) not considered 4. Travel distances not considered 5. Fire doors – Rear store room needs to be FD30s to separate escape routes 6. Alarm system – Stated to be L1 when L5
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Item Number 2	
Outcome	This work is necessary to reduce the risk of fire.
Suggested Action	The mains Electrical system should be checked . This must be repeated every 5 years for a commercial property. You need to engage a suitably qualified electrician to inspect and certify your installation and provide an EICR (electrical installation condition report)
Reason	Electrical installations left untested may malfunction and be a cause of a fire.

Item Number 3	
Outcome	This work is necessary to reduce the risk of fire.
Suggested Action	The Gas installation should be checked . This must be repeated every year for a commercial property. You need to engage a suitably qualified person to inspect and certify your installation.
Reason	Gas installations left untested may malfunction and be a cause of a fire.

Item Number 4	
Outcome	This work is necessary to reduce the risk of fire.
Suggested Action	You should carry out portable appliance testing to all your appliances
Reason	Portable appliances testing was not carried out. Left untested, appliances may malfunction and be a cause of a fire.

Item Number 5	
Outcome	This work is necessary to ensure the fire safety systems operate when they are needed most.
Suggested Action	<p>Ensure that Fire Alarm System and Emergency Lighting are subject to the required testing and maintenance schedule. This should be carried out by a competent person.</p> <p><u>Fire Alarm</u>: Weekly fire alarm test and annual service of complete system in accordance with BS5839-6:2004.</p> <p><u>Emergency Lighting</u>: Monthly function test and annual duration test & servicing in accordance with BS5266-1:2016.</p> <p>Documentation should be available to support testing and maintenance.</p>
Reason	The Emergency lighting and fire alarm system was not properly tested and maintained. This means that it could fail without warning or at the moment it is needed most, and that people would be at risk in case of fire.

Item Number 6	
Outcome	This work is necessary to help people understand what to do if fire breaks out.
Suggested Action	Your emergency plan should be documented so it is clear and available for people to read
Reason	There was no evidence of a fire procedure being documented. Your staff and visitors may not know what to do in the event of a fire

Item Number 7	
Outcome	This work is necessary to detect fire and raise an alarm.
Suggested Action	<p>Provide and install a fire alarm that complies with BS 5839 - 1</p> <p>The system must be capable of giving a warning to everyone who might be affected. This includes for example, people with hearing impairment or within noisy environments.</p> <ol style="list-style-type: none"> 1. Extend the coverage of the alarm to include the rear escape route 2. Either install visual warning beacons or a system that cuts the music so that people can either see or hear the alarm 3. Provide a zone map <p>The system should be installed and commissioned by a competent person.</p>
Reason	The existing system is not suitable because there is insufficient coverage and people may not hear the alarm due to music. This means that people may not be warned in time to escape safely.

Item Number 8	
Outcome	This work is necessary to make sure that escape routes (corridors, stairs, and doors) can be safely used whenever they are needed.
Suggested Action	Limit the number of people in the premises to 160 people .
Reason	There are not enough suitable exits for the number of people who use the building because the front escape route has inward opening doors limiting it to 60 people. This means that people may not be able to reach safety before being affected by fire and / or smoke.

Item Number 9	
Outcome	This work is necessary to make sure that escape routes (corridors, stairs, and doors) can be safely used whenever they are needed.
Suggested Action	<p>Ensure that escape route to the rear is illuminated externally by emergency lighting that will operate if the local lighting circuit fails.</p> <p>The system should conform to BS 5266</p>
Reason	People exiting the rear of the building may not be able to find the way out in an emergency because reason.

Item Number 10

Outcome	This work is necessary to make sure that escape routes (corridors, stairs, and doors) can be safely used whenever they are needed.
Suggested Action	Install a fire door that will hold back smoke and fire for 30 minutes This is between the rear store room / kitchen area and the rear escape route
Reason	You need to have sufficient fire separation between the kitchen and rear escape routes to avoid both being compromised by fire at the same time and provide people with adequate time to escape in the event of a fire

Item Number 11	
Outcome	This work is necessary to reduce the risk of fire spread.
Suggested Action	The ceiling separating the kitchen and flat above, should afford a minimum of 30 minutes fire resistance. This is in conjunction with a sounder in the flat linked to the existing fire alarm system in the bar.
Reason	Fire may quickly spread from one part of the premises to another. People in the accommodation above may be affected by a fire in the commercial area below. This means that people may not be able to reach safety before being affected by fire and/or smoke.

Item Number 12	
Outcome	This work is necessary to reduce the risk of fire spread.
Suggested Action	The door separating the rear escape route and the stairs to the flat above, should afford a minimum of 30 minutes fire resistance. This is in conjunction with a sounder in the flat linked to the existing fire alarm system in the bar.
Reason	Fire may quickly spread from one part of the premises to another. People in the accommodation above may be affected by a fire in the commercial area below. This means that people may not be able to reach safety before being affected by fire and/or smoke.

Item Number 13	
Outcome	This work is necessary to reduce the risk of the spread of fire.
Suggested Action	Ensure that the plastic decorations do not support the spread of fire.
Reason	A fire could spread rapidly and make the escape route unsafe for people to use.

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Note For File – Fire Safety Audit

Inspection Type: FSA
Job Number: 2539494

A Fire Safety Audit was carried out at the above premises on 01/11/2023

Below is a brief summary of the main items which were noted during the inspection and recorded in my contemporaneous notebook number 633 page number 18



Scan_Paul
Martin_20231106-13

Deficiencies found

Fire risk assessment - Major

Adjacent purpose groups not considered (Flats above)
No. of exits not considered – Occupancy numbers, inward opening front door, escape route passing through risk room not considered
Travel distances not considered
Compartmentation has not been considered – No mention of breaches in kitchen ceiling and also door to upstairs flat not sufficient standard
Alarm system not assessed adequately – States L1 where it is L5

Actions to prevent fire – Minor

10 Electrical Certificate not Supplied
10 Gas Certificate not Supplied
10 PAT testing not carried out

Staff training / info to employees - Broadly compliant

Maintenance – Major

11 Unable to surface documents when requested
17 Alarm system – no evidence of an annual test
17 Alarm system – no evidence of a weekly test
17 EL – no evidence of an annual working duration test
17 EL – no evidence of a monthly function test

Emergency plan/policy – Major

15 Emergency Plan not available

Fire alarm system – Broadly compliant

One detector required in rear escape route

FF Media - Broadly compliant

Means of escape – Minor

14 Fire doors were not in place where required – The door to the store room/kitchen needs to be FD30s

NOTE:

One escape route passes through the kitchen / serving area. Escape routes are not normally accepted through risk rooms however after discussion with my PDM Richard O'Brien we agreed that there is an alternative exit and as long as this exit has adequate fire separation from the kitchen, this can be acceptable. This will require the door to the kitchen / store room to be upgraded

General fire precautions – Minor

8 Compartmentation was insufficient – Holes seen in kitchen ceiling above ceiling tiles. Door to upstairs flat not 30 min (No strips/seals)

8 Wall linings were not suitably fire resistant – Plastic plants could not be confirmed as FR

Maintenance records:

Fire Alarm - Not Provided

Extinguishers Provided – Annual certificate provided

Emergency lighting Not Provided

Staff training Provided – carried out 6m, evidence by way of hand written log

A physical inspection of the premises was conducted.

The detailed findings of the inspection can be noted in the Fire Safety Audit Form within the CFRMIS record, the issued letters to the responsible person and my contemporaneous notebook identified above.



t.
w.

For the attention of Steve Hudson

Southsea Brunch Klub Cafe
119 Elm Grove
Southsea
PO5 1LH

Date: 25 January 2024

Enquiries To: Paul Martin

My Reference: F6/PM/10444/00448066

Mobile Tel: [REDACTED]

Dear Steve Hudson

Letter of Fire Safety Matters

Premises: Southsea Brunch Klub Cafe, 119 Elm Grove, Southsea, PO5 1LH

My colleague visited your premises on **13 December 2023** and evaluated the fire safety provided. I am of the opinion that some people are at risk in case of fire. You have an ongoing duty to ensure the safety of people. The attached schedule sets out what you need to do.

Timescale for Completion

You should complete the work outlined in the schedule as soon as possible, balancing the need for safety against the demands on your business or undertaking. You should complete the actions and outcomes before the **01 May 2024**. I will visit again and will contact you approximately one month before that date to arrange my next visit.

Consequence for Non-compliance

If you do not address the matters in the schedule (or I find that safety provisions have worsened), the authority may serve an enforcement notice on you. An enforcement notice would legally bind you to do the work.

Route to Appeal

If you are unsure of the contents of this schedule, you can clarify or challenge what you need to do by contacting us on the above details.

Have Your Say

We would also appreciate feedback on our visit, please feel free to complete our post engagement form, it should take a couple of minutes and all responses are anonymous (unless you provide us with your details). [HIWFRS Fire Safety Post Engagement Feedback Form](#).

Alternative Solutions

You might want to use a different solution to meet the outcome(s) stated in the schedule. An alternative approach might enable you to make improvements that better meet your needs. I will be happy to discuss your ideas and suggestions.

