

APPENDIX C



**Hampshire
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FIRE & RESCUE SERVICE

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Licensing Manager
Portsmouth City Council
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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