



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

WEDNESDAY, 2 SEPTEMBER 2020 AT 10.00 AM

VIRTUAL REMOTE MEETING - REMOTE

Telephone enquiries to Anna Martyn Tel 023 9283 4870
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Committee Members Councillors Claire Udy (Chair), Scott Payter-Harris (Vice Chair), Dave Ashmore, Chris Attwell, Tom Coles, Jason Fazackarley, John Ferrett, George Fielding, Hannah Hockaday, Leo Madden, Lee Mason, Robert New, Benedict Swann, Linda Symes and Gerald Vernon-Jackson.

The panel today consists of: Councillors Claire Udy, Dave Ashmore and Linda Symes.
The reserve member is Councillor Tom Coles.

(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 - Application for grant of a premises licence - Wellington, 62 High Street, Portsmouth, PO1 2LY (Pages 3 - 74)**

The purpose of the report by the Licensing Manager is for the committee to consider an application for the grant of a new premises licence pursuant to section 18 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representations from four local residents.

The committee is requested to determine the application.

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE

2nd September 2020

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Application for grant of a premises licence - Wellington, High Street, Portsmouth, PO1 2LY

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider an application for the grant of a new premises licence pursuant to section 18 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representations from four local residents. Further detail about the representations received is shown at paragraph 4 below.

2. THE APPLICATION AND PROPOSED OPERATING SCHEDULE

The premises licence application has been submitted on behalf of TW Assets Limited and relates to premises known as Wellington and situated at High Street, Portsmouth, PO1 2LY.

The following licensable activities have been requested:

Proposed Licensable Activity	Days and Times of Operation
Sale by retail of alcohol	Sunday 11:00 until 23:30 Monday to Thursday 11:00 until 00:00 Friday and Saturday 11:00 until 01:00
Playing of recorded music	Sunday 11:00 until 23:30 Monday to Thursday 11:00 until 00:00 Friday and Saturday 11:00 until 01:00

With the hours of opening and closing being:

Days of the Week	Open	Close
Sunday	09:00	00:00
Friday and Saturday	08:00	01:30
Monday to Thursday	08:00	00:30

The applicant has detailed in the operating schedule the steps intended to support and promote the licensing objectives. These can be found in the redacted application form attached as **appendix A**.

A plan of the premises is attached as **appendix B**.

The updated statutory guidance¹ gives general advice about the steps to promote the licensing objectives as follows:

Paragraph 8.42 *"Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:*

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."*

Paragraph 8.43 *"Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy."*

Paragraph 8.44 *"It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application."*

Paragraph 8.47 *"Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises."*

3. BACKGROUND INFORMATION

The provisions relating to the grant of a premises licence are contained within part 3 of the Licensing Act 2003 and associated statutory regulations.

Public notice has been given by way of press notice, a premises notice and local ward councillors have been notified of the application. There are no germane grounds for the committee to reject the application for non-compliance with the prescribed advertising requirements.

The Wellington is recorded as being 'The Wellington Tavern' as early as 1859 and is one of the longest standing pubs in Old Portsmouth. The previous owner went into voluntary insolvency in March 2020 almost at the same time as the Government closed all bars, clubs and restaurants plus other businesses due to the Covid 19 pandemic. Section 27 of The Licensing Act 2003 states that a Premises Licence lapses with immediate effect if the holder of the Premises Licence becomes insolvent. If action is taken within 28 days then the Premises Licence can be reinstated with minimal delay and expense under section 50. Due to a combination of an

¹ Revised Statutory Guidance issued by the Home Office

administrative error and the forced closure of the venue under the government directive, it wasn't until the 4th July when pubs were permitted to reopen, that it was realised that the Premises Licence had lapsed. The only option available to the new owner of the premises was to make a new application for a Premises Licence.

Had the applicant taken advantage of section 50, the Premises Licence would have merely transferred over into the new owners name with no changes to the Premises Licence or the conditions attached.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

There are no representations from any of the responsible authorities. The applicant has agreed conditions with the Police also with Environmental Health Service as follows, the garden / court yard area of the premises shall be closed to customers between the hours of 22:00 and 9:00 hours the following day and noise from all plant (excluding the kitchen extraction system) shall not exceed 50db LAeq (5 Min) as measured at the location indicated by a red cross (See e mail from M Thorne at appendix D)

Representations have been received from three residents living around the premises and also a near neighbour. These relate to noise nuisance, cooking smells and rubbish clearance. Copies of the redacted representations received are attached as **appendix C**.

Officer note: It should be noted that the representations relate in the main to issues at the premises under the management of the previous owner and a DPS who would appear to have done little to address concerns as they arose, which have continued over a number of years, including a review of the Premises Licence in 2009.

This application relates to a new owner and at appendix D attached, is correspondence between the applicant's solicitor and all parties making representations, offering a number of conditions that the applicant is willing to accept in order to address the concerns raised thus avoiding the need for a Licensing Sub-Committee hearing which proved unsuccessful.

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the 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;
- The human rights of all the parties concerned to ensure both a fair and balanced hearing and to consider, if necessary, any public sector equality matters;
- Judgments of the High Court, (your legal adviser will give you guidance should this

become necessary);

- The current statutory guidance² issued by the Home Secretary in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.

Statement of Licensing Policy

The Statement of Licensing Policy lays down a general approach to the determination of licensing applications and any such application will be considered on its individual merits. Equally, any person permitted by the Act to make relevant representations to the Committee will have those representations considered on their individual merit.

The Committee should consider the fundamental principles set out in its policy, particularly paragraphs 4.7 and 4.8 which are reproduced below:

- 4.7** *Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.*
- 4.8** *Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the overall approach to the management of the evening and night-time economy in town and city centres.*

The Committee should also have regard to paragraphs 7.1 to 7.5 in relation to such circumstances where it may be appropriate to consider the imposition of conditions on a premises licence.

Statutory Guidance

The updated statutory guidance issued by the Home Secretary in accordance with section 182 of the Act refers to the consideration of applications for the grant or variation of premises licences in Chapter 9.

Members may wish to consider the following extracts from the statutory guidance when determining this application:

Paragraph 9.37 *" As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be*

² Revised statutory guidance issued by the Home Office

allowed sufficient time to do so, within reasonable and practicable limits".

Paragraph 9.42 *"Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be."*

Paragraph 9.43 *"The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve."*

Paragraph 9.44 *"Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."*

Paragraph 10.8 *"The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."*

Paragraph 10.9 *"It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives."*

Members are reminded about the review provisions contained in chapter 11 of the guidance and, in particular:

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."

Determination of an application

Where an application to grant a premises licence has been made in accordance with section 17 of the Act and where relevant representations have been made, the licensing authority must hold a hearing to consider them, unless the applicant, each person who has made representations and the licensing authority agree that a hearing is unnecessary.

After having regard to the representations, the Committee may take such steps, if any, as it considers appropriate for the promotion of the licensing objectives which are:

- **grant** the licence subject to such conditions as are consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives and any mandatory conditions.
- **exclude** from the licence any of the licensable activities applied for.
- **refuse** to specify a person in the licence as the premises supervisor (if the application relates to the sale of alcohol).
- **reject** the application.

In discharging its duty in accordance with the above, the Committee may grant a premises licence so that it has effect subject to different conditions in respect of:

- different parts of the premises concerned;
- different licensable activities.

Members are reminded of their obligation to give reasons for any decision(s) reached by further reference from the statutory guidance as follows:

Paragraph 13.10 "It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act."

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

Schedule 5, part 1, of the Act sets out the appeal provisions in relation to the determination of an

application to grant a premises licence.

Where the Licensing Authority rejects (in whole or in part) an application, the applicant may appeal against the decision to the Magistrates' Court.

Should the committee grant (in whole or in part) an application, the applicant may appeal against any decision to modify the conditions of the licence. Equally appeal provisions apply against the exclusion of licensable activities and/or refusal to specify a person as a premises supervisor.

Where a person who made relevant representations in relation to the application contends that:

- a) that the licence ought not to have been granted, or
- b) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions or excluded activities and/or the premises supervisor,

He may appeal against the decision.

7. APPENDICES

- A.** Copy of the redacted application for the grant of a premises licence together with any supporting document(s)
- B.** Plan of premises
- C.** Copies of the redacted relevant representations received
- D.** Correspondence between Solicitor, Environmental Health, Licensing and other persons.
- E.** Copy of old (lapsed) Premises Licence for The Wellington.