Yours sincerely



Paul Martin

Authorised Fire Safety Inspecting Officer
On behalf of, and duly appointed by the Hampshire & IOW Fire & Rescue Authority



Schedule of Fire Safety Improvements

Notes to this schedule:

The government guidance most suitable to your premises is **Small / medium places of assembly** which can be found at: [Fire Safety: Guidance for those with legal duties](#)

Before you make certain changes to the premises, you may have to apply for approval from statutory bodies and/or others having interest in them. If you have doubt about the need for approval, you should ask the relevant body. For example, you may have to apply for approval from a Building Control Body to make material alterations, website:

<http://www.legislation.gov.uk/ukxi/2010/2214/regulation/3/made> tells you how.

You might also need to apply for the property owners' permission or for listed building consent, website: <https://www.historicengland.org.uk/advice/planning/consents/lbc/> among others tells you how.

Item Number 1	
Outcome	This work is necessary to identify significant risks from fire within the premises and to assess the ability of all persons to vacate the premises in an emergency as quickly as possible.
Suggested Action	<p>The responsible person must make a suitable and sufficient assessment of the risks to which relevant persons are exposed. The fire risk assessment (FRA) must be recorded in full and identify:-</p> <ul style="list-style-type: none"> • the findings of the assessment, including the measures which have been, or will be, taken by the responsible person pursuant to the Regulatory Reform (Fire Safety) Order 2005, as amended. This should include matters relating to:- <ul style="list-style-type: none"> (i) the identity of the potential fire hazards in the premises, (ii) an evaluation of the risks arising from the hazards, and whether the existing fire precautions are adequate or whether additional control measures are necessary to remove the hazards or reduce the risks , (iii) The actions taken or required to reduce the risk to persons from the spread of fire and smoke (protective measures), (iv) The actions persons need to take in case of fire, including details of any persons nominated to carry out a particular function (the emergency plan), and (v) The information, instruction and training identified that people need and how it will be given. • The FRA must also include any group of persons identified by the assessment as being especially at risk. <p>The fire risk assessment should be reviewed regularly, such as annually or when the level of risk changes, to keep it up to date and evidence of the review should be maintained.</p>
Reason	<p>The fire risk assessment was not suitable and sufficient.</p> <p>Insufficient consideration was given to determining the risks regarding:</p> <ol style="list-style-type: none"> 1. Relevant persons (Flats above) – Fire separation breaches in kitchen ceiling and door to stairs to flat above do not provide adequate protection to the accommodation above. 2. Occupancy – Not stated in document 3. No. of exits – Not considered for occupancy levels, inward opening front door, escape route passing through risk room (Kitchen) not considered 4. Travel distances not considered 5. Fire doors – Rear storeroom needs to be FD30s to separate escape routes 6. Alarm system – Stated to be L1 when L5

Item Number 2	
Outcome	This work is necessary to make sure that escape routes (corridors, stairs, and doors) can be safely used whenever they are needed.
Suggested Action	Protect the escape route that passes through the kitchen by enclosing it in fire resistant construction
Reason	There are not enough suitable exits for the number of people who use the premises. This means that some people might still be in the building when fire overtakes them.

Item Number 3	
Outcome	This work is necessary to make sure that escape routes (corridors, stairs, and doors) can be safely used whenever they are needed.
Suggested Action	Maintain the storeroom fire door so that it will hold back smoke and fire for 30 minutes This is between the rear store room / kitchen area and the rear escape route
Reason	This door is not to British Standards and is of "Notional" standard. This means it requires a suitable maintenance regime to ensure its effectiveness.

Item Number 4	
Outcome	This work is necessary to reduce the risk of fire spread.
Suggested Action	The door separating the rear escape route (Hallway) and the stairs to the flat above, should afford a minimum of 30 minutes fire resistance. This is in conjunction with a sounder in the flat linked to the existing fire alarm system in the restaurant / club.
Reason	Fire may quickly spread from one part of the premises to another. People in the accommodation above may be affected by a fire in the commercial area below. This means that people may not be able to reach safety before being affected by fire and/or smoke.

Item Number 5	
Outcome	This work is necessary to reduce the risk of fire spread.
Suggested Action	The ceiling separating the kitchen and the flat above, should afford a minimum of 30 minutes fire resistance.
Reason	Fire may quickly spread from one part of the premises to another. This means that people may not be able to reach safety before being affected by fire and/or smoke.

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APPENDIX C

Humphreys, Nickii

From: Ade Bird [REDACTED]
Sent: 19 January 2024 21:55
To: Licensing Shared Email
Subject: Southsea Brunch Klub 119 Elm Grove Southsea PO5 1LHS- Licence Review 24/00435/LAREVI
Attachments: drinks from 8pm SBK Insta.jpeg; drinks only tables SBK insta.jpeg; No food after 9pm SBK Insta.jpeg; SBK Bins Dec 2023 .jpg; SBK Facebook Homepage.jpg

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Sir / Madam

We fully endorse this application for a review of the premises licence for Southsea Brunch Klub, proposed by Hampshire & IOW Police, and agree that the best outcome would be the revocation of the premises licence.

We would like to support this application with our own evidence and experiences below. Please take these into account when considering this application:

Operating as a Bar / Nightclub, not a restaurant - Additional proof

Please see videos in the attached link, taken from Elm Grove, which shows the loud dance music emanating from SBK, and the obstruction to the pavement as clients hang around queuing to get into SBK, smoking, and vaping. These videos support the claim that the licensing objective of Public safety and Prevention of public nuisance is undermined.

Also in the link is footage taken from inside SBK, from their own Instagram account. This shows drinking, dancing and loud music, but no dining. This is how SBK promote themselves, clearly as a club and not a restaurant.

Attached is SBK's Facebook homepage profile, where they have chosen to identify their business as a bar and not a restaurant.

Drinks tables and Food Orders - SBK does offer drinks only tables, and also drinks tables available from 8pm (see attached SBK Instagram pages).

Food Orders- SBK has advertised last dining orders as 9pm on some nights, although it is licensed until 01:30 on Thursday and 02:30 on Friday. (see attached SBK Instagram page).

At the Licensing Sub Committee meeting on 9th October 2023 the following decisions were made:

- *There will be a minimum of 85 restaurant covers at all times the premises is open* - SBK is not meeting this requirement by using its reduced number of dining tables as drinks tables.
- *Substantial food will be available to order until at least 90 minutes before the premises closes.* - SBK is blatantly not meeting this requirement by imposing 9pm last food orders.
- The sub committee also noted that *the premises should run genuinely as a restaurant with ancillary alcohol provision*- SBK is blatantly not doing this by offering drinks only tables.

Our experience of SBK and the impact on the residents and surrounding area:

It is our view that there is a clear causal link between the SBK operation and the recent upsurge in anti-social behaviour and criminal activity in our neighbourhood. Below are the experiences that we have had as local residents since SBK has been in operation:

Public nuisance- Noise:

Particularly distressing is the screaming and shouting in the early hours of the morning by groups of people, who are disinhibited due to intoxication.

Loud thumping music is also disturbing, into the early hours. This is made worse when the SBK front doors are open, which is frequent due to the continual turnover of customers. Please watch video links to understand the level and type of music.

There is an increase in the number of taxis and cars pulling up in the road, at all hours, creating further noise and disruption.

Public Nuisance - Litter:

Since SBK has been operating there has been an increase in cigarette butts, disposable vapes, broken glass, beer cans, and chewing gum on the streets of Elm Grove and St. Peter's Grove. We are frequently cleaning the street ourselves to maintain some semblance of street dignity.

SBK has left bins overflowing with debris in the street, and leaves industrial bins in the street for days at a time, despite having a bin store (see attached photo).

Public Nuisance - Hygiene, Health and Safety

There have been numerous incidents of vomit on the pavements outside SBK and in St Peters Grove, by SBK customers. We have had to wash it down or ask SBK to do so.

We have witnessed a female customer of SBK removing a tampon and leaving it in the street, before returning to SBK..

There are countless incidents of men and women urinating in the street, against houses and on private property.

A used condom has been left in the street.

There are frequent blood spills on the pavement.

The pavement outside SBK is very narrow. The crowds of people congregating outside the building leads people to have to walk into the road to get past them, risking a road traffic accident.

Crime and disorder:

Adrian was verbally abused and intimidated on Saturday 7th October by a group of men, who were attempting to gain entry to SBK, when I asked one of them to not urinate in a driveway in St. Peter's Grove.

Our son's car wingmirror was broken off recently.

Residents have seen drug taking occurring in St Peter's Grove and drug dealing at the back of the Co-op on Elm Grove.

Residents have seen people having sex near the rear of the funeral parlour on Elm Grove, opposite SBK.

Residents have found people sitting on cars and there has been recent vandalism to vehicles, in the form of broken wing mirrors and scratched paintwork.

Residents have had glass bottles thrown into their gardens and even people entering gardens, breaking plants and vomiting.

Residents who have confronted anti-social behaviour, have had threats of violence and abusive behaviour towards them.


Residents have witnessed fighting between SBK customers in the street. In one instance, on New Year's Eve, a resident was unable to gain access to her home via the St Peter's Grove/Elm Grove junction due to a mass fight spilling out from SBK (see video clip of fight inside SBK).

Here is the WeTransfer link, please let us know if you cannot access these, and we can send individual files.

