

## 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



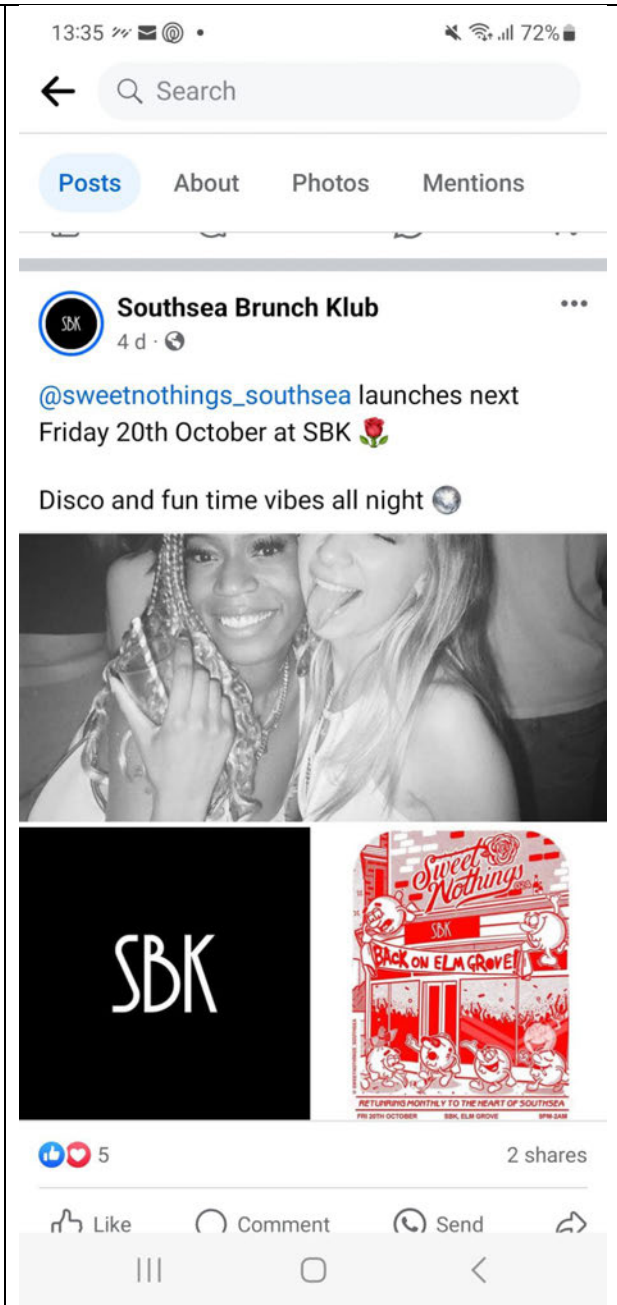
Advertising from SBK Website. This was on 19 Jan 2024. Note "LAST DINNER SITTING 9PM"

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**

<b>30.01.2022</b>	<b>Complaint type</b>	<b>Closed Date</b>
28.11.2022	Loud music	30.01.2023

<b><u>Date received</u></b>	<b><u>Complaint type</u></b>	<b><u>Closed Date</u></b>
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