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION



For Licensing Manager
And on behalf of Head of Service

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* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

WEL106-2

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

TW Assets Ltd

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

07097402

Business name

TW Assets Ltd

If the applicant's business is registered, use its registered name.

VAT number

-

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Bar and restaurant

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

An additional hour into the morning following every Friday, Saturday, Sunday and Monday of each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

An additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday of Easter Bank Holiday weekend. An additional hour into the morning on Christmas Eve and Boxing Day. On New Years Day the hours are extended from the end of permitted hours on the New Years Eve to the start of permitted hours on the following day.

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

An additional hour into the morning following every Friday, Saturday, Sunday and Monday of each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.
An additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday of Easter Bank Holiday weekend. An additional hour into the morning on Christmas Eve and Boxing Day. On New Years Day the hours are extended from the end of permitted hours on the New Years Eve to the start of permitted hours on the following day.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

An additional hour into the morning following every Friday, Saturday, Sunday and Monday of each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.
An additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday of Easter Bank Holiday weekend. An additional hour into the morning on Christmas Eve and Boxing Day. On New Years Day the hours are extended from the end of permitted hours on the New Years Eve to the start of permitted hours on the following day.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Continued from previous page...

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Not applicable

Continued from previous page...

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

An additional hour into the morning following every Friday, Saturday, Sunday and Monday of each May Bank Holiday,

Continued from previous page...

Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

An additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday of Easter Bank Holiday weekend. An additional hour into the morning on Christmas Eve and Boxing Day. On New Years Day the hours are extended from the end of permitted hours on the New Years Eve to the start of permitted hours on the following day.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

This application is made as the premises licence lapsed due to the insolvency of the licence holder. The activities and hours are exactly the same. Additional conditions are offered below in addition to the conditions on the lapsed licence.

CCTV is installed in the premises and images will be recorded for a minimum of 31 days and produced to the Police or local Authority when a lawful request is made following GDPR legislation.

The licence holder shall ensure that a sufficient degree of illumination is provided to the exterior of the premises.

The licence shall ensure that all interior trading areas are visible to staff from behind the bar servery.

b) The prevention of crime and disorder

An accident/incident book will be maintained and those records will be kept for a minimum of 6 months.

The licence holder shall ensure that staff monitor customer behaviour, especially during busy times.

c) Public safety

d) The prevention of public nuisance

All windows shall be kept closed whenever the premises is open to the public

The licence holder shall take such steps as are reasonable to recognise the rights of local residents and to encourage customers to leave quietly.

e) The protection of children from harm

Challenge 25 will operate. All staff will receive training on their responsibilities in selling alcohol and the Challenge 25 policy.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

Continued from previous page...

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text" value="John Gaunt & Partners"/>
* Capacity	<input type="text" value="Solicitors for the applicant"/>
* Date	<input type="text" value="23"/> / <input type="text" value="07"/> / <input type="text" value="2020"/> dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/portsmouth/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

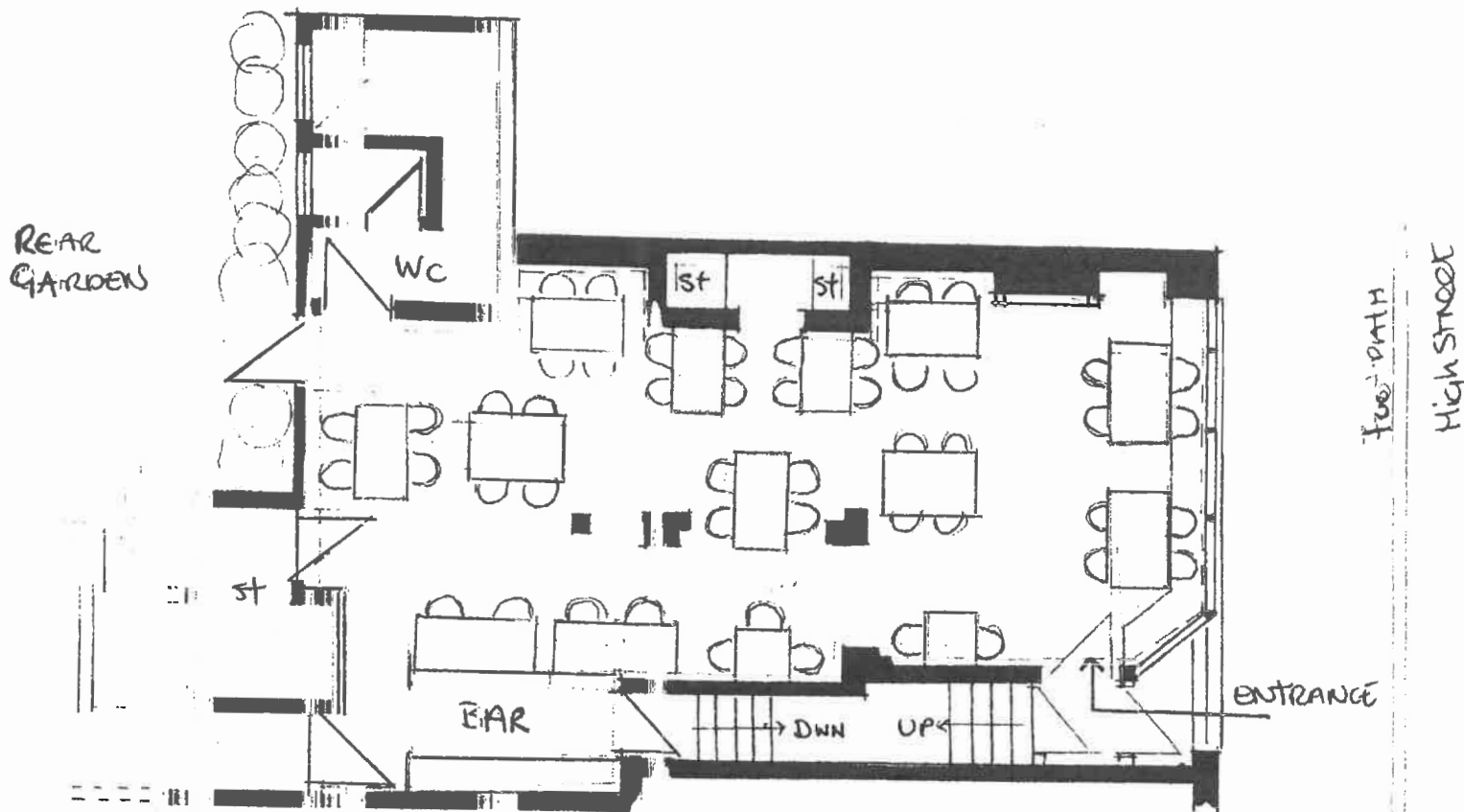
OFFICE USE ONLY

Applicant reference number	<input type="text" value="WEL106-2"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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APPENDIX B



MINOR VARIATION TO RELOCATE BAR COUNTER

SEATING CAPACITY: 60
(UNCHANGED)

EXTENT OF LICENSISED PREMISES
(UNCHANGED)

WELLINGTON PUBLIC HOUSE
62 HIGH STREET, OLD PORTSMOUTH
P012 LY. / JAN 16
PLAN: SCALE 1:100.