<https://we.tl/t-A0UJ0Ekylw>

Yours faithfully

Laura Cook and Adrian Bird





Posts

Follow



southseabrunchklub

Elm Grove. Southsea. Portsmouth

Fred again..., Obongjayar • adore u



HOUSE OF Brunch

from 6pm

SATURDAY 23RD DECEMBER

WITH SOUL DIVIDE & GUESTS

BRINGING THE HOUSE CLASSICS PAST & PRESENT

**BOTTOMLESS XMAS BRUNCH - 2 COURSE MEAL
DRINKS TABLES FROM 8PM · WALK-INS**

119 ELM GROVE · SOUTHSEA
PORTSMOUTH · PO5 1LH
WWW.SOUTHSEABRUNCHKLUB.CO.UK



Liked by thomokelly and others

southseabrunchklub COMPETITION BELOW

more

View all 13 comments

21 December 2023



southseabrunchklub

Elm Grove. Southsea. Portsmouth



we are still open all weekend at SBK! Come and... more
12 January



southseabrunchklub

Elm Grove, Southsea, Portsmouth



Thank You Party



SUNDAY
21ST
JANUARY

YOU CAN BOOK A TABLE JUST TO DRINK OR TO
EAT IF YOU WISH, FIRST COME FIRST SERVED
2.00PM - 7.00PM

featuring
DAVE JOYCE
THE FUNK
SOUL BROS



12 likes

southseabrunchklub Soul Sessions is back! 🎤

21st January, table bookings available now via our
website ✨

Walk ins welcome.

Our last Soul Sessions SOLD OUT. So be quick 🎵

View 1 comment

9 January



southseabrunchklub
Elm Grove. Southsea. Portsmouth



SBK SIGNATURE SMALL DISHES THURSDAY & FRIDAYS

STARTING FROM 7TH SEPTEMBER

3 FOR £20 OR £7.50 EACH
GO BOTTOMLESS FOR £25

2 FOR 1 COCKTAILS 7PM-9PM
LAST DINNER SITTING 9PM

SBK

SOUTHSEABRUNCHKLUB.CO.UK



Liked by luluabrowse and others

southseabrunchklub SBK SIGNATURE SMALL DISHES 🌟... more

24 August 2023



southseabrunchklub
Snoop Dogg • Beautiful (feat. Pharrell, Uncle ...



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Southsea Brunch Klub

941 likes • 1.2K followers

EAT - DRINK - DANCE

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Details

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southseabrunchklub.co.uk

119 Elm Grove, Southsea, Portsmouth, United Kingdom

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APPENDIX C

Comment on 24/00435/LAREVI Southsea Brunch Klub 119 Elm Grove Southsea PO5 1LH

I write in support of the application. The application sets out clear and detailed reasoning, I applaud the work put into it.

Revocation of the licence

The Police recommends the Sub-Committee “consider revocation of the premises licence”. Given the scale of the issues I support revocation. A new licence application for the premises can be made in the future and a licence granted with conditions reflecting the planning consent for the premises as a restaurant.

Should the Sub-Committee not be minded to revoke

I ask that any changes to the licence include ALL of the changes given as examples, (starting at the bottom of page 4 of the application) as a minimum.

One of these changes is a condition that the “Sale of alcohol to be authorised as ancillary to a table meal only”. That’s simple and easily understood. “No meal, no drink.”

Removal of DPS

The Police seek “Removal of DPS”. It is to be hoped that the Chief Constable will give notice under s 37 of the Licensing Act 2003 should the individual be nominated as a DPS in the future.

“Whilst making your decision, please consider whether the Sub-Committee were deliberately misled during the hearing in October 2023.”

I attach a video clip extracted from the October hearing. You will hear Mr Wallsgrave, solicitor for the licensee saying “its primary focus is on food” and “it’s still going to operate as a restaurant” and “I want to reassure you that the focus is food, it is to trade as a restaurant” and “maybe go to the bar and have a relaxed drink at the bar then freeing up that table for other people to come in and use, and eat.”

The Sub-Committee’s decision included the wording “The Sub Committee heard repeated reassurance from the premises that its intention was to operate as a restaurant but to allow flexibility for tables to be “flipped” and for patrons to remain after having eaten. The Sub Committee heard evidence that the premises have been operating with typically 80-85 covers and that this was most definitely a restaurant - the intention was to run as such.”

I also attach six short video clips downloaded from SBK’s Instagram Feed on 19 Jan 2024 and I ask the members to view these and SBK’s advertising in Annex A. It is for the Sub-Committee, having taken note of Mr Wallsgrave’s statements on 9 Oct 2023 on behalf of his client to decide whether they were been misled.

Public Nuisance Complaints to PCC

Annex B contains a list of complaints made to PCC about the premises together with the covering e-mail. I requested a list of complaints for the last three calendar years. The response indicates no complaints from 1 Jan 2021 until after the license was transferred to the current holder on 16 Nov 2022 and 13 complaints since then until the end of 2023. I am advised by Lorraine Astill of PCC that the first action on receipt of a complaint is to write to the premises offering advice. The level of ongoing complaints suggests this advice was consistently ignored.

Licensing compliance

I invite the Sub-Committee to ask the Licensing Officer for details of visits to the premises by his staff since 16 Nov 2022, the reason for each visit, the nature of any non-compliance found, what advice was offered, and whether that advice was followed.

Michael Cross



Annex A
Breach of Licence Conditions - SBK Marketing Material



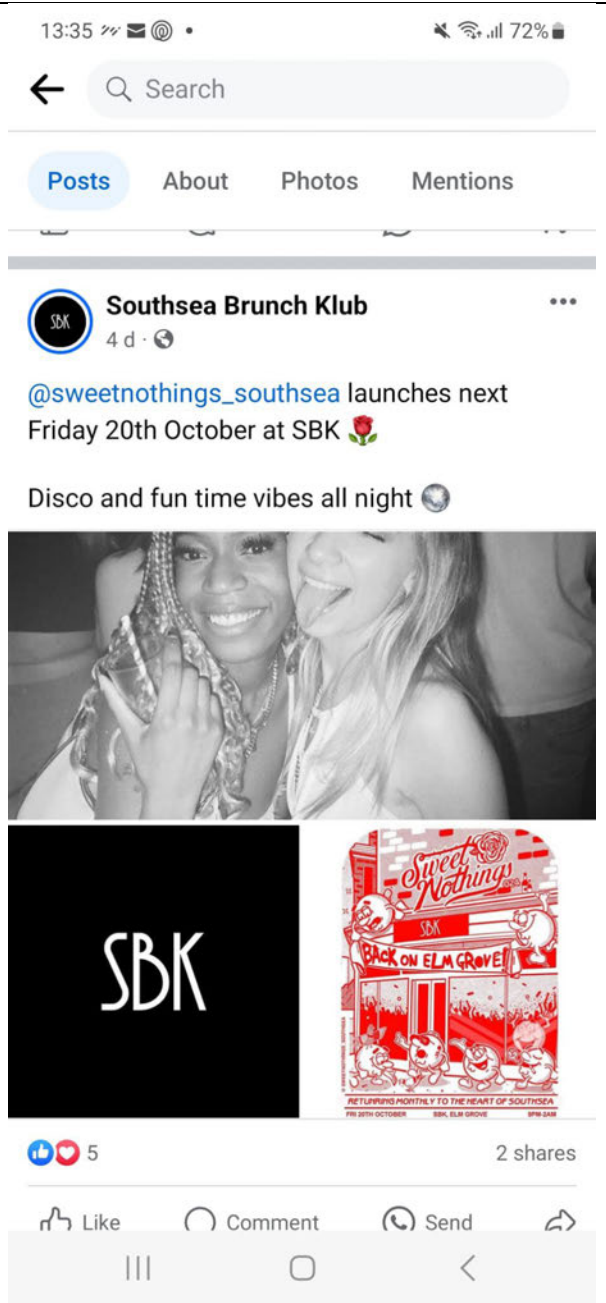
Advertising from SBK Website. This was on 19 Jan 2024. Note "LAST DINNER SITTING 9PM"

Condition 1 of Annex 3 of the license states "Substantial food (substantial food being defined as: food items prepared or cooked on the licensed premises and that are typically served as a main course or entrée) will be available to order until at least 90 minutes before the premises close." Opening Hours stated in the licence are until 01:30 Mon-Thu and 02:30 Fri & Sat.

Advertising on SBK Instagram page on **18 Oct 2023**, nine days after Mr Walsgrove had told the Sub-Committee “I want to reassure you that the focus is food, it is to trade as a restaurant”.

Advertising material included

- Pumping soundsystem
- Basement hangout
- 2 bars
- Lighting and visual installations
- DJs playing forward thinking dance music
- Let's party



I referred this to Mr Stone on 18 Oct and received a reply the same day.

“Michael

I have enquired about this with Mr Hudson who has informed me that whilst this was an enquiry with SBK no firm booking had been placed so the event is not going ahead.

Mr Hudson has been contacted by some residents and he is going to update them himself.

Regards

Derek”

If there was “no firm booking” why was it being advertised by SBK two days before it was due to take place? I have no doubt that this event would have taken place had Mr Stone not intervened.

Annex B

List of Public Nuisance Complaints received by PCC about 119 Elm Grove.

Subject : FW: SBK, 119 Elm Grove
Date : 18 January 2024 10:56
Linked to : Lorraine Astill (Portsmouth City Council)
From : "Astill, Lorraine" [REDACTED]
To : Michael Cross [REDACTED]
Cc : "Holder, Ian (Cllr)" [REDACTED]; "Lee, Richard" [REDACTED]
[REDACTED] FOI [REDACTED]
Attachments : [REDACTED] Complaints 119 Elm Grove.pdf;

- Official Sensitive -

Dear Mr Cross

Thank you for your email.

