

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 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 dealt with during 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

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