



Meeting	Licensing Sub-Committee
Date and Time	Tuesday, 22nd July, 2025 at 10.00 am.
Venue	Walton Suite, Guildhall, Winchester and streamed live on YouTube at www.youtube.com/winchestercc

Note: This meeting is being held in person at the location specified above.

Members of the public should note that a live video feed of the meeting will be available from the council's YouTube channel (www.youtube.com/winchestercc) during the meeting.

A limited number of seats will be made available at the above named location. Please note that priority will be given to those who have made written representation to the application following confirmation with the Licensing Team, over those wishing to attend and observe. Those who may wish to observe must notify the council at least 3 working days in advance of the meeting.

AGENDA

1. **To confirm Chairperson for the meeting**
2. **Disclosure of Interests**
To receive any disclosure of interests from Councillors or Officers in matters to be discussed.

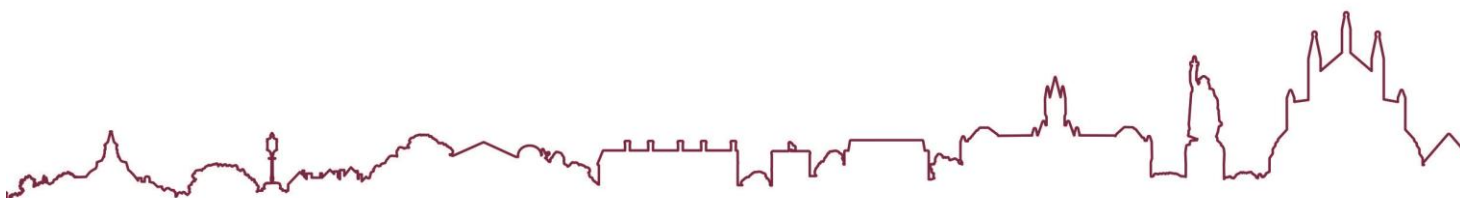
Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests (DPIs), other registerable interests (ORIs) and non-registerable interests (NRIs) in accordance with the Council's Code of Conduct.

3. Application for Review of Premises Licence – Rising Sun, 27 Spring Lane, Colden Common, Winchester, SO21 1SD (LR600)

Laura Taylor
Chief Executive

14 July 2025

Agenda Contact: Claire Buchanan, Senior Democratic Services Officer
Tel: 01962 848 438 Email: cbuchanan@winchester.gov.uk



The Membership of the Sub-Committee will be:

Councillors Laming, Gordon-Smith and Langford-Smith

Reserve Member:

Councillor Latham

Appointments – The Sub-Committee consists of a Chairperson and two other Members who are appointed on a rota basis from the membership of the full Licensing and Regulation Committee subject to availability. The confirmation of a Chairperson will be made at the start of each meeting from the three Members that form the Licensing Sub-Committee.

For the information, the Membership of the Licensing and Regulation Committee is:

Councillors: Laming, Brophy, Cunningham, Gordon- Smith, Langford-Smith, Latham, Morris, Pett, Wallace and Wise (Deputies: Cllrs Bolton, Godfrey, Lee, Small and Tippet-Cooper)

FILMING AND BROADCAST NOTIFICATION

This meeting will be recorded and broadcast live from the Council's YouTube channel. The meeting may also be recorded and broadcast by the press and members of the public – please see the Access to Information Procedure Rules within the Council's Constitution for further information, which is available to view on the [Council's website](#). Please note that the video recording is subtitled, but you may have to enable your device to see them (advice on how to do this is on the meeting page).

Licensing Sub Committee – Procedure for Hearing Review Applications.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, the hearing will take the form of a discussion led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary to properly consider the matter.

Written objections, representations and petitions will be circulated with the Agenda and Report and will be taken into account by Members of the Sub-Committee. Only those who have made “relevant representations” within the meaning of the Licensing Act 2003 will be entitled to be heard as of right by the Sub-Committee.