Please find the information provided as requested. I can confirm that we did not receive any noise complaints in 2021 for this premise.

I believe that you may of miss understood me yesterday as this service has not had any dealings with Mr Fabio Mazzoni and therefore cannot comment on his suitability as a DPS. As discussed yesterday Regulatory Services will not be making any representations in relation to the application submitted by the Police to review the premise license for Southsea Brunch Klub, so therefore we will not be presenting any evidence to the licensing committee.

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]
Mobile: [REDACTED]
Email: [REDACTED]

Complaint details for 119 Elm Grove

30.01.2022	Complaint type	Closed Date
28.11.2022	Loud music	30.01.2023

<u>Date received</u>	<u>Complaint type</u>	<u>Closed Date</u>
02.05.2023	Loud music	01.08.2023
11.05.2023	ASB & loud music	01.08.2023
16.05.2023	ASB & loud music	01.08.2023
31.05.2023	ASB & loud music	01.08.2023
05.06.2023	ASB & loud music	12.07.2023
06.06.2023	ASB & loud music	12.07.2023
20.06.2023	ASB & loud music	08.11.2023
24.07.2023	Loud music	27.10.2023
14.08.2023	ASB & loud music	17.10.2023
22.08.2023	ASB	24.10.2023
25.08.2023	Loud music	17.10.2023
19.09.2023	ASB	24.10.2023

APPENDIX C

Support for Licensing review SBK Brunch Klub Elm Grove Southsea.

From Karen Fricker [REDACTED]

I have lived in my current house for 30 years and have seen the premises currently housing SBK in many guises. I had never had reason to complain about the anti social behaviour and disturbing noise and public nuisance from any other establishment. Since the opening of this "Klub" I have made over 10 complaints to varying organisations including Steve Hudson and there is no improvement.

Every Saturday and Sunday night I have to relocate my bedroom to evade the noise of drunken shrieking and abusive people outside SBK, people milling around St Peter's Grove and not leaving until 3.00am.

I have witnessed girls passed , sitting in the gutters abusing staff in the local co op for refusing to sell them alcohol, people urinating and vomiting not only in my garden but other peoples too .

There has to be a causal link to the change we as residents have experienced since April 2023.

Taxi's regularly double park and minibuses cause hazardous traffic conditions letting out groups of up to 8 people on the junction between St Peter's Grove and Elm Grove. Clients blocking the pavement outside the Klub causing the public to step into the road to pass them.

We have had countless reassurance from Steve Hudson that things will change.

"The premises is not going to change in character. it's primary focus is on food"

"There have been some issues but they are very few and far between"

Steve Hudson from Evening News article by Josh Wright 10.10.23 At the last review the sub committee had repeated reassurance that SBK's intention was to operate as a restaurant and Councillor Stuart Brown said he was keen to support and endorse a successful restaurant. This is not a restaurant it is a club catapulted into a residential area causing high levels of distress to many, many people. Why did the sub committee not know how many times the police had been called at their review?

I quote Sam Wellington last manager of SBK who was interviewed by Sophie Lewis of The News when SBK opened.

"The benefit of being a new club is that you can do what you want with it"

This venture which glamorises intoxicating binge drinking is a club and it's Instagram and face book posts will certainly endorse this.

I sincerely hope that you have a more enlightened committee to assess the licensing application this time in order to stop the public nuisance and threat to public safety which this establishment causes.

Regards

Karen Fricker

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APPENDIX C

From: [REDACTED]
To: [Stone, Derek](#)
Subject: FW: Comments for Licensing Application 24/00435/LAREVI
Date: 30 January 2024 16:22:40

- Official -

From: [REDACTED]
Sent: Tuesday, January 30, 2024 4:11 PM
To: Licensing Shared Email [REDACTED]
Subject: Comments for Licensing Application 24/00435/LAREVI

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 30/01/2024 4:11 PM from Mrs Pauline Howarth.

Application Summary

Address:	119 Elm Grove Southsea PO5 1LH
Proposal:	Review Premises
Case Officer:	MR DEREK STONE

[Click for further information](#)

Customer Details

Name:	Mrs Pauline Howarth
Email:	[REDACTED]
Address:	[REDACTED]

Comments Details

Commenter Type:	Neighbour
Stance:	Customer objects to the Licensing Application

Reasons for comment:

Comments: 30/01/2024 4:11 PM I have lived in St Peter's Grove since 1983. We have had the occasional group of tipsy people walking down our quiet, residential road but since SBK opened we have had drunken people hanging round nearly every Friday and Saturday night, often behaving in an anti-social way. More specifically, on New Year's Eve (1 January 2024), I was walking home from Old Portsmouth with some friends, as I have done for 40 years. After leaving The Retreat, I was on my own. It was 12:45 am. You could hear shouting a block away from Elm Grove. I walked down The Ticket. At the corner by the Co-op was a group of 6 men, one being sick. I got to Elm Grove where there were at least a dozen people in yellow security jackets, a security patrol van and noisy people in the road outside SBK. I started to cross the road to St Peter's Grove, a security man said, "Don't go there - it's dangerous, people and glass." I said I had to, as I lived there. He said to go the other way - back to the traffic lights and down Grove Road South. As this meant coming back down a dark street towards the trouble, I approached the biggest security man and asked him to see me safely to my house. He just looked at me. At which point a fight broke out by the launderette and they rushed off to deal with it. A security woman remained in the road so I asked her if she would accompany me to my door a few houses down St Peter's Grove. She very kindly did and a security mate was also keeping a look out, so I got home safely. We never had such problems when the premises were being run as a restaurant, nor do we get bother from clientele from pubs

The One Eyed Dog or the Deco or restaurants in Elm Grove. I am now apprehensive of walking down St Peter's Grove on Friday and Saturday nights, when there is a lot of noise coming from SBK and people are hanging around in the road. I frequently visit friends and venues in the neighbourhood on foot and sometimes have to park my car several blocks away from my house.

Kind regards

APPENDIX C

From: Jamie King
Sent: Monday, January 29, 2024 5:23 PM
To: Licensing Shared Email
Subject: Southsea Brunch Klub - License

To whom it may concern,

I live in St Ursula Grove near SBK.

SBK is a cheap, excess alcohol, influencer targeting night club. It is not a restaurant nor a bar.

It creates noise, litter and nuisance from out of area visitors.

This business belongs in the city centre next to the other night clubs.

The correct business model for this venue is something similar to 'The Merchant House' or 'Croxtons Kitchen and Tap House' .

In general this immediate area needs support from the council planners. There are too many vacant and derelict units. Why is this the case in a busy and generally affluent area?

The community has absorbed the homeless shelter very well on Elm Grove to its credit. It is essential that the council does its part to support this project and get the usage and letting of the other spaces right on Elm Grove, otherwise it will deteriorate and more pressure will build up.

Regards,

Jamie King

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APPENDIX C

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

From: RKing

Sent: Friday, February 2, 2024 1:57 PM

To: Licensing Shared Email

Subject: Southsea Bruch Klub

Dear Sir,

I am informed that Southsea Brunch Klub is requesting a change of use in its licensing. I feel I must object to this request.

As I understand it they currently have a restaurant license. Since opening, the establishment has been used as a club and not solely as a restaurant. There were numerous problems then with noise, urinating, broken bottles, verbal abuse and violence. They have managed to tone down some of this but not to a satisfactory degree. As I believe the Police have recently informed you.

I suppose the clue is in the name, but it seems the licensing body may have been deceived about how the establishment was going to be used when the current license was granted. Subsequently I would request that if any kind of liquor license is to be granted to this place it should remain as it is today, namely a restaurant i.e. Alcohol only with a meal and no late openings.

Kind regards

R. King

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APPENDIX C

From: jacqui mair
Sent: Thursday, January 18, 2024 12:14 PM
To: Licensing Shared Email
Subject: No 24/00435/LAREVI

LETTER TO SUPPORT THE APPLICATION No 24/00435/LAREVI To whom it may concern :

I am a resident of Saint Ursula Grove and have lived here since 1987. I have eaten and supported all the restaurants that have been in place on the corner of Saint Peters Grove at 119 Elm Grove and have never experienced any disturbance from the premises in the past. Since the opening of SBK I have noticed a considerable demise in the neighbourhood, I often have walked home in a different direction due to the clientele outside the property who regularly blocked the pavement and the general feeling of being unsafe. I have reported on numerous occasions the noise, which has come from the premises past 2am in the morning and have had to resort to earplugs and radio to try and drown the noise. These reports should be on record historically. The sound of the "restaurant" can be heard regularly on Thursday /Friday and Saturday nights I have usually just coped by closing windows and resorting to earplugs.

I also attended a meeting with residents at SBK with Steve Hudson who encouraged us to report to contact him personally with any problems and he would deal with it. Soundproofing was promised which has not materialised. His attitude was generally diffident, Steve Hudson cancelled the second meeting, no minutes were taken and I felt he was not the person we needed to address with the problems. Any complaints have been brushed aside by the operators as "nothing to do with SBK" which is what Steve Hudson indicated at our meeting. Residents of St Peters Grove have been particularly badly affected. It seems curious that the volume of noise and unruly behaviour has centred around the Thicket, Saint Peters Grove and a small section of Elm Grove between Saint Andrews and Saint Peters Grove, when this has not been the case historically. There have been numerous reports of anti-social behaviour in both roads and it is clear, given their timings, that on the balance of this, clientele of SBK causes the issues. The application lists six incidents at the premises reported to police prior to the variation hearing on 9 October 2023, none of these incidences were mentioned at the hearing on the 9th October 2023.