PROPOSED

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APPENDIX C

**Re: New Licence Application
The Wellington Pub, 62 High Street, PO1 2LY**

App Ref. No: 20/02376/LAPREM

**Representation by:
Mr & Mrs Richard Dewhurst
63 High Street, PO1 2LY**

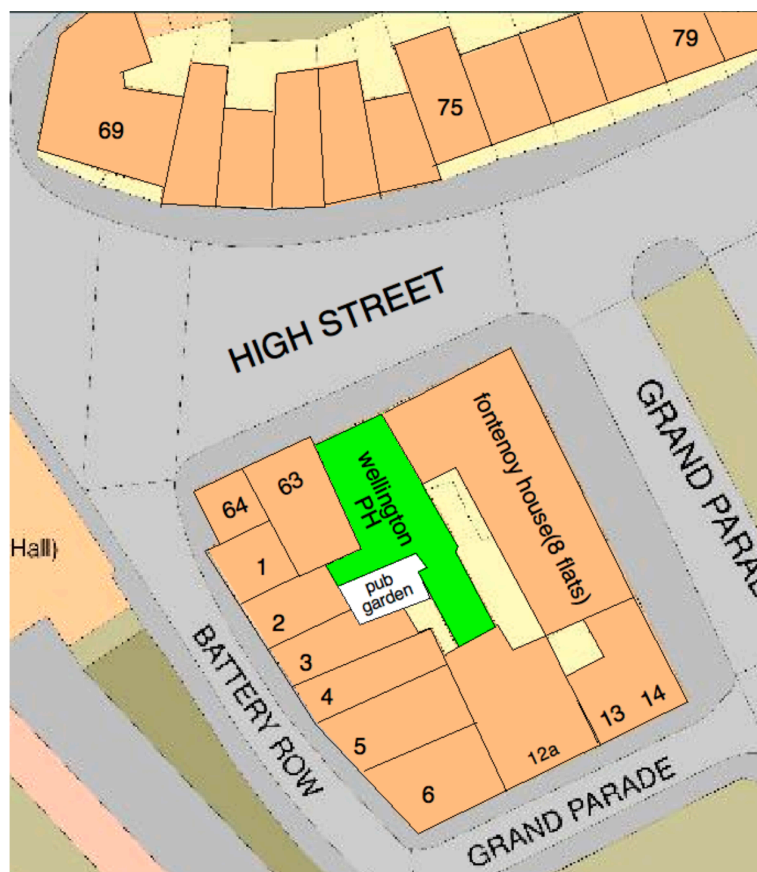
Date: 17/08/20

My family and I have lived next door to the Wellington Pub for over 6 years and feel that we are very well placed to provide a constructive and detailed representation relating to this licence application.

Whilst we have had a good relationship with pub supervisors over the years there are some factors that we believe should be taken into account when considering this application. All of the points listed below are covered by the Licensing Objectives as issued under section 182 of the licensing act 2003 and implementation of our proposals will achieve greater compliance with the objectives (we have listed relevant extracts from the act at the end this document).

The 4 areas related to this application where we would like to see changes are as follows and are expanded in more detail:

- 1. Opening Hours - Bring forward closing times at weekends by 1 hour.**
- 2. Pub Garden - Re-introduce the 10 O'clock Curfew.**
- 3. Condenser Unit - Reduce noise to a satisfactory level before the new licence is issued.**
- 4. Rubbish management - Investigate & resolve current rubbish storage problems & include a set of guidelines as a condition of the new licence.**



1) **Opening Hours**

For much of its history the Wellington pub was placed within the busy commercial hub of Portsmouth and the block of buildings surrounding it and those opposite consisted entirely of other pubs, hotels and shops. However, this hasn't been the case for over 80 years and it is now completely surrounded by a very tightly packed quadrant of residential buildings as you can clearly see from the OS map extract above.

Whilst the Wellington is situated in an area with visitors, we strongly believe that the opening hours of the pub do not currently take into account its close proximity to a high concentration of over 30 residential dwellings and that the closing times should reflect this.

Opening until 1am at weekends is not in line with the vast majority of other pubs in the immediate area and can attract customers from other local pubs that have already closed for the night, making it a potential magnet for noisy late night drinkers which is simply unfair to residents surrounding the premises.

2) **Pub Garden**

As shown in the OS map extract above, the pub garden is located to the rear of the property and is essentially a small courtyard totally surrounded and overlooked on all four sides by the rear of local residential properties. These buildings are tall which causes noise to become amplified, creating resonance and a booming effect around the space. Like many of the adjacent properties, we have bedrooms, living rooms and our outside space facing into this zone.

Major issues caused by the pub garden are:

- a) The 10pm curfew on the garden that had been in place for many years was inexplicably removed when a new pub supervisor took over. This was counter-intuitive and illogical especially when bearing in mind that nothing had changed regarding how this space was being used.
- b) There have been occasions when the garden was used for parties and un-licensed live music events which lasted throughout the day and late into the night, causing distress and anxiety.

Such events clearly show how the garden, if not carefully run and managed, can have a massively negative impact on residents.

NOTE: We have time stamped sound recordings of the garden in use which are important and need to be played in conjunction with this representation.

- c) Pub doors have been routinely left open adding to noise levels.
- d) The sail cloths that had been installed above garden seating in order to reduce noise transference were removed when the curfew was lifted.
- e) A condenser unit located at garden level forces garden users to raise their voices.

3 **Condenser Unit**

The condenser unit is located in the pub garden and has been running virtually non-stop for some time which was never the case in the past. The noise from this unit is loud and invasive and especially so at night. It impacts on our amenity in the following ways:

- It's impossible to leave the window of our 6 year old's bedroom open at night.
- At night when general background noise has diminished, the noise becomes even more intrusive.
- We can hear it when using our outside space and in other rooms in the house.
- It forces people to speak louder when using the pub garden.
- We have mentioned this problem to various pub supervisors on many occasions and whilst they said that it was being looking into, we don't believe that appropriate measures to resolve this have been taken. I am convinced that the dB level of this condenser unit is higher than planning and environmental health departments would deem acceptable.

However, there are practical measures that can be carried out to remedy this:

- 1) Choosing a better location for the unit.
- 2) Using a sound blanket.
- 3) Installing a sound barrier.
- 4) Ensuring regular maintenance.
- 5) Replacing the unit with a modern, quieter version.

Prior to the license application being awarded we request that an environmental health officer visits our house and the pub (both at day and night) to report on this problem and if deemed necessary it should be remedied by implementing one or all of the above measures.

4) Rubbish Management

There have been historical and in fact there still are, ongoing problems with rubbish management at the Wellington pub (as shown in the photos below - more time stamped & dated images are available).

My understanding of the PCC policy is that rubbish from the pub should only be put out on the night before collection and that it must be contained within commercial wheelie bins which cannot be overflowing. As soon as the rubbish has been collected, all of the bins must be removed from the street and returned to their storage space.

Unfortunately this has not been adhered to, leading to problems such as multiple leaking bin bags containing commercial food waste left outside all day (even in the recent heatwave), overflowing bins on a regular basis, wheelie bins left out for days on end and with the pavement never swept or properly cleaned. At times the whole frontage has looked like a health hazard.

We think it's critical for the council to establish whether the current rubbish storage facility at the pub is sufficient enough to deal with the amount of rubbish produced, and if not then it must be improved prior to a licence being issued.

NOTE: The fact that this situation has been continuing during the current Coronavirus period when extremely high hygiene standards are critical is very worrying and especially so when the premises only has a food standard hygiene rating of 3.



Conclusion

As mentioned at the beginning of this representation, in general we have a good relationship with the pub staff and are realistic about the fact that we live next door to a pub and as with any other neighbour there will always be times when things need to be discussed.

However, living next to a pub doesn't mean that we have to put up with a disproportionate amount of problems. The four points we have listed are pertinent issues that should be taken seriously as they all clearly relate to the licensing objectives and impact on the well being and amenity of local residents. Therefore we request that action is taken.

We would be happy to discuss any of the items listed above in order to help all parties concerned reach an amicable conclusion as we are very keen to maintain a good relationship going forward.

Licensing Objective - The Prevention of Public Nuisance

Please see below the sections of this objective that we believe are relevant to this application:

Section 2.15

.....licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Section 2.16

Public nuisance.....may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

Section 2.17

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from the premises.

Section 2.18

The approach of licensing authorities and responsible authorities should be one of prevention.

Section 2.19

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods.....when residents in adjacent properties are attempting to go to sleep or are sleeping.

