

LICENSING SUB-COMMITTEE

Tuesday, 26 March 2024

Attendance:

Councillors

Laming (Chairperson)

Langford-Smith

Pett

Officers in attendance:

Carol Stefanczuk – Licensing Manager

Sajid Mahmood – Litigation and Licensing Solicitor

[Full audio recording](#)

1. **TO CONFIRM A CHAIRPERSON FOR THE MEETING**

RESOLVED:

That Councillor Laming be confirmed as Chairperson for the meeting.

2. **DISCLOSURE OF INTERESTS**

There were no disclosure of interests made at this meeting.

3. **APPLICATION FOR NEW PREMISES LICENCE - THE RISING SUN, 14 BRIDGE STREET, WINCHESTER, SO23 0HL (LR583)**

The Chairperson welcomed all those present to the meeting:

Applicant:

Richard Taylor Applicant's Solicitor, Gosschalks LLP (on behalf of the Applicant)

Andrew Lee Property Manager, Criterion Asset Management (on behalf of the Applicant)

Other Persons who have made written representations:

Colin Webster (representation on pages 50 & 51)

Jeremy Culverhouse (on behalf of wife, Sarah Culverhouse – representation on page 52)

Greg Konneker (on behalf of himself and Marion Daniell - representation on pages 45 & 46)

The Licensing Manager introduced the report which set out an application for a new premises licence under section 17 of the Licensing Act 2003 for The Rising Sub, 14 Bridge Street, Winchester, SO23 8HL. The full application was set out in Appendix 1 of the report.

The premises was a public house that had previously been licenced under authorisation of a premises licence. The licence lapsed due to insolvency of the licence holder and a premises licence transfer application had not been received, therefore a new application for the grant of a new premises licence was required.

The application sought to provide licensable activities as follows:

Live and Recorded Music (indoors only) and Supply of Alcohol (for consumption on and off the premises):

Monday to Thursday	1100 hours to 0000 hours
Friday and Saturday	1100 hours to 0100 hours the next day
Sunday	1100 hours to 2330 hours
Christmas Eve	1100 hours to 0100 hours the next day
New Years Eve	1100 hours to 1100 hours on 1 January

Eight written representations had been received from 'Other Persons' all against the application, three of whom addressed the Sub-Committee. These representations were set out in full in Appendix 2 and related to the prevention of crime and disorder and the prevention of public nuisance licensing objectives.

The Licensing Manager reported that during the consultation period, conditions had been agreed between the applicant and Hampshire Constabulary and the applicant and Environment Protection, should the licence be granted, as set out in Section 5 of the report. The Sub-Committee were advised that no representations had been received by any of the Responsible Authorities

The Sub-Committee noted that the premises was situated within an alcohol control zone which was covered by a Public Space Protection Order, which applied to areas in close proximity to the premises which gave authorised officers (i.e. the Police) additional powers to tackle street drinking and anti-social behaviour.

In conclusion, the Licensing Manager advised the Sub-Committee that, if minded to grant the application, there were conditions to consider, as set out in Section 5 of the report, which the Sub-Committee could consider and amend as appropriate to promote the licensing objectives. The Sub-Committee were reminded that they should discuss any additional conditions they may wish to consider during the hearing to enable the applicant the opportunity to respond and explain how this may affect their business operation.

The Sub-Committee were informed, that if the licence was granted, the premises licence could not be used until a nominated personal licence holder was formally named as the Designated Premises Supervisor (DPS). The Sub-Committee were reminded that the updated Statement of Licensing Policy was adopted in January 2024.

At the invitation of the Chairperson, the Applicant's Solicitor, Richard Taylor and Andrew Lee addressed the Sub-Committee to set out the application and responded to questions.

Mr Taylor clarified that the new application sought to replicate the same hours and licensable activities of the previous licence, but with an updated robust set of conditions as a framework for a new operator to operate within, if the premises remained a public house. In addition, Mr Taylor suggested an additional condition to remedy concerns raised by 'Other Persons', that no open drinking vessels be taken outside the premises onto Bridge Street.

