

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

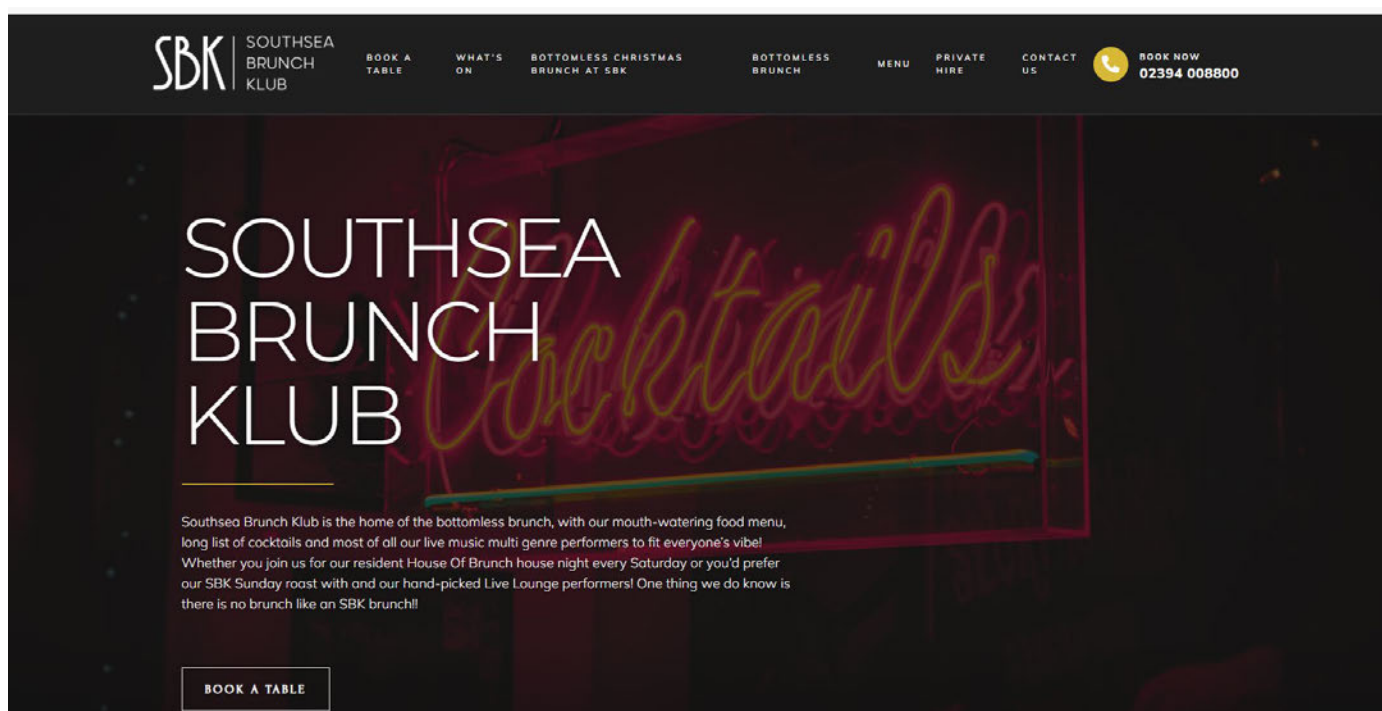


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Appendices - Police Review of SBK