I have read the application for review made by Hampshire Police and agree with its commentary. However, would the licensing sub-committee be aware that this only includes interactions involving the police. It does not include any of the experiences of local residences or any noise complaints made to PCC. While the incidents in the application are very important, they only represent the "tip of the iceberg" as far as we the local residents are concerned.

I fully support all of the required changes outlined by the Police in their application and ask the sub-committee not to allow them to be diluted. The license holder gave assurances to the sub-committee at the hearing on 9 Oct 2023, which proved worthless; no further assurances should be accepted. I attended the hearing where we expressed grave concerns at the "restaurants" true nature; this has now been highlighted as accurate by the report from Hampshire Police "The business seems to be entirely based around discounted alcohol, multi purchase discounts and the provision of an unspecified amount of alcohol for a fixed fee with 90 minutes to drink your moneys worth. The name and branding of 'Southsea Brunch Club' is promoting the bottomless booze aspect of the business with the term 'brunch'. The front page of their website states that 'Southsea Brunch Klub is the home of the bottomless brunch'. There was a strong assurance as well by the solicitor

representing SBK, that this was the new way ahead for restaurants and he assured us it was not a club. The report by the police clearly indicates this is not the case.

It has been asked that the DPS be removed and would ask whether this person is fit to continue as a DPS given the history of SBK and other restaurants they have been involved with.

May we ask that the Case Officer from PCC Licensing include in his report a summary of ALL complaints made to PCC relating to the premises since the license transfer in Nov 2022, to include all noise and environmental complaints in addition to any complaints to licensing and notifications of breach of licensing conditions. I would also ask that the Case Officer from PCC licensing include in his report details of all visits to the premises made by licensing staff, dates and times and reasons for visiting and what follow up there was as a result of the visits.

I am happy that the police now have concerns relating to crime and disorder, public safety and public nuisance linked to the premises.

We, like the police have as residents expressed concerns that intoxications and irresponsible drinks promotions are a contributory factor to violent crime, disorder, antisocial behaviour and nuisance caused by the clientele of the premises and it impacts on not only their staff but also customers and the public.

I hope that a decision will be made to review whether this nightclub (which is what it has become) that sits in a residential area will find another home or close.

Jacqui Mair



APPENDIX C

Licensing Shared Email

From: Pam Newick [REDACTED]
Sent: 09 February 2024 00:40
To: Licensing Shared Email
Subject: Representation for review application 24/00435/LAREVI
Attachments: Review 221 2.docx; Sbk Photos Reduced.docx

[REDACTED]

I attach my written representation with regard to the review application 24/00435/LAREVI, and a separate file of photographs, numbered as referred to in the text. I have reduced the size of the photo file to enable me to send it more easily. Some of the photos are more clearly seen if magnified by a factor of 4. I do not wish my address to appear with these documents for public view.

Regards,
Pam Newick

[REDACTED]

**Representation for review application 24/00435/LAREVI for
Southsea Brunch Club, 119 Elm Grove, PO5 1LH
9 February 2024**

I wholeheartedly support the Licence Review of these premises. I have been living in St Peters Grove since the beginning of 1986 and there have been several incarnations, with various proprietors, of the restaurant on the S corner where my road meets Elm Grove. They have all been civilised people with similar clients, so there have been no problems, as far as I'm aware.

I was present at the licence variation hearing on 9 October, which I felt was a travesty. I had previously submitted some photos and thoughts but was informed that these were unacceptable as evidence, since I could not show that the young people involved were customers of the club. Most of us are not prepared to take photographs of customers, some exceptionally drunk or drugged, while they are urinating or vomiting in the street, and since none of the incidents described here had occurred before Sbk arrived I feel it can be confidently claimed that these behaviours had been influenced by their attendance at the club. People drinking in other venues along Elm Grove do not swarm out in large gangs after midnight or stand in large groups in our particular streets drinking and smoking as these do, so they don't cause the problems and are unlikely to leave via St Peters Grove or The Thicket.

I will now consider comments and recommendations listed in the Notification of Decision from that hearing, and whether they have been adhered to. The statements from the notification are listed here in bold type:

'It is unfortunate and disappointing that the application is a result of complaints received regarding noise and non-compliance with conditions - meaning it is a retrospective attempt to regularise the change in the business already in force.'

There had already been six events reported to the police at the venue when this variation hearing took place, including two fights, one involving members of the public, but they were not considered.

the application sought approval for an inner lobby at the front of the premises

The lobby had been introduced to diminish the noise emerging from the venue, as a result of extremely loud live or recorded music being played for a large crowd of dancing customers on the ground floor. A thin piece of black plastic, now buckled, was also fitted over the outside of the large side window, overlooking St Peters Grove. Given the size of the remaining single-glazed windows, on Elm Grove and St Peters Grove and the fact that either

one or both of the street and internal lobby doors are usually left open (**Photo 1**), as well as the kitchen door which opens to St Peters, these efforts are ineffectual. At a certain volumes, the sound vibrations may also pass through the brick walls, the closed window and doors.

and an additional bar in the basement

Mr Hudson had already introduced a second bar in the basement, although the existing licence was valid simply for the ground floor bar, with 25 people permitted in the bar area. This variation, as well as confirming the extra bar, removed the restriction on the number of people in this area. It is evident, from the videos and photos on @southseabrunchklub Instagram, that the function of the business is a night club with crowds of people dancing on the ground floor. These posts seem to be intended to attract those seeking a night club and not a restaurant.

There was considerable attention paid by the committee to ensure that there was not a disproportionate ratio of drinkers to diners. The rationale for this was not clear, but it appeared to have been felt that instead of preventing alcohol sales to those not eating, this could be achieved by simply insisting that food should be available till an hour and a half before closing time, at 1.30 or 2.30am, regardless of whether anyone wanted to order or eat it.

The application had sought the re-wording of a condition currently preventing alcohol sales other than to persons taking table meals (save for those at the bar) to requiring substantial meals until 90 minutes before the premises close, and it was felt that clarification for this was provided by the amendment that:

substantial food (substantial food being defined as: food items prepared or cooked on the licensed premises and that are typically served as a main course or entrée) will be available to order until at least 90 minutes before the premises close.”

There will be a minimum of 85 restaurant covers available at all times the premises are open”

Mr Hudson had actually requested a **reduction from 110 covers to 70** and his solicitor said during the hearing that no restaurant previously operating in the building has ever achieved 110 of these. However, when my friends were managing the restaurant as Touchdown and Fat Jaques, there was table seating for 150 customers.

Mr Hudson's solicitor said on several occasions that the intention was to operate as a restaurant, but for patrons to remain after eating. The premises were continuing to operate as a restaurant but Mr Hudson was trying to achieve a 'degree of flexibility' within that. He said that 'The reduction in the number of covers is to allow flexibility for customers to remain, ancillary to the

meal, and have a drink on the premises whilst also accommodating people who just want to come to the venue for the atmosphere, have a drink and meet friends who have had a meal there'. To some of us this has the hallmark of a night club, or perhaps a restaurant that becomes a night club as the night goes on. The Sub Committee felt that reducing covers to 70 would lead to a disproportionate ratio of drinkers to diners, although some might feel that the possible volume of alcohol to be consumed by any one person was of more import. It was noted that flexibility should result in increased viability, as a result of increased drinking and less eating. Sbk Instagram posts since 17 April 2023 had been advertising, for all of the days when open "Drinks tables also available", "Drinks only packages available from 8 pm Fridays and Saturdays" etc and they have continued to advertise these since 25 October, just after that meeting on 9 October. (**Photos 2-7**)

removal of the limit of the number allowed in the bar area.

It was felt by the SubCommittee that the removal of the limit at the bars meant that queuing outside the premises should be reduced. Whenever I have walked past the venue, the people standing outside in Elm Grove, are not waiting to go inside, they have come out to continue to drink, smoke and chat with the security guys or the bar staff. There are still sometimes on the following day, beer glasses containing liquid, left on the pavement outside the building and various glasses left on the window ledge outside the now vacant optician's next door.

In **Photo 8**, from 14/9/23, it is clear that the people are relaxing outside and not queueing to get in.

In warmer weather, during the summer and autumn of 2023, there would be a crowd of customers standing in the street, smoking, drinking, shouting and engaging in other activities which they felt unable to perform in the club. This would be several people deep, spreading along St Peters Grove, from the corner with Elm Grove, for a distance of approx 35 - 40 m.

In the early hours of October 1, 2023 a neighbour took a photo of some women standing around my car, which was parked outside 6, St Peters Grove. It was difficult to see what they were doing, but one was bending down to rest something on the bonnet. (**Photo 9**)

Mr Wallsgrove stated at the hearing that this photograph of the girls behind the campervan was nothing to do with SBK, they were not customers of SBK, and in fact Mr Hudson had provided welfare support to the group as they were extremely drunk. He was not required to provide proof of this however. The women were actually standing in the area previously described, where residents were accustomed to seeing clients of the club congregating to smoke and drink. We never see people doing this, unless they are from the club, as this is a queue on the pavement coming from the corner where the club is situated. The members of the committee, and even Mr Wallsgrove,

may not have been familiar with this. It was also said at the hearing that 'Mr Hudson's intention was to become more engaged and hands-on in relation to the premises'. We have seen no evidence of any improvement as a result.