1. The **Chairperson** will set out the procedure to be followed in the hearing
2. The **Licensing Manager** will introduce the Report.
3. The Members may ask questions of the **Licensing Manager**.
4. The **Applicant for the review** or representative may address the Sub-Committee, as follows:- a) clarification of any points which the Licensing Authority has given notice of (Regulation 7(1)(d) of the Licensing Act 2003 (Hearings) Regulations 2005 b) address the Sub-Committee and present the application.
5. Members of the Sub-Committee may ask questions of the **Applicant** or representative

Responsible Authorities who have made representations will then be allowed to introduce their representations. The Sub-Committee may ask them questions, and (subject to the permission of the Sub-Committee) the Applicant or representative may ask them questions.

6. **Environmental Health Officer**
7. **Police**
8. **Fire Service**
9. **Child Protection Team**
10. **Local Planning Authority**
11. **Health and Safety Executive**
12. **Trading Standards**
13. **NHS Public Health Manager**
14. **Licensing Authority**

Persons who have made Relevant Representations (within the meaning of the Licensing Act 2003) will then be allowed to introduce their representations. The Sub-Committee may ask them questions, and (subject to the permission of the Sub-Committee) the Applicant or representative may ask them questions.

15. **Persons making Relevant Representations**
16. The **Licence Holder** or representative may address the Sub-Committee in order to reply to any representation made in the review application or by a party to the hearing.
17. Members of the Sub-Committee may ask questions of the **Licence Holder** or representative
18. The **Applicant for the review** or representative may address the Sub-Committee in order to reply to any representation made.

19. Members of the Sub-Committee may ask questions of the **Applicant for the review** or representative

The Committee will retire to consider the application in private with only the Head of Legal and Democratic Services' representative and Committee Administrator in attendance. The Committee will reach its determination and notify the applicant of the decision in accordance with Regulations 26 – 29 of the Licensing Act 2003 (Hearings) Regulations 2005.

LR600
FOR DECISION
WARD(S): COLDEN COMMON & TWYFORD

LICENSING SUB – COMMITTEE

Tuesday 22 July 2025 10:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Carol Stefanczuk

Tel: 01962 848188

Email: licensing@winchester.gov.uk

Application: Review of Premises Licence

Premises: The Rising Sun, 27 Spring Lane, Colden Common, Winchester,
SO21 1SD

Part A. Report

- 1 Application**
- 2 Responsible Authorities**
- 3 Other Representations**
- 4 Observations**
- 5 Conditions**
- 6 Other Considerations**

Part B. Appendices

- Appendix 1 Application**
- Appendix 1a Addendum to application**
- Appendix 2 Representations from Other Persons**
- Appendix 3 Map of representations and premises location**
- Appendix 4 Copy of current Premises Licence**

Part A.

1. Application

Applicant: Abby Toms, on behalf of Environmental Protection

Premises: The Rising Sun, 27 Spring Lane, Colden Common, Winchester, SO21 1SD

- 1.1 This report relates to an application to review the premises licence for the above premises, submitted in accordance with section 51 of the Licensing Act 2003.
- 1.2 The application was submitted on 28 May 2025 by Abby Toms, Environmental Protection Manager, on behalf of Winchester City Council's Environmental Protection team, a Responsible Authority as defined under section 13 of the Licensing Act 2003.
- 1.3 A copy of the application was served to the other Responsible Authorities and to the Premises Licence Holder on 29 May 2025.
- 1.4 The application relates to the prevention of public nuisance licensing objective following reports of noise disturbance from the premises and subsequent noise monitoring which was considered a statutory nuisance under the Environmental Protection Act 1990, and a public nuisance.
- 1.5 An Abatement Notice was served on Lucky Hoof 2023 Ltd (the premises licence holder) under section 80 of the Environmental Protection Act 1990, on 24 September 2024 – see Appendix D of the application (Appendix 1 of the report).
- 1.6 The applicant has requested that the current public nuisance conditions on the Premises Licence are removed and replaced with alternative conditions to ensure that the licensing objectives are upheld.
- 1.7 Lucky Hoof 2023 Ltd have held the premises licence since 29 August 2024.
- 1.8 No representations were received from any other Responsible Authority.
- 1.9 Four valid representations were received from 'Other Persons'. Three are in support of the review application and relate to the prevention of public nuisance licensing objective, and one is in support of the freeholder of the premises. A copy of the representations can be found at Appendix 2 of the report.
- 1.10 Notices of the hearing were sent to all Parties on 3 July 2025.