- **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

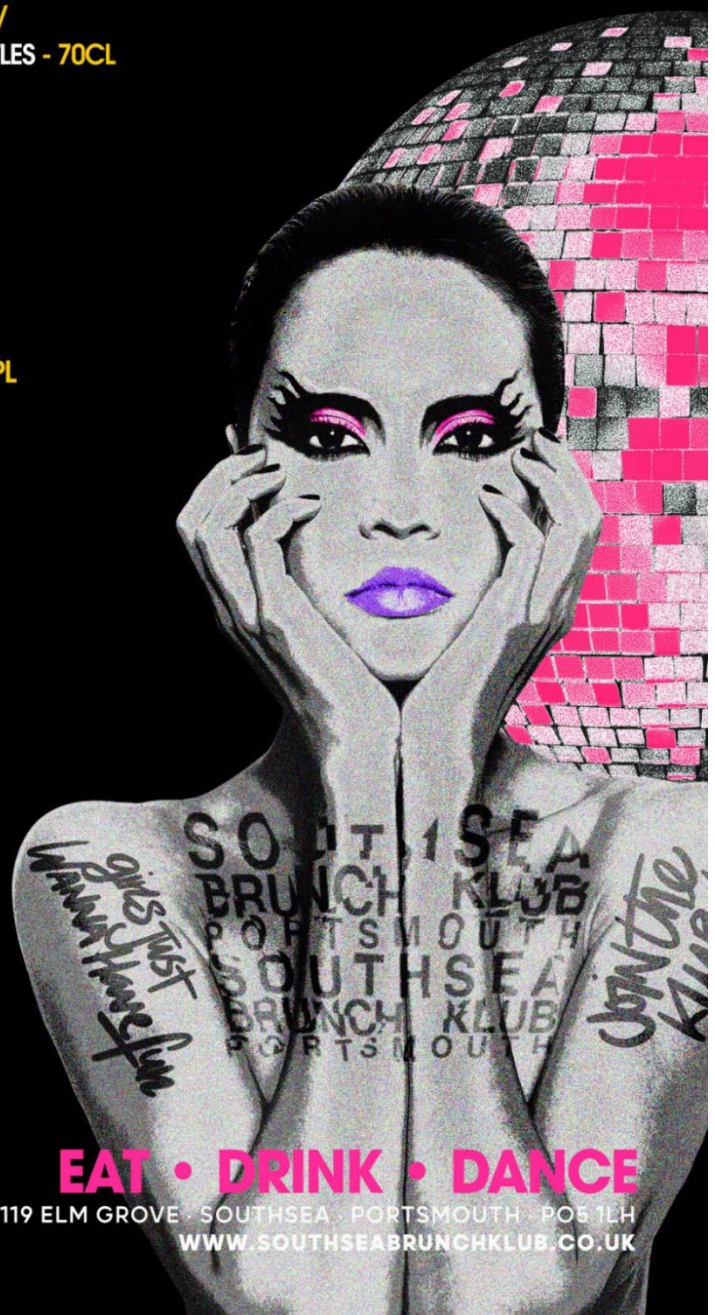
VEUVE **£85**

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](#) [BOOK NOW](#) [BOOK NOW](#)



NYE DISCO GLITTER BRUNCH PARTY 3PM LATE

Soul divide & Mister Sledge / Ollie Crosswell & Special Guest
Live Vocalist & Sax Player / Feel Good Dancers
HUGE AU VODKA NYE GIVEAWAY

BOOKINGS 02394 008800



PRE NYE BRUNCH PARTY

BACK 2 BALEARIC BACK 2 LOVE

MUSIC FROM 1988 ONWARDS

GROOVER WASHINGTON
ANDY MASON
SPECIAL GUEST

FRIDAY 29TH DECEMBER 4PM LATE
BOOKINGS 02394 008800

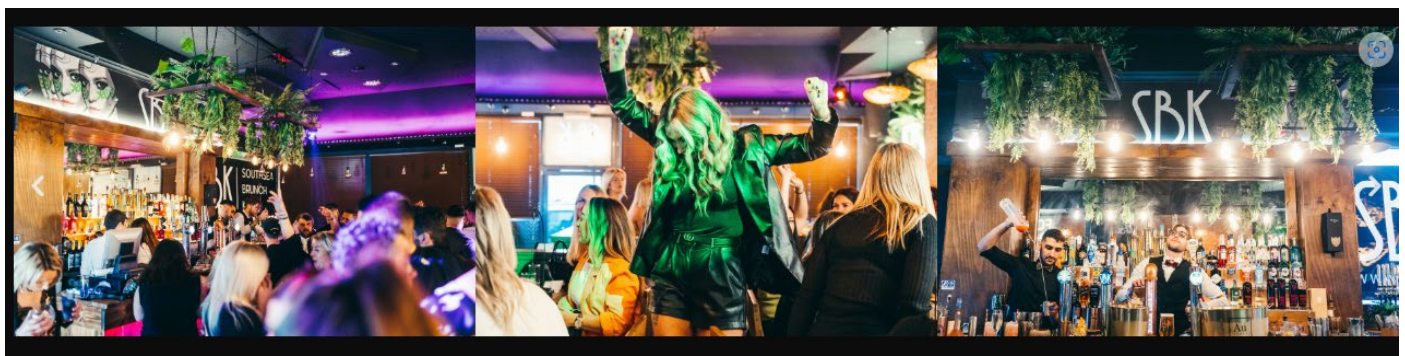
SBK PRESENTS...NYE DISCO GLITTER BRUNCH PARTY

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

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



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) 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.

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