The premises licence holder shall ensure that staff (and when so employed, SIA accredited doorstaff) supervise the orderly departure of patrons from the premises to minimise noise nuisance"

One wonders how this could be achieved. Given the large numbers of people in the venue, apparent from the social media posts, how are two or three security guards to supervise their departure? Residents hear the screaming and shouting in the streets leading from the venue, but quite far from it. Over what distance was it anticipated that this supervision would proceed?

..the Sub Committee heard and accepted that not every instance of anti-social behaviour could necessarily be attributed to the premises..

The subject of a stabbing which had occurred near the building but not involving Sbk customers had a considerable number of mentions, presumably because Mr Hudson had been required to confirm this. This seemed to loom large in the consciousness of Mr Wallsgrove, but was actually the only example cited of assault which had been misattributed. Presumably he had not known about the two assaults on staff and four other instances of public order, spiking and ASB attended by the police before the hearing.

Rubbish Bins

There has been an ongoing problem with rubbish bins, which are required to be left in a suitable position for collection on the day that this takes place and removed when emptied. Mr Hudson stated after the hearing: 'I have spoken to all parties involved in the bins and will ensure that they are all put away and bought out at the correct time. '

This promise has certainly not been kept. The bins have continued to be left for days, partly on the pavement and partly on the road. They are often overflowing with debris which is blown along the pavements for quite a distance in the wind and bottles and other rubbish straddling the road. There is always broken glass in the gutter under the bins and sometimes elsewhere, because customers take bottles and glasses outside and stand in various places with them. Glasses containing drinks are still found the next day on ledges along the sides of the building and elsewhere. Non-residents who frequently park in the road comment on the care required to avoid puncturing car tyres. After the NYE debacle there were several piles of broken glass on the road and pavements, eventually swept up by my neighbour.

My email forwarded with **Photo 10** to the Green, Clean, Tidy team by Derek Stone on 12/10/23 stated that: 'I have been concerned about these bins, which have been outside the Sbk side entrance for at least 3 days, with the black bin lying on its side and bin bags falling out on to the road.

There is a v pleasant, elderly Chinese woman living in St Peters Grove who walks along this pavement using a tri-walker mobility aid. She has been unable to walk past it since these bins were put out. I have previously posted complaints regarding bins taking up pavement space on the relevant PCC website, and mentioned her problem.'

Photo 11 shows bins on the pavement and adjacent road, where they had remained for 5 days, with the lid open on the large bin, despite the rain.

'The premises licence holder shall ensure that all external doors and windows shall remain closed whilst the premises are open for business save for access and egress.'

The kitchen door is usually open, unless the weather is very cold, as recently. As mentioned above, the external door onto Elm Grove is usually open and often the lobby door too.

It was suggested by Mr Pollard that if permitted to trade beyond 23:00, the following conditions should be stipulated:

..a provision for a minimum of 2 SIA security staff to be employed at the premises for the first 50 customers and a further one SIA security staff per 50 or part thereof, until 30 minutes after premises closes to assist dispersal.

This will be difficult as they won't know how many people will be attending, and presumably need to book security staff in advance. They have not shown themselves to be capable of predicting how many customers will attend, as we saw on NYE, when security staff had to be brought along from nearby venues to assist with the fight amongst customers inside the venue and in St Peters Grove.

Sale of alcohol to be authorised as ancillary to a table meal only.

This will stop people arriving drunk from other venues at, which they seem to do, the men to be seen going over the road to urinate outside the launderette or on the wall of the adjacent block of flats.

So this might reduce the vomiting and perhaps the urinating in St Peters Grove, as the customers would then be able to find their way to the Sbk basement toilets. It must be difficult to get through to those when there are dense crowds dancing on the first floor.

Photo 12 was taken on 16 September 2023, before the licence variation meeting and includes vomit plus the usual cigarette butts, plastic bottle and can in the doorway of the Sbk kitchen. There is regularly a pile of vomit in this area of pavement, or in the doorway of the now-empty shop adjacent to Sbk on Elm Grove. I have never seen any vomit or this amount of rubbish here during the 37 years I've lived in St Peters Grove.

On 29 September around 11pm, for instance, as I was walking eastwards along Elm Grove, there were just a few people blocking the pavement outside the Sbk door which was open, with security men just chatting. I asked the customers to clear a space so that I didn't have to walk in the road and waited till they did it. As I turned into St Peters Grove, there was a pile of vomit on the pavement at the bottom of the kitchen steps, and two men standing nearby urinating. They appear to enjoy doing this against the lamppost near the corner. I reported this next day on our local residents' Bottomless WhatsApp group.

Fabio and the kitchen staff also sit on the steps outside the kitchen door, smoking and casting the cigarette butts onto the pavement, which is always very messy with these. The pavement at the front of the building, on Elm Grove, has lots of butts thrown by customers who wait there, smoking and chatting to Fabio and the security staff.

Removal of DPS.

Fabio, the DPS, is often to be seen on the pavement outside the building, chatting to female customers, or standing in the road, welcoming clients with a hug as they emerge from taxis.

Photo 13 is a screenshot of one of the Tripadvisor reviews of Sbk, by a customer commenting on the bar staff kissing drunk customers in the venue.

On the day before the licence variation meeting he was sweeping the usual broken glass from the pavement into the gutter, in the area of the road where the bins are left, so my neighbour and I went to check with him that he was planning to collect it and put it safely into a refuse container. He replied, saying that he was 'not stupid' in a very aggressive and arrogant manner.

I would certainly agree that he should be removed from his post.

To prohibit regulated entertainment and dancing.

Hopefully this would actually be effective in reducing the noise.

I wish now to consider whether the Sub-Committee were deliberately misled during the hearing in October 2023.

See comment regarding sale of alcohol as ancillary to meal.

At the Sub-Committee Hearing, the solicitor acting for Steve Hudson was quoted by a News reporter as saying: 'not everything that happens in the vicinity of those premises is directly as a result of SBK customers. There have been some issues but they are very few and far between. They are sporadic.' He provided no evidence to support this statement, and was not asked for this. Nobody had bothered to check to find out whether there had been incidents involving the police or complaints to the council, before Sbk arrived, and most of the residents who have been affected have been living in the area for decades, as I have, with no problems.

Derek Stone had visited the venue before the Sub-Committee Hearing, and observed, as described in an email to the residents of 22/8/23:

'I visited the premises to conduct observations with regard to a complaint received into licensing, regarding the bottomless brunch offers that the business offers, and after a long period of observations, I had no concerns with regard to how this was being delivered and managed.

I did however go back a few days later and met with the management to go through all of the conditions that are attached to the current premises licence.'

He did not mention the date or time of day of his visit.

Last week I received a flyer from the 3 councillors associated with East St Thomas' ward. They had visited Sbk late on the evening of 26 January till early morning 27 January to observe the situation in order to make their representation. They did not mention whether they went inside. When I walked past earlier, at around 10.30 pm it seemed to be empty, unusually for a Friday night and one of the two security guards standing, seemingly bored, in St Peters Grove, agreed.

On the following evening, Saturday 27 January, however, there were crowds of noisy people outside the Elm Grove entrance early in the evening and two extremely drunk women walked across to the Coop, as I did, and then stood shouting and swearing in the check out area, trying to engage one of the male staff members in conversation, if it could be so described. The comments were audible throughout the store. Other customers appeared reluctant to go near and when I went to a till, one of the women tried to intimidate me, but stopped when a male customer came to check that I was ok. On the following day the duty manager said that they have lots of problems with drunken customers from Sbk but are not permitted to refuse to

serve them unless they are 'falling over'. She said on the previous evening the club was exceptionally busy because it was 'pay day'.

In conclusion, it seems bizarre, in view of the police report on the NYE 'incident', involving a fight in the venue which spilled out onto the street, that on 3 January, 2024, the Sbk Instagram post announced: 'Thanks for seeing in your New Year with us' (**Photo 14**)

