

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

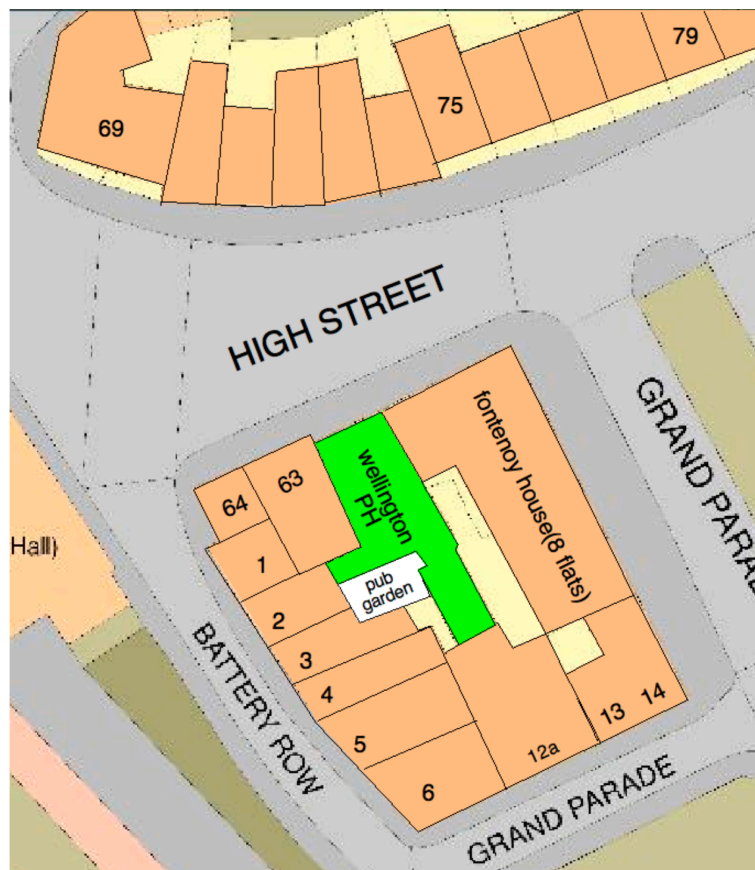
Date: 17/08/20

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...