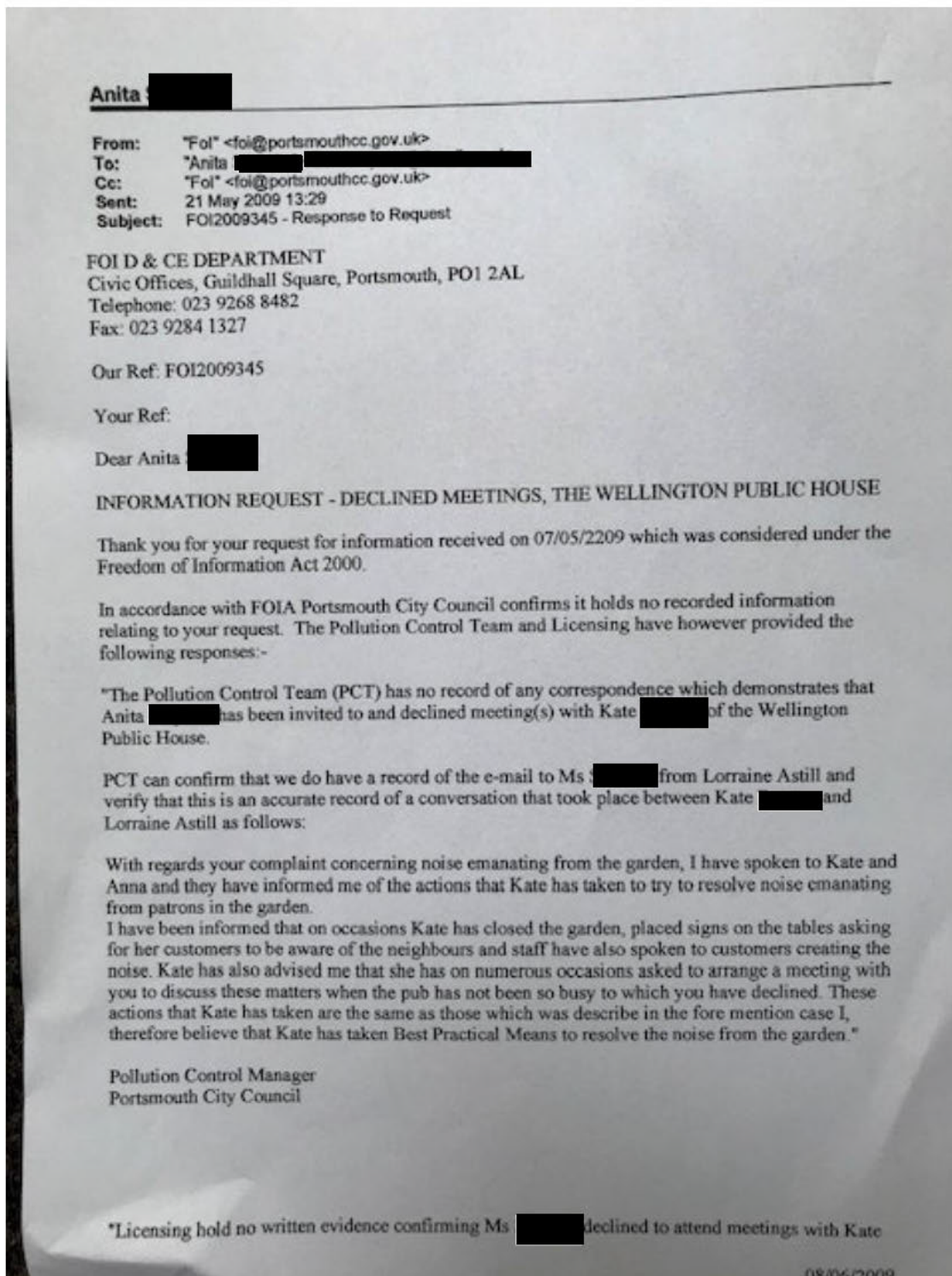
Section 2.21

....to respect the rights of people living nearby...

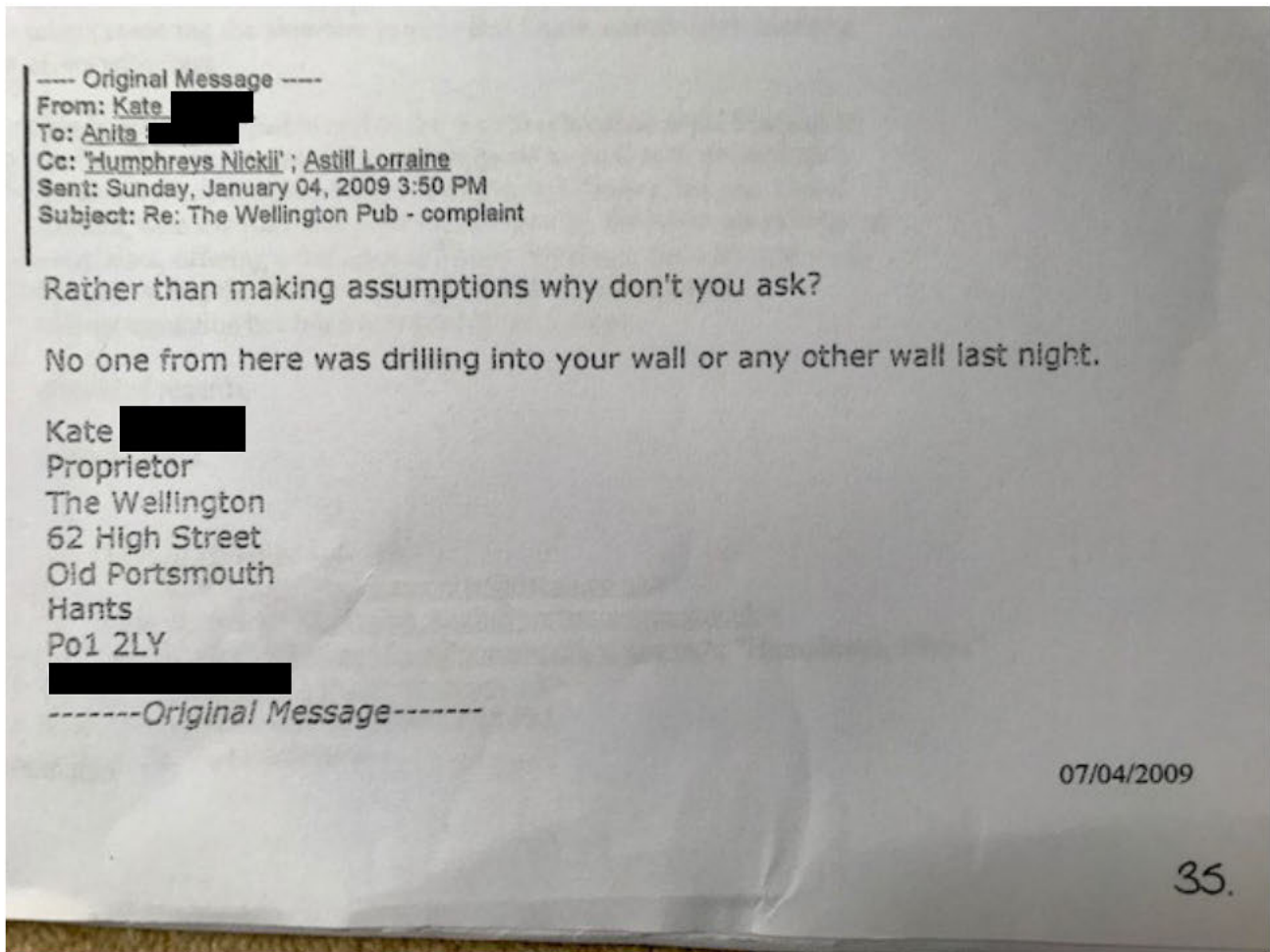
APPENDIX C

Photographs for The Wellington Public House's License Application 14th August, 2020