Photo 1

20 January at 17:40



Photo 2

17 April 2023 Sbk Instagram post

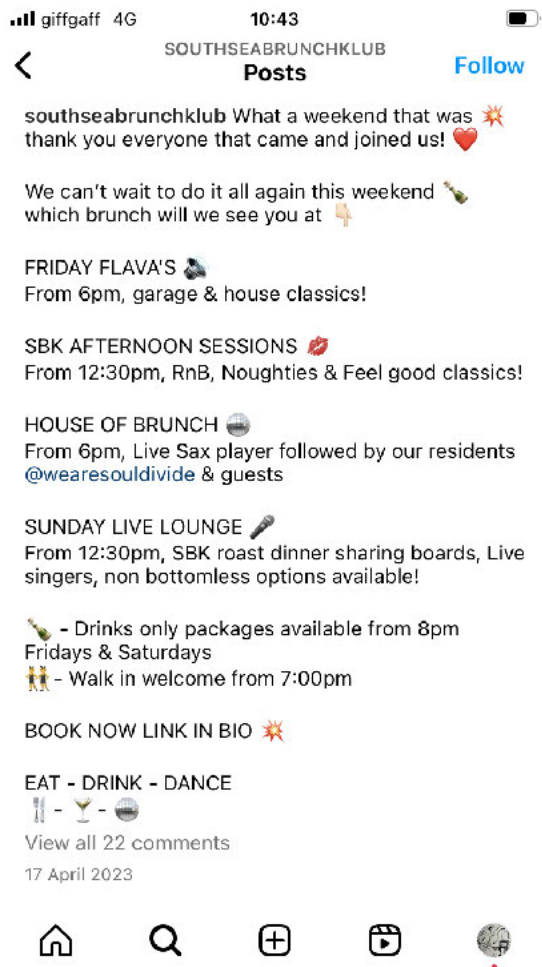


Photo 3

19 April 2023

Sbk Instagram post

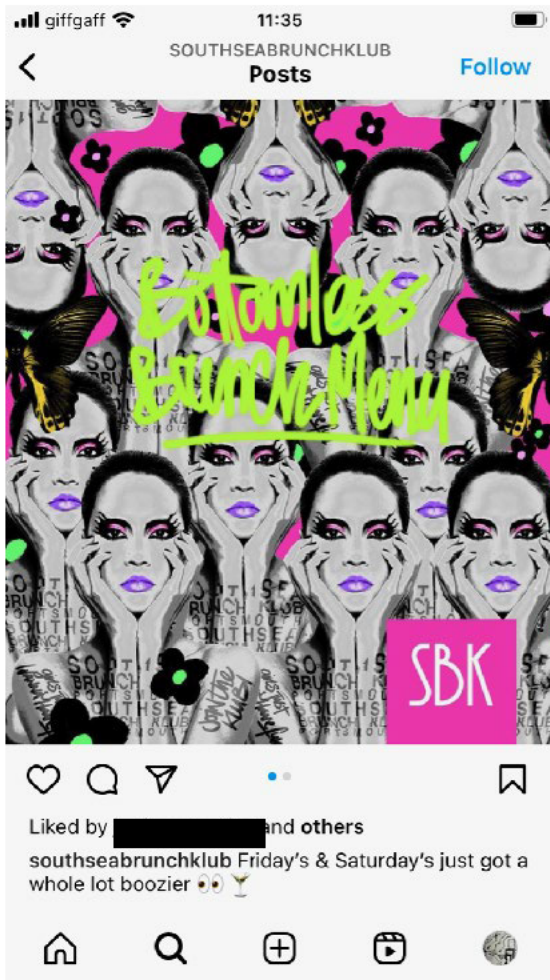


Photo 4

17 April 2023

Sbk Instagram post

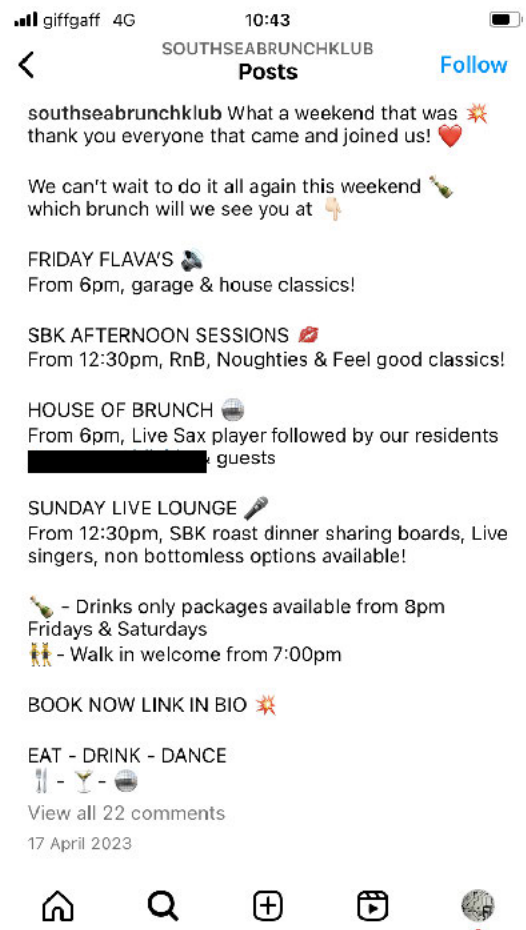


Photo 5

Sbk Instagram post 31 January, 2024: In small font: 'You can book a table just to drink'.



Photo 7

Sbk Instagram post 23 January, 2024, 'Drinks tables also available'.



outside 6 St



Photo 8

14/9/23 Elm Grove looking towards Sbk



Photo 10

Taken on 12/10/23 and forwarded to Green, Clean, Tidy team by Derek Stone

Photo 11

Monday 22 January at 15:42. The bins were in this position for 5 days, with the lid open on the large bin despite several days of rain.



Photo 12

16 September 2023 at 19:08:51

Pavement of St Peters Grove, outside kitchen door of Shk



APPENDIX C

From: Matt Scott-Joynt [REDACTED]
Sent: Thursday, February 8, 2024 12:04 PM
To: Licensing Shared Email [REDACTED]
Subject: SBK licensing review representation

[REDACTED]

Dear Sir/Madam,

Re: The review of the license for SBK, 113 Elm Grove, Southsea, ref 24/00435/LAREVI

As a result of my own experiences of living very near to SBK I fully support the conclusion of the police made in their license review application and representation, that the management of SBK should have their license revoked for any and all operations on the premises, whether they propose SBK to be run as a restaurant, bar or any other type of business. On the basis of their evidence and experience the police submitted that:

"Given the significant changes required to remove the risk currently presented by this venue's operation, poor decision making and management, Hampshire and IOW Police recommend the Sub Committee consider revocation of the premises license.

Whilst making your decision, please consider whether the Sub Committee were deliberately mis-lead during the hearing in October 2023."

I live in a small block of flats at the top of St.Peter's Grove very close to SBK. From when SBK opened, the antisocial and frequently frightening behaviour of SBK customers at weekends, and the disturbance caused by the level they play music has been so unpleasant and has caused me so much stress that I've tried to be away from my flat most weekends. I was staggered that the licensing committee last October 2023 favourably varied SBK's licence despite the overwhelming evidence presented showing the extent of the antisocial behaviour it attracted, clearly not in keeping with its presentation to the committee as 'a restaurant'.

Summary of my experiences of living near SBK, and of the unfitness of the management to run any premises on the site. Please use your experience to categorise my experiences fittingly under the headings: Prevention of crime and disorder; Public safety; Prevention of public nuisance; Protection of children from harm.

Since they opened SBK customers have consistently behaved in antisocial, gross and frightening ways when outside and around the premises and on St.Peter's Grove. This behaviour has continued after the October 2023 variation of their license. SBK management's consistent defence that the antisocial behaviour is not caused by their customers is a fallacy as I've continually witnessed their customer's antisocial behaviour on leaving, returning to, and before entering SBK. We had no significant antisocial behaviour and routine noise nuisance around and outside our flats during the evening and late at night before SBK opened.

- It has been routine to encounter SBK customers: urinating against walls in St.Peter's Grove, between cars, and in the car park and carport underpass of our flats. I have lost count of the number of times I've asked SBK customers to cease urinating publicly. Their reaction has almost always been verbally abusive. On one occasion 2 young men urinating then squared up to try and fight me at the entrance to my flats after I'd asked them to stop urinating there.
- It has been routine to watch SBK customers taking drugs (sharing and sniffing substances together) in St.Peter's Grove
- When outside SBK it's customers in groups large and small converse by shouting at each other, and arguing, probably because they're drunk. Although following the October 2023 review SBK made attempts to keep their customers from accessing or congregating in St.Peter's Grove this has not stopped the noise disturbance which is very significant and unpleasant even with all my flat's windows closed.
- It is worrying, unpleasant and gross to routinely have to hear and see SBK customers, many of them young women, staggering away from the venue under the influence of drink and perhaps drugs and on more than a few occasions vomiting either in the carport underpass or right in front of our flats and being unable to walk away. This seems an unsurprising result of the drinks promotions SBK trades on. Regardless of the apparent change in door staff following the October 2023 review, groups of young men and women still congregate in our carport underpass shouting and drinking together.
- I have witnessed so many instances of SBK's both male and female customers fighting and aggressively arguing with each other around the junction at the top of St.Peter's Grove, and also regularly seen running skirmishes and aggressive behaviour as intoxicated arguments continue down St. Peter's Grove in front of our flats as customers leave. It's very unpleasant and frightening, and I've really worried for the safety of all involved, particularly the young women.
- On two occasions I've walked late at night past SBK and seen young women slumped on the pavement outside near their entrance, seemingly semi conscious. I've also seen young women in a similar state on the kitchen steps of SBK on St.Peter's Grove. Doubtless a consequence of their drinks promotions. This is very unsafe and unpleasant to witness.
- Weekend evenings and late nights are regularly punctuated by the noise of cars noisily dropping people off at SBK in St.Peter's Grove or on and around its corner, and of customers noisily leaving or returning to their cars parked in St.Peter's Grove.
- The volume of the music coming from SBK is routinely so loud the beats can be heard in my flat with all windows closed. This has disturbed evenings and nights and caused me to have to wear ear plugs to get to sleep. Ever since it opened I've consistently asked various

members of the changing management of SBK to lower the volume. They haven't, and their responses to my requests have been totally dismissive and similar to: 'you must have very sensitive hearing', 'it's only during the last hours of the night that we turned it up', or, 'we've sound proofed the window and door so we've done all we can', 'people were having a good time, why don't you come and join us?'