The Chairperson then invited three 'Other Persons' who had made relevant written representations to address the Sub-Committee. Colin Webster, Jeremy Culverhouse (speaking on behalf of Sarah Culverhouse) and Greg Konneker (also speaking on behalf of Marion Daniell) all spoke in relation to their written representations and answered questions thereon. In addition, points raised were answered by the Applicant's Solicitor and the Licensing Manager accordingly.

The Litigation and Licensing Solicitor reminded the Sub-Committee that only information contained within the written representations submitted by Other Persons could be taken into account, and that no new evidence could be considered at this stage.

The Applicant's Solicitor addressed the Sub-Committee to clarify matters not already addressed in their opening statement in response to the points raised during the representations given by Other Persons and answered further questions of the Sub-Committee.

In summing up, the Licensing Manager suggested that she would contact the Police to establish the boundaries of the Police patrols in the area during the evening. In addition, the Licensing Manager made reference to Pubwatch should any future operator of the premises wish to become an active member and feel this would be beneficial in the future.

Furthermore, the Licensing Manager asked the Applicant if the new operator could engage with the local community upon commencement of their role. Mr Lee agreed that community engagement would be beneficial to all parties.

The Sub-Committee retired to deliberate in private.

In his closing statement, the Chairperson stated that the Sub-Committee has carefully considered the application, the representations made by Other Persons and acknowledged the agreed conditions with Environmental Protection and Hampshire Constabulary and the applicant's representations given at the meeting. It has taken into account the Council's Statement of Licensing Policy,

the Public Sector Equality Duty, the Home Office Guidance issued under section 182 of the Licensing Act 2003, the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

RESOLVED:

The Sub-Committee has concluded that the Application should be granted with the agreed conditions set out on section 5 of the report, and subject to the following additional condition set out in (i) below:

- (i) No open drinking vessels will be taken out through the front door.

For the following reasons:

REASONS:

1. The Sub-Committee, noted that the responsible authorities, Environmental Protection and Hampshire Constabulary, were no longer objecting to the grant of the application. Taking account of all the circumstances, the conditions offered and agreed by the applicant and the responsible authorities which were reasonable and proportionate, sufficiently promoting the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety.
2. The Sub-Committee were sympathetic to the objections raised by the eight residents who made written and oral representations that were carefully considered today. These related, in the main, to the prevention of public nuisance and the prevention of crime and disorder.
3. The Sub-Committee also considered the applicant's solicitor's response to these objections and the conditions offered to allay any fears the residents may have by offering robust conditions.
4. The Sub-Committee considered the written representations on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. The Sub-Committee were aware that it could not make assumptions as to any potential impact the requested application might have in relation to the licensing objectives but must reach a decision based on the evidence before it. There was no evidence which could be presented to show that granting the application would undermine the licensing objectives. The Sub-Committee noted that the Licensing Act 2003 provided an alternative mechanism for dealing with issues where a premises breached the licensing objectives.
5. On the balance of probabilities, the Sub-Committee is satisfied that granting the application in the form of the amended application,

with the additional agreed conditions, would not undermine the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, the protection of children from harm and public safety.

6. The Sub-Committee had also taken into account the relevant provisions of the Human Rights Act 1998, namely;

Article 6 The right to a fair hearing;

Article 8 Respect for private and family life; and

Article 1 First Protocol – peaceful enjoyment of possessions.

7. The Sub-Committee considered that in all the circumstances, the conditions offered by the applicant agreed with Environmental Protection were reasonable and proportionate, sufficiently promoting the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, the protection of children from harm and public safety and that the objectives would not be undermined by allowing the grant of the licence.

The Chairperson advised that all parties would be formally notified of the decision in writing in due course and of their right to appeal to the Magistrates' Court within 21 days from the date of notification of the decision.

The meeting commenced at 10.00 am and concluded at 11.25 am

Chairperson