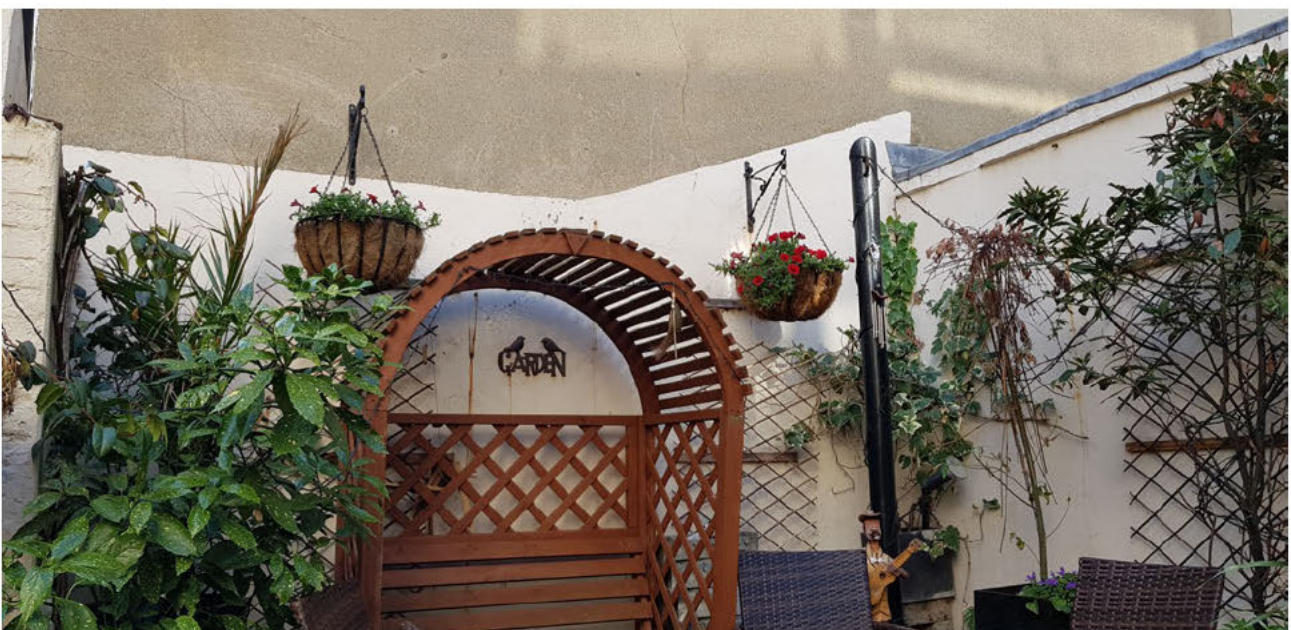
Freedom of Information request made to PCC by Anita [REDACTED] in relation to the requested License Review of The Wellington Public House. PCC has no written evidence of refused meetings.



From page 35 of the information report compiled by Licensing Manager Richard Chalmers for the for the the review of the premises licence The Wellington. Tuesday 9th June 2009



A photograph of my flank wall taken from the Wellington rear courtyard in 2018



View from our roof terrace of the Wellington's rear courtyard. Due to the density of housing that surrounds the courtyard, sound gets trapped in the courtyard. In Battery Row, there are 5 homes with only two full-time residents. The other homes are a mix of properties up for sale and second homes.



Photographs to show the closeness of my home to the Wellington's illegal extraction system
Ground Floor view from our home office.



First floor view

The open windows at the Wellington represent one of their kitchen windows inside their bin store and one of the open windows of their Air BnB bedrooms.



Second Floor view
Just visible behind the roof of the Wellington is Fontenoy House.

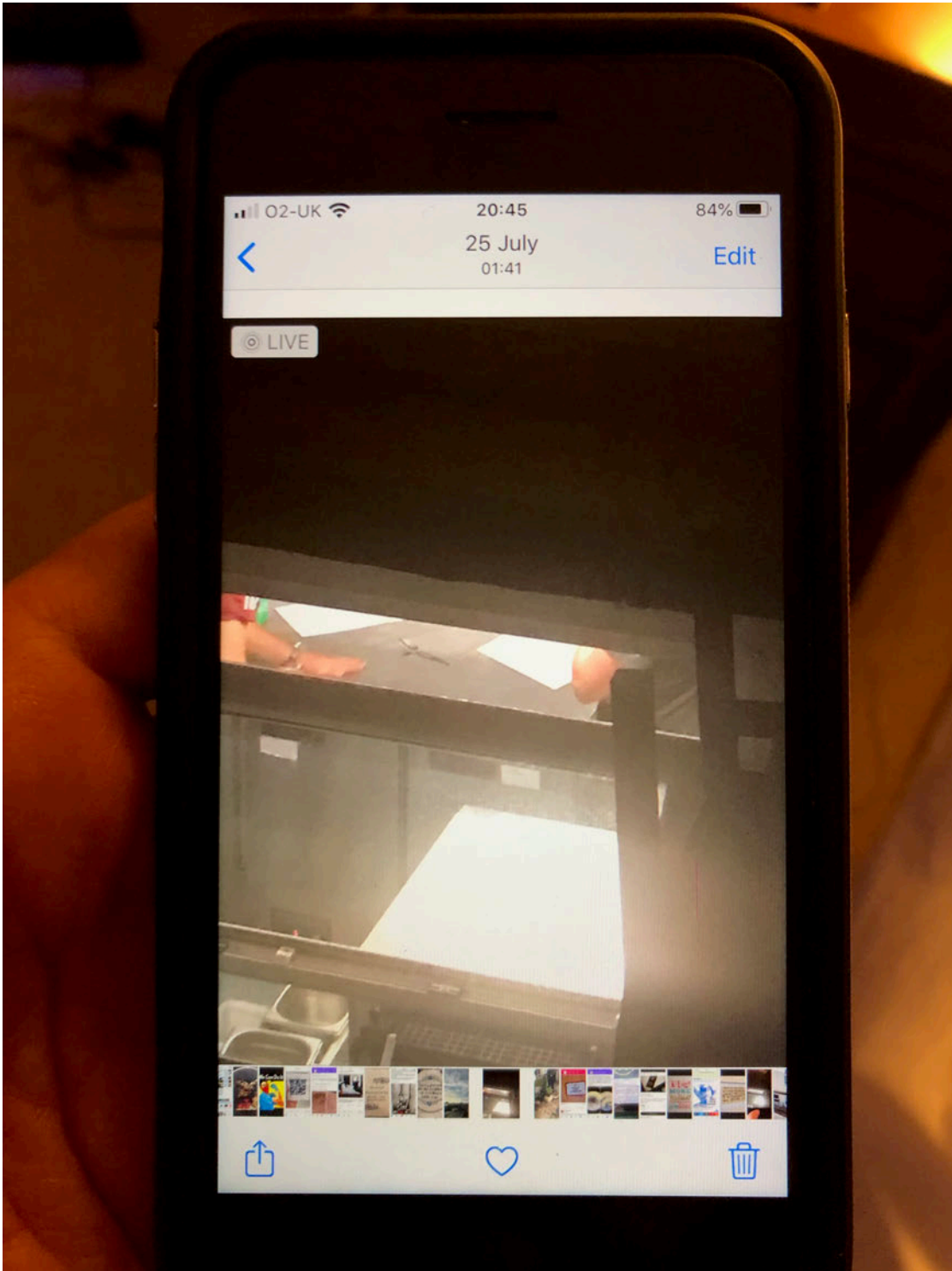


The fourth floor view

This is where our kitchen is. The building behind the roof of the Wellington is Fontenoy House.



Screen shot from the photo app from Anita's phone. It says the Live photo was taken on 25th July at 01.41.



This photograph was taken on 13th August to show the daytime view from our bathroom into the Wellington kitchen. The upturned chair that is visible in the nighttime photograph is still in place.



Photograph shows a planter in the Wellington rear courtyard on the 25th July with a discarded balloon.



APPENDIX C

Stone, Derek

From: Jeremy Owens [REDACTED]
Sent: 20 August 2020 00:08
To: Licensing Shared Email
Subject: APPLICATION FOR NEW LICENCE - WELLINGTON PUBLIC HOUSE - REPRESENTATION

Application Ref No: 20/02376/LAPREM

I have been a resident of Old Portsmouth for the past 25 years and pass by the Wellington every day. I have frequently seen large, overflowing wheelie bins and sometimes split refuse sacks and other refuse on the pavement outside the pub, awaiting collection. The bins (and some of the residual mess) often remain on the pavement for a considerable time after being emptied. The Wellington's arrangements for refuse are inadequate and detrimental to the area generally.

I suggest that any new licence should be subject to conditions requiring proper control by the Wellington of their refuse.

Jeremy Owens
17 Oyster Mews
French Street
Old Portsmouth
PO1 2JS

Sent from my iPad

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APPENDIX C

Dear Mr Stone,

14th August, 2020

New license application - The Wellington Public House, 62 High Street, PO1 2LY

I would like to comment on the Wellington Public House's application for a new alcohol license.

Background

I have lived at 4 Battery Row in Old Portsmouth for over 27 years. My property is a townhouse with a colourful history of allegedly once being a brothel in the 18th century and also being owned by the famous concert pianist, Ivor Newton in the 1960s. But because of its age, the walls of my property are a solid construction, built without cavities and one of my flank walls is the boundary between the Wellington courtyard and my home. As a result, loud noise will readily penetrate into my home.

During the past 27 years, I have experienced at first hand, the over expansion of the Wellington Public House's business activities.