- I have a 16 year old daughter who won't stay with me due to the antisocial behaviour caused by SBK's customers. She's right, the noise is disturbing and frightening. My eldest 21 year old daughter currently lives with me. She works in a bar on Albert Road which is run properly and feels safe. She is very alarmed at the level and type of drunken behaviour she's witnessed and heard when returning late at night from work, and when in our flat.
- Despite purposefully staying away from home most weekends I've still heard and then witnessed from my windows 2 awful incidents of group threatening behaviour and fighting outside SBK. This has been really unpleasant. SBK seems to attract a significant number of customers who have the capacity to behave very aggressively. Or perhaps their drinks promotions encourage vile and antisocial behaviour.

Conclusion

Late last year following the October licensing committee meeting, our residents group had a meeting at SBK with Steve Hudson, a senior management there. We were given many assurances by him of the good nature of SBK, and he insisted it was run responsibly by him and the owners as a restaurant. Despite fatuously arguing with us that the majority of the antisocial behaviour we had identified wasn't caused by SBK customers, he encouraged us to bring any subsequent noise and antisocial behaviour issues to him and he would do all he could to assist us. The level of problems I've witnessed since and described above, as well as those outlined by the police in their evidence and recommendations, would I hope cause the licensing committee to think twice before believing any further submission from SBK that they have been primarily running a restaurant in keeping with their license, and that their owners and management are capable and fit to run a premises of any kind at 113 Elm Grove.

My experience of being subjected to the antisocial behaviours brought about by the existence of SBK leads me to fully support the police submission that: SBK trades on drinks promotions which have proved fundamentally dangerous to community safety; the committee should certainly consider revoking SBK's license; and that it seems the committee were very misled by SBK during the October 2023 committee hearing, as a result of which I and many others in the community have had to experience yet more fear and disturbance from the behaviour of SBK's customers. Please do not make this mistake again. Surely the licensing committee's responsibility is firstly to the safety of the local community rather than to the owners of a business wanting to profit from binge drinking promotions, with a known history of running drinking premises that cause antisocial behaviour?

On the strength of the police evidence and submission alone I hope the committee feels it has both grounds and a duty to revoke the premises license.

Matt Scott-Joynt

[REDACTED]
[REDACTED]
[REDACTED]



APPENDIX C

From: [REDACTED]
To: [Stone, Derek](#)
Subject: FW: Comments for Licensing Application 24/00435/LAREVI
Date: 31 January 2024 07:58:27

- Official -

From: [REDACTED]
Sent: Tuesday, January 30, 2024 2:41 PM
To: Licensing Shared Email [REDACTED]
Subject: Comments for Licensing Application 24/00435/LAREVI

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 30/01/2024 2:41 PM from Mrs Hazel Taylor-Jacks.

Application Summary

Address:	119 Elm Grove Southsea PO5 1LH
Proposal:	Review Premises
Case Officer:	MR DEREK STONE

[Click for further information](#)

Customer Details

Name:	Mrs Hazel Taylor-Jacks
Email:	[REDACTED]
Address:	[REDACTED]

Comments Details

Commenter Type:	Neighbour
Stance:	Customer objects to the Licensing Application

Reasons for comment:

Comments: 30/01/2024 2:41 PM The Sub Committee Members Stuart Brown, Emily Strutwick and Yinka Adeniran, were misled at the previous Sub Committee Meeting by the Applicate.
The Applicant representative repeatedly states that the main operation of SBK is FOOD/RESTURANT, which is not the findings of Mr Pollard on his visit or is reflected in the video/CCTV which have been presented, or experience of local residents. Its a CLUB with DANCING. Sub Committee Meeting 9th October Live stream Applicate refers to SBK as Restaurant at 33.10, 35.19, 37.40,35.19, 53.44 and 1hour 15 Steve Hudson insists Restaurant.
Committee Members are referred to by the Applicant as experienced, we heard from Ms Adeniran that was first time sitting on this Committee, Ms Strutwick also volunteers she has no knowledge of Elm Grove or the area or SBK. Live stream - 15.00
Mr Stone states - Retrospective Applications 'Should never happen' and is 'Highly unusual' Mr Hudson is an experienced Licence holder and has worked in the hospitality business for decades - why the over sight? Live Stream - 16.56
The Police and Environmental Health made no representation/objections at Licencing Sub Committee - from Mr Pollard statement, Police had visited the site 6 times from April to October 2023 due to Assault, Intoxication, Public Order, Spiking, ASB etc These are extreme cases when Police attend, but there are numerous other incidents on a weekly basis
Bottomless Brunch glamorising intoxication, which was outlined in the representations made by residents, these 'offers' are contrary to the Licencing

Act.

Mr Hudson invited residents to contact him to 'sort out' issues, however had we all not logged these concerns and only gone to Mr Hudson the official stance by Police, Enviromental etc all fine. Mr Hudson was exercising damage limitation. Poor decision making and bad management at SBK I would request Sub Committee consider revocation of the premises licence knowing Sub Comm mislead previously as operation its a CLUB

Kind regards

APPENDIX C

From: Janet Wilmot
Sent: Wednesday, February 7, 2024 3:39 PM
To: Licensing Shared Email
Subject: Application no. 24/00435/LAREV1

You don't often get email from

Dear Sirs

I am writing to support the application by Hampshire Constabulary for a review of the licence of Southsea Brunch Klub.

At a Licensing Sub Committee Meeting on 9 October 2023, the owner of the Klub, supported by his solicitor, stated that the venue was primarily a restaurant, with alcohol served only during or after a meal. All evidence shows, however, that this is far from the reality.

The Klub offers many drinks promotions, clearly advertised on social media, encouraging excessive drinking in a specified time frame. Food is not served all the evening and indeed some tables are reserved for drinks only. Neon signs inside the premises: "Follow the call of the disco ball" and "Get to the bar bitches" and loud music pumping away all evening, indicate that the venue is primarily intended to be a night club, encouraging dancing and excessive drinking of alcohol, rather than somewhere to enjoy a pleasant meal. The ensuing drunken behaviour of many of the clientele is clearly out of hand and unable to be contained by the management.

There have been many instances of disturbances in and around the venue, some involving the police being called and others just adding to the frustrations of local residents whose peace has been disrupted. I and many others have lived in St Peter's Grove for a large number of years, in my case 40 years. In all that time we have experienced nothing like the problems caused since SBK opened in late 2022. We have endured loud music pumping out from the venue during opening hours, which is still disturbing even after the management have made attempts to soundproof their walls. There have been fights in and outside the venue, people shouting and screaming in the street late at night after closing time, men urinating in the street and outside private dwellings and vomit and other mess on our pavements. There is video and photographic evidence of many of these examples of antisocial behaviour clearly related to SBK.

For this reason I totally support the request by the Police for a review of SBK's licence, specifically removing the "bottomless brunch" and all such drinks promotions, closing time of no later than 23.00, prohibiting regulated entertainment and dancing and adhering to the stated limit of alcohol being served only as ancillary to a table meal.

Yours faithfully

Janet Wilmot



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APPENDIX C

From: [Humphreys, Nicki](#)
To: [Stone, Derek](#)
Subject: FW: Comments for Licensing Application 24/00435/LAREVI
Date: 09 February 2024 07:18:38

- Official Sensitive -

N

From: [REDACTED]
Sent: Thursday, February 8, 2024 9:31 PM
To: Licensing Shared Email [REDACTED]
Subject: Comments for Licensing Application 24/00435/LAREVI

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 08/02/2024 9:31 PM from Mrs Jemma Esposito.

Application Summary

Address:	119 Elm Grove Southsea PO5 1LH
Proposal:	Review Premises
Case Officer:	MR DEREK STONE

[Click for further information](#)

Customer Details

Name:	Mrs Jemma Esposito
Email:	[REDACTED]
Address:	[REDACTED]

Comments Details

Commenter Type:	Neighbour
Stance:	Customer made comments in support of the Licensing Application
Reasons for comment:	
Comments:	08/02/2024 9:31 PM I've been coming here for quite awhile, but recently started going on a Sunday for their roast dinners with my friends and family. I have three young children who absolutely love coming here it's really friendly, the staff already attentive always happy and the food is always incredible. I've just booked to go to your Broadway dinner this weekend, which children are thoroughly excited for. I've also visited on weekends with friends and again great vibes. Great staff well organised establishment. Well done SBK for such a great place to go with family and friends.

Kind regards

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APPENDIX C

Hi Derek,

I'd like to make a representation on the following review.

I'm sad to see this review is being undertaken especially as I've frequented the venue a few times in the last 3/4 months.

I've even been in for the Brunch and found it to be well run.

I have to say the venue itself has never shown itself to be an issue when I've been in there, but I understand incidents do happen and venues across the city do suffer from time to time.

I would like to note some of the conditions offered by police are rather draconian in nature and would surely see the venue unable to carry on trading if they have to abide by such conditions.

In the appendix offered, there are some severe allegations of drug use, public urination and ASB. I might like to remind officers, councillors and interested parties similar allegations were aimed at the Deco venue (over the road) when they tried to amend their licence. Their licence extension was granted. I must add I've never seen any of these while being in SBK or in Elm Grove.

I feel while there are steps to be taken to ensure the venue trades within the four licensing objectives, there is an unrealistic expectation from the police in their review with the conditions offered by them. Punishing the venue rather than trying to work with them on conditions is not the right way to manage this situation.

As a former member of the Licensing Committee of 8 years and Chair of the committee, my intention was to avoid politics as a whole. However, I do feel there is a way forward for the venue, the responsible authorities and council to move if appropriate conditions are applied.

Best wishes,

Scott

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