

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

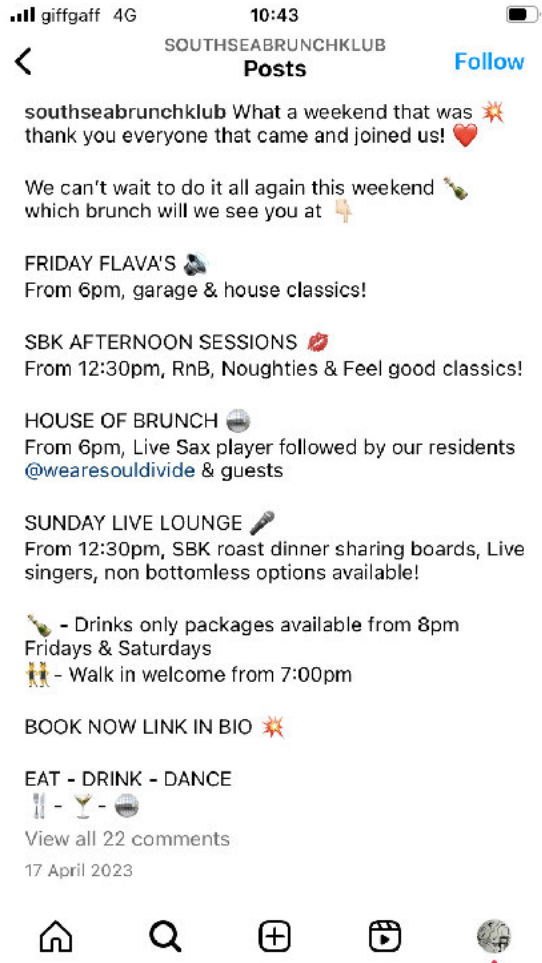


Photo 3

19 April 2023

Sbk Instagram post

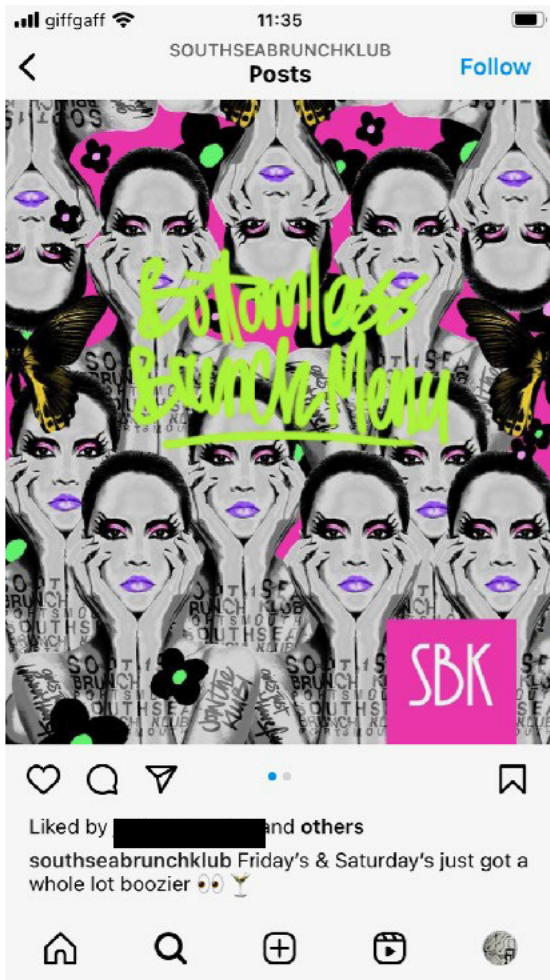


Photo 4

17 April 2023

Sbk Instagram post

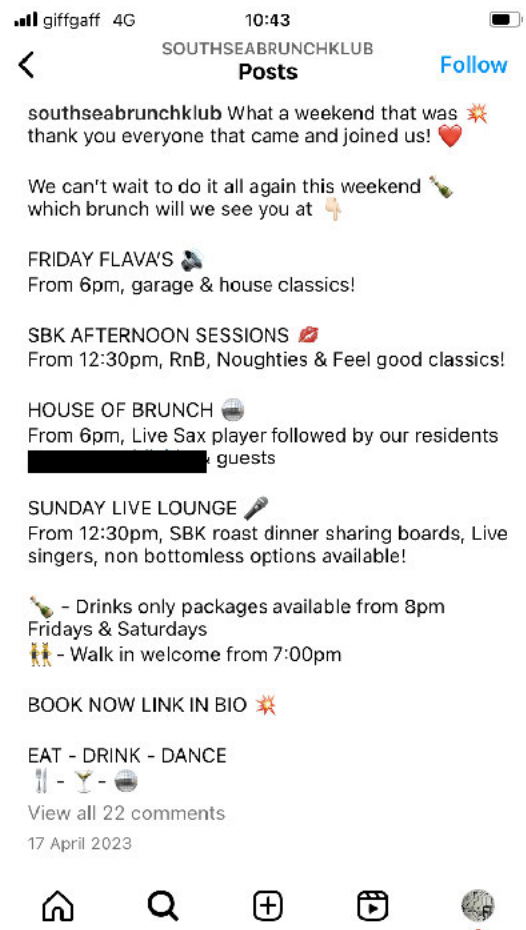


Photo 5

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