License Review - Tuesday 9th June 2009

The Licensing Committee will, I'm sure, be made aware by Council Officers that my partner, Anita [REDACTED] was told in 2009 to bring about a License Review of the Wellington Public House by Lorraine Astill, Environmental Protection Officer.

In brief, PCC had been told by the then license holder of the Wellington Public House, [REDACTED], that Anita had refused to meet her on numerous occasions to discuss issues and [REDACTED] was intransigent of Kate [REDACTED] right to run a business. This was untrue.

Anita followed Lorraine Astill's request and the following happened:

- Anita made a FOI request before the License Review and found that PCC held no information on declined meetings with [REDACTED] (21st May 2009, Ref: FO12009345).
- [REDACTED] used the License Review to make a number of unsubstantiated claims against [REDACTED]. During the License Review, these claims couldn't be proven or confirmed by Punch Taverns.
- We were also told the day before the License Review by [REDACTED] that PCC would never close the Wellington Public House as other public houses [REDACTED] were already closed, so the priority was the protection of the local economy. We lost the License Review.

However, there remains an unresolved matter from the 2009 License Review that I would like the Licensing Committee to address so that I can protect my home without the need for future correspondence.

Page 35 of the report by PCC for the Licensing Review shows Anita offered [REDACTED] the opportunity to reach an amicable conclusion to a problem [REDACTED] had created. [REDACTED] had drilled into our flank wall; this is criminal damage and trespass. [REDACTED] event was described in [REDACTED] the Licensing Review.

Since 2009, I've patiently asked [REDACTED] if I could have access to the pub's rear courtyard to maintain my flank wall and I've always been refused. In 2017, [REDACTED] wrote to me to tell me that I was 'barred' from the Wellington and speaking to her about [REDACTED].

In 2018, I asked a Chartered Surveyor to visit the Wellington's rear garden to look at the cracks and attached is one of the photographs he took.

To conclude this situation, [REDACTED] left the pub when I sent her the photographs of our damaged flank wall and advised [REDACTED] Right to Access to a Neighbouring Property Act, criminal damage and trespass. I wanted to repair and fill holes that I felt were causing damp in the wall in our home.

I would therefore welcome a restriction on the Wellington's license to say that nobody is to attach items to the flank wall of my house as it is not a shared wall. The Wellington Public House is absolutely free to run a business - I would just prefer it if it didn't involve damaging my home's walls.

The pub's kitchen extraction system and condenser

PCC's Environmental Protection Dept have years worth of complaints about cooking smells from the Wellington. In 2007, an engineer identified that the current extraction system was 'not fit for purpose' as it was the wrong size. PCC has also said that the unit had no planning consent. May I ask, why this equipment is still being used and why it has not been condemned?

I note that PCC have written to object to a possible extension on top of Fontenoy House (a block of flats behind the Wellington) because of the potential loss of amenity to future occupants on a terrace over 20 metres away from the Wellington's illegal extraction system - but the windows of my home are only 3 - 4 metres away from the illegal extraction system outlet and ironically, the Wellington's Air BnB bedroom windows, are even closer.

We would welcome some definitive action about the system because clean air is not an optional policy objective. it's a fundamental human right.

I also ask if the Wellington's condenser could be returned to its sound-proof box so that when we try to vent our kitchen/ eat meals in our kitchen and dining room, we're not disturbed by the continual loud buzz of the unit's fans.

While these requests may seem repetitive, they reflect actions that came under the responsibility of [REDACTED] that went unheeded.

Recent events in the pub

we have recently logged two complaints that merit being discussed at the License Application.

Saturday 18th July Police Ref: RCL-1313-20-4444-C 101:0962276.

There was loud music in the pub & beer garden. Nobody from the pub were stopping the more intoxicated patrons from singing and there was no visible social distancing by the patrons. The music started around 6pm.

I tried to phone the pub (twice) and nobody replied.

Covid 19 guidelines state 'all venues should ensure that steps are taken to avoid people need to unduly raise their voices to each other. This includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult. This is because of the potential for increased risk of transmission, particularly from aerosol transmission'.

The following Monday, Mr Thorne from PCC informed me that the Wellington Public House had been operating without an alcohol license.

Friday 24th/25th July Police Ref: INC-20200725-0807 101:0868145

Anita was working late, when she heard voices in the pub's rear courtyard. As the pub was meant to be officially closed for being unlicensed, Anita looked to see who was making the noise.

There was a group of 3 people in the rear courtyard: two females and a male, drinking and smoking. Also visible, were two additional males in the pub. The time was about 01.00am.

The male left the group in the courtyard to return the pub's glasses and he came back with a balloon and he started inhaling from it. These actions were noted and Anita made some notes for us to discuss in the morning.

While closing all the windows in our house, Anita noticed that the light was on in the Wellington kitchen (which wasn't normal for that time of night). Anita witnessed two men cutting up lines of white powder and snorting them. This could be seen from our bathroom window.

Anita woke me and asked me to witness the scene in the pub kitchen. Anita took a 'live' photo with her phone which logs the time as 25th July 01.41 am and shows a man leaning into a counter with a black straw in his hand, and then rubbing powder off the counter surface, as he leans back. The quality of the 'Live' photo is not the best - however, one can see what was happening very clearly.

We were disturbed again at about 2.30am as the music in the pub was put on very loudly and was quickly turned off, again.

I left a message for Micheal Thorne on the Noise Nuisance telephone line about 02.50am which was confirmed by Lorraine Astill on Sunday 26th July.

We then made an online report to the Police. We were just completing the report when we heard a near-neighbour shout to the group in the courtyard: "shut the f*** up, its 3.30am!" which made whoever was in the courtyard, disperse.

Personal thoughts

We are quite used to this pub suiting themselves with their behaviour.

But this is my home, and I love living in Portsmouth. Sadly I can't seem to protect my home from criminal damage by the pub's license holders. We are continuing to struggle to adequately vent our home because of the Wellington's illegal kitchen extraction system and loud condenser fan and when we're using our terrace, the equivalent of our garden, we're listening to drunken singing/amplified music.

And now, we've witnessed class 'A' drugs being taken in the pub kitchen, when the pub is officially closed for not having an alcohol license and at a time of night when it shouldn't be open to members of the public.

I believe, over the years, we have shown a degree of reasonableness that can and should be implied in a relationship between a public house and its neighbours. But the relationship has been allowed to decline in favour of conduct that can only be described as being out of control.

In relation to the film of the 25th July, we have two versions of the Apple Live Photograph. A copy that we made into a film that can be watched on non-Apple systems and it is attached with this letter.

If you have an Apple phone, I can forward the photograph to you via Apple's Messages/text system. The original Apple Live Photograph is clearer than the copy we made. If you put the photograph on an Apple device with Live and press the photograph, it will play 1.5 seconds before and after the picture was taken. Live Photos are compatible with iPhone or iPad. Live photos are also supported on Macs running OS X El Capitan and later.

Please don't hesitate to contact me if you would like any further information.

Yours sincerely,

Andrew Spraggs

4 Battery Row
Old Portsmouth
PO1 2ND

APPENDIX C

Stone, Derek

From: Licensing Shared Email
Sent: 17 August 2020 20:56
To: Robson, Debra
Subject: FW: Wellington, High Street, Old Portsmouth. Application for Licence

From: Anthony Yeates
Sent: 17 August 2020 20:46
To: Licensing Shared Email
Subject: Wellington, High Street, Old Portsmouth. Application for Licence

Dear Sirs,

I wish to object to any licence being granted to The Wellington, 62 High Street, Old Portsmouth.

Having lived in Battery Row for fifteen years I have seen the marked deterioration in the behaviour and conduct of many customers of The Wellington.

Specifically, the nuisance of people urinating against my property between, Victoria House and 1 Battery Row. Urinating against the seawall opposite my house. Beer glasses and bottles frequently left outside of The Wellington on the pavement or in the ornamental trees of my neighbours and many cigarette ends on the pavement outside of The Wellington. (This was most prevalent before lockdown)

Furthermore I must draw your attention to the smell of cooking fat which belches from the vents of The Wellington. This smell is most unpleasant and drifts into my home, along with the cigarette smoke from the patrons in the garden I have *one* window to the rear of my property, and this provides the "Through ventilation" for my house. I am frequently forced to close this window due to this nuisance.

The ventilation fans of The Wellington are noisy and when added to the raucous noise coming from the garden, again the window has to be kept shut.

I now usually park in Grand Parade, as do many residents locally. Before lockdown, I would most often avoid walking past The Wellington when returning home due to patrons drinking and smoking on the pavement in front of The Wellington. I have even witnessed patrons on the bonnet of my car if parked in the High Street. There have been instances of extremely loud music coming from the Wellington, and my complaints should be a matter of record held by PCC.

Yours faithfully,

Anthony P Yeates.

1, Battery Row,
Old Portsmouth,
Hampshire,
PO1 2ND



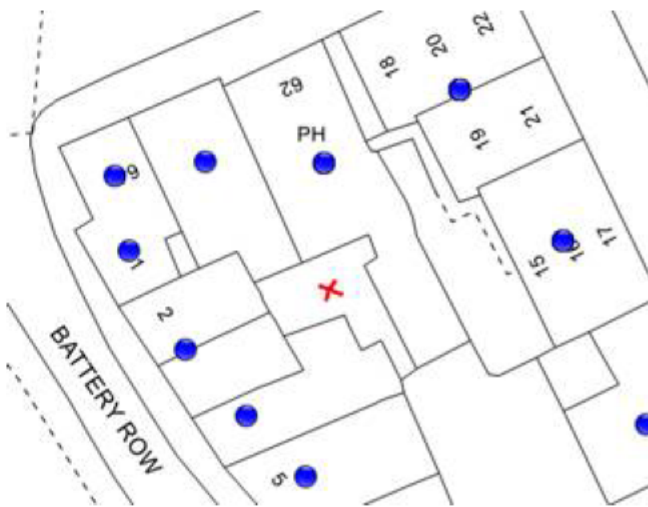
APPENDIX D

Stone, Derek

From: Thorne, Michael
Sent: 24 August 2020 15:38
To: Stone, Derek
Cc: Lee, Richard; Bell, Steve; Maidment, Richard
Subject: RE: Wellington Licensing Sub-Committee Hearing

The two agreed conditions are...

1. The garden / court yard area of the premises shall be closed to customers between the hours of 22:00 hours and 09:00 hours the following day.
2. Noise from all plant (excluding the kitchen extraction system) shall not exceed 50 dB LAeq (5 min) as measured at the location indicated by a red cross in the plan below.



Regards

Michael Thorne
Regulatory Services

From: Stone, Derek [REDACTED]
Sent: 24 August 2020 15:04
To: Thorne, Michael [REDACTED]
Subject: RE: Wellington Licensing Sub-Committee Hearing

Mike

Yes please.

R

From: Thorne, Michael [REDACTED] >
Sent: 24 August 2020 14:27
To: Stone, Derek <[REDACTED]>
Subject: RE: Wellington Licensing Sub-Committee Hearing

Hi Rocky,

Please see the attached email, Jon's client agreed to my additional condition (making 2 in all) and so I have withdrawn my reps. Let me know if you need an email to consolidate the agreed conditions.

Regards,

Michael Thorne
Regulatory Services

From: Stone, Derek <[REDACTED]>
Sent: 24 August 2020 14:24
To: Thorne, Michael <[REDACTED]>
Subject: Wellington Licensing Sub-Committee Hearing

Mike

Please see attached notice of hearing for the Wellington

You will be sent the link to join the meeting in due course

Regards

R

Derek Stone
Principal Licensing Officer
Culture, Leisure and Regulatory Services
Licensing Service
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
Hants
PO1 2AL

[REDACTED]

APPENDIX D

Stone, Derek

From: Jon Wallsgrove [REDACTED]
Sent: 21 August 2020 12:27
To: Richard Dewhurst
Cc: Stone, Derek; Robson, Debra
Subject: RE: The Wellington Pub

Dear Mr Dewhurst,

Thank you for your email, I think it is a great shame you do not think those conditions go far enough. In my view my client has made generous concessions with a view to mediating the licence. If you want to have a chat with them I can get Steve Hudson to give you a call.

However, my client is not prepared to reduce the hours the premises are open. If this is a matter you wish to address the Committee on then my client will not be agreeing the other conditions and the matter will simply have to be determined by a Committee.

With regard to the Garden you say it will be open earlier. Had my client transferred the old licence there is no restriction on the opening hours of the garden whatsoever. There was a previous abatement notice served on the former tenant restricting the hours but that abatement notice does not apply to the current owners. So restricting it to 9am to 10pm with a condition agreed by EHO is a significant concession.

The 9am start has been agreed with the Environmental Health Officer.

With regard to the condenser the condition specifies the Db level – there is no need for any detail to be provided on how that will be achieved that is a matter for my client. Again that was what the EHO said was acceptable.

With regard to the rubbish we cannot specify any times in the licence conditions because if they changed we would have to vary the licence.

I would re-iterate the extraction smells will be addressed by my client but that is nothing to do with this application.

Overriding all the above comments I can reassure you my client will ensure no nuisance is caused going forward and I would emphasise my point regarding the power to review the licence. The conditions in my view are more than sufficient to address your concerns.

Finally I would like to inform you that the Committee will have to attach weight to the fact the EHO are happy with simply a condition on the Garden and so going to a Committee will be a risk for you in that those conditions will not be imposed.

Kind Regards

Jon

Jon Wallsgrove
Partner

[REDACTED]

Units 39-41 Haslar Marine Technology Park Haslar Road Gosport Hampshire PO12 2AG

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From: Richard Dewhurst
Sent: 21 August 2020 12:00
To: Jon Wallsgrove
Cc: Stone, Derek ; debra Robson
Subject: The Wellington Pub

Dear Mr Wallsgrove

Thank you for your email. While we welcome the fact that it addresses some of our concerns, it is in many respects inadequate. For this reason, we are not prepared to withdraw our representations at this stage.

A summary of the main areas causing us continuing concern is as follows:

A) Pub Closing Time. This point is vital but has not been addressed.

B) Pub Garden. It is noted that the garden will be closed from 10.00 p.m. However, it is now proposed that the garden will open earlier, from 9.00 a.m. Details regarding action to be taken to control noise from the garden are required, supported by conditions in the licence.

C) Condenser. More detail and clarity is needed on how and when action will be taken to resolve the longstanding problems of noise from the condenser. Conditions regarding this and also requiring regular maintenance of the condenser are required.

D) Rubbish Management. The attention to this is welcomed but more detail is required in the conditions with regard to timings, the removal of bins from the pavement after collection and clearing up any residual mess.

E) Cooking, Extraction Smells. This remains a significant ongoing problem and we look forward to early positive action.

We hope that we can continue to move forward to achieve an acceptable outcome for all concerned.

Kind Regards

Mr & Mrs Dewhurst

Richard Dewhurst
Interior Architecture
Atlas House
63 High Street
Old Portsmouth
Hants PO1 2LY





[Redacted] eld (569713) | Michelle Hazlewood (569714) | Christopher Grunert | Jon Wallsgrove
Associates: Paul Henocq | Patrick Robson
Practice Manager: Jonathan Pupius

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APPENDIX D

Stone, Derek

From: Stone, Derek
Sent: 21 August 2020 17:44
To: Jon Wallsgrove; Richard Dewhurst
Cc: Robson, Debra
Subject: RE: The Wellington Pub
Attachments: Wellington PL_Redacted.pdf

Jon

Thanks for copying me into your reply to Richard

Richard

If you need clarification on any point I am happy to advise you.

Of note which might assist you is that the applicant is only in this position due to an administrative error.

Had this not occurred, the Premises Licence (PL) would simply have been transferred over to the new owner with the exact same times and with the same conditions in annex 2 of the Premises Licence.

I have attached a copy of the old PL and you will see the seven conditions at annex 2 which are probably the most basic you will ever see on any PL.

I would think it highly unlikely that a Licensing Sub-Committee would alter the hours applied for but that would be for the panel to decide if this was justified.

Mr Wallsgrove is correct in his response in relation to the rubbish. It would not be possible to specify times as every time the collection times change they would need to vary the licence.

Also of note is the following which might assist you.

This is a new applicant so all the past issues with the previous DPS / Owner are now in the past.

The Licensing Act 2003 makes it clear that if at any stage following the grant of a Premises Licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. This is a key protection for the community, plus any breaches of Premises Licence conditions is an offence under section 136 of the Licensing Act.

I make this clear to the panel in my report and also when I address them at the hearing.

This is so they have some comfort in knowing that if they grant a PL having had undertakings made, that if the applicant fails to comply with them, a review is possible and the ultimate sanction is revocation of the licence. There are other options for example adjusting the conditions or removal of the DPS depending on what the issues are.

EHO have proposed the times for the garden and have also set a suggested noise limit on the compressor which they are happy with as this should resolve that particular issue.

Finally it is considered best practice for the applicant or their agent to attempt mediation to avoid a hearing in the hope that agreement can be made to address or reduce any concerns.

The conditions that have been offered would automatically go on to the Premises Licence should all persons making Representations withdraw.

In the event that Reps are not withdrawn the matter will proceed to a Licensing Sub-Committee hearing.

At this hearing the panel will listen to all the evidence and place whatever weight they decide upon what is presented to them.

The fact that this is a new applicant completely different from the previous, who has offered conditions to help resolve previous conflict will be a significant factor in their deliberations.

The panel could grant without any conditions being attached should they feel that is appropriate.

Their determination should be evidence based, justified as being appropriate and proportionate to what it is intended to achieve.

The panel should consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives.

I am in the process of setting up a Licensing Sub-Committee hearing which looks like it will be at 10:00 on Wednesday 2nd September 2020 subject to securing three councillors to sit on this hearing.

Once I have confirmation you and any other party who wish their representations to stand will receive a formal notice of hearing. The meeting will be a virtual hearing due to Covid restrictions placed on meetings and you will be forwarded a link in order to join this meeting.

If however once you have digested what the applicant has offered and you feel that this is reasonable, together with all of the above safeguards that are in place, should you feel that you would like to withdraw your representation please let me know at your earliest convenience.

I hope this is of some assistance to you.

Kind regards

Derek

From: Jon Wallsgrove
Sent: 21 August 2020 12:27
To: Richard Dewhurst
Cc: Stone, Derek ; Robson, Debra
Subject: RE: The Wellington Pub

Dear Mr Dewhurst,

Thank you for your email, I think it is a great shame you do not think those conditions go far enough. In my view my client has made generous concessions with a view to mediating the licence. If you want to have a chat with them I can get Steve Hudson to give you a call.

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Kind Regards

Jon

Jon Wallsgrove
Partner



Units 39-41 Haslar Marine Technology Park Haslar Road Gosport Hampshire PO12 2AG

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From: Richard Dewhurst <[redacted]>
Sent: 21 August 2020 12:00
To: Jon Wallsgrove <[redacted]>
Cc: Stone, Derek <[redacted]>; debra Robson <[redacted]>
Subject: The Wellington Pub

Dear Mr Wallsgrove
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C) Condenser. More detail and clarity is needed on how and when action will be taken to resolve the longstanding problems of noise from the condenser. Conditions regarding this and also requiring regular maintenance of the condenser are required.

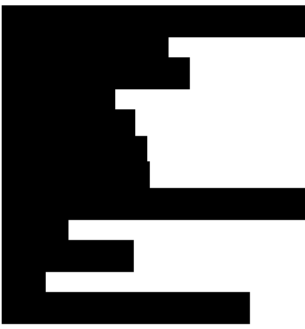
D) Rubbish Management. The attention to this is welcomed but more detail is required in the conditions with regard to timings, the removal of bins from the pavement after collection and clearing up any residual mess.

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We hope that we can continue to move forward to achieve an acceptable outcome for all concerned.

Kind Regards

Mr & Mrs Dewhurst



Partners: Tim Shield (569713) | Michelle Hazlewood (569714) | Christopher Grunert | Jon Wallsgrove
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Portsmouth
CITY COUNCIL

PREMISES LICENCE

Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Address:	Wellington 62 High Street Portsmouth PO1 2LY	Map Ref (E) :	463116
		Map Ref (N):	99248
		UPRN:	001775038397

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
- ▶ Playing of recorded music

The times the licence authorises the carrying out of licensable activities

- ▶ Sale by retail of alcohol

Sunday	11:00 until 23:30
Monday to Thursday	11:00 until 00:00
Friday and Saturday	11:00 until 01:00
- ▶ Playing of recorded music

Sunday	11:00 until 23:30
Monday to Thursday	11:00 until 00:00
Friday and Saturday	11:00 until 01:00

Non standard timing - Sale by retail of alcohol

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.
A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
An additional hour every Christmas Eve.
An additional hour every Boxing Day.
These timings also apply to the hours of opening and closing.

Non standard timing - Playing of recorded music

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

An additional hour every Christmas Eve.

An additional hour every Boxing Day.

The opening hours of the premises

- ▶ Sunday 09:00 until 00:00
- ▶ Friday and Saturday 08:00 until 01:30
- ▶ Monday to Thursday 08:00 until 00:30

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: Wellington RITS Ltd

Address: 10 Clarendon Road
Southsea
PO5 2EE

Telephone:

Email:

Registered number of holder, for example company number, charity number (where applicable)

11797814

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Name: Mrs Sally Jayne Elliott

Address: [REDACTED]

Telephone: [REDACTED]

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: 10/04070/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: 12 August 2005
Date last amended: 22 May 2019
Type: Transfer



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.

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Annex 1 – Mandatory Conditions

01 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.

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

03 (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).

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

05 (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.

06 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.

07 (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 shall ensure that a sufficient degree of illumination is provided to the exterior areas of the premises.

02 The licence holder shall ensure that all interior trading areas are visible to staff from behind the bar servery.

03 The licence holder shall ensure that staff monitor customer behaviour, especially during busy periods.

04 The licence holder shall take such steps as are reasonable to recognise the rights of local residents and to encourage customers to leave the premises quietly.

05 All windows shall be kept closed whenever the premises is open to the public.

06 An accident/incident book will be available at all times to staff and customers.

07 In respect of New Year's Eve, the permitted hours shall continue from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

-- END --

Annex 3 – Conditions attached after a hearing by the licensing authority

-- END --



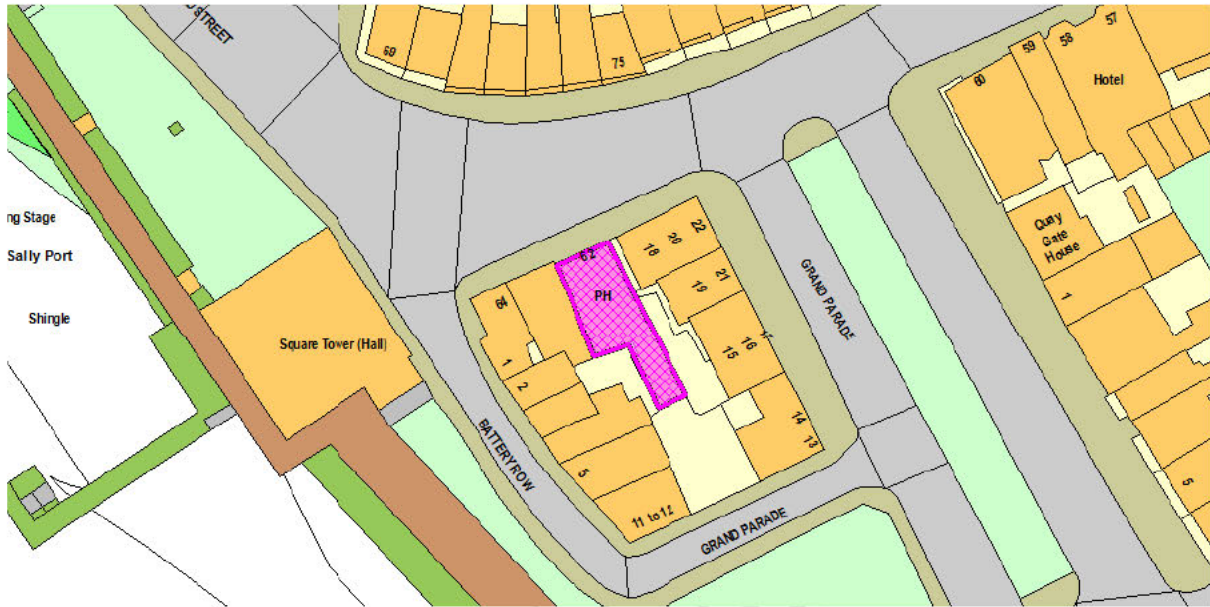
Annex 4 – Premises and location plan

Premises Plan(s)

These will either be shown below or attached as a separate part of the premises licence authorisation.



Location Plan: 62 High Street Portsmouth



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