Designated Premises Supervisor

Jonathon Spencer

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:

Environmental Health

Applicant for the purposes of this case.

Hampshire & IOW Constabulary

No representations received.

Hampshire & IOW Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Building Control

No representations received.

Head of Trading Standards

No representations received.

Public Health Manager

No representations received.

Home Office

No representations received.

Licensing Authority

No representations received.

Planning

No representations received.

3. Representations from Other Persons

Representations have been received from four 'Other Persons', 3 of which are in support of the application, one in support of the freeholder of the premises. The main concerns are regarding the prevention of public nuisance licensing objective.

Representations can be seen at Appendix 2.

4. Observations

- 4.1 The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 4.2 In making its decision, the Sub-Committee is also obliged to have regard to the [National Guidance](#) and the Council's [Licensing Policy](#).
- 4.3 The Sub-Committee must have regard to all of the representations.
- 4.4 The Sub-Committee must take such of the following steps it considers appropriate to promote the Licensing Objectives:
- a) Grant the licence subject to conditions in accordance with the operating schedule (modified to such extent as the authority considers appropriate for the promotion of the licensing objectives) and the mandatory conditions;
 - b) exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) refuse to specify a person in the licence as the premises supervisor;
 - d) reject the application.

Terminal hours

The Sub-Committee should take account of the National Guidance and the Council's Licensing Policy with regard to terminal hours and take such steps as it considers appropriate to promote the Licensing Objectives.

(Licensing Policy 2.22 Part 4, A8, C4)

Licensing Objectives

Crime and Disorder

The Sub-Committee should consider any appropriate conditions to prevent crime and public disorder relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy 1.9, 2.9 - 2.11, 2.17, 2.19 – 2.21 and Part 4 Section A)

Public Safety

The Sub-Committee should consider any appropriate conditions relating to public safety having regard to the relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, B2, B3)

Public Nuisance

The Sub-Committee should consider any appropriate conditions to prevent public nuisance caused by noise pollution from the premises relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, Section C)

Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, D6, D7)

Human Rights

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, appropriate in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

Public Sector Equality Duty

The Public Sector equality duty must be taken in to consideration with all decision making. The duty is stated in section 149 of The Equality Act 2010. This application raises no considerations under this Act.

5. Conditions

5.1 A copy of the Premises Licence with existing conditions can be found at Appendix 4.

5.2 The current conditions relating to the prevention of public nuisance are:

1. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open after 2300.
2. Live and recorded music and any amplified voice shall cease no later than 0000.
3. The volume of regulated entertainment shall be kept at a level as to be inaudible at the boundary of the premises after 2300.

5.3 The applicant has requested that all the existing public nuisance conditions attached to PREM241 be removed, and the following conditions be imposed on the Premises Licence:

1. The provision of live/ recorded music at the premises shall no longer be exempt from licensing requirements under the Live Music Act 2012. Accordingly, any performance of live/recorded music shall be subject to the conditions of this premises licence and shall not take place unless specifically authorised by this licence.
2. No live or recorded music shall be played outside.
3. The areas marked A and C on the attached map shall be used for patrons/ smokers. Area B shall only be used for car parking. [See map at Appendix G].
4. The garden area marked A on the map shall not be used by customers after the hours of 2230. [See map at Appendix G].
5. A suitable noise limiting device shall be installed and set at a level agreed with the Licensing Authority within 2 months. It shall thereafter be maintained in such a manner as to control all sources of amplified music at the premises in accordance with the agreement.
6. All windows and doors shall be kept closed (other than for access and egress) when regulated entertainment is being played.
7. The premises shall operate in accordance with a Noise Management Plan (NMP), to be agreed and approved in writing by the Licensing Authority within 2 months. The Premises Licence Holder shall ensure that the premises operates in accordance with the approved NMP.

6. Other Considerations

Council Strategy Outcome (Relevance To:)

This report relates to the 'Vibrant Local Economy' priority by working with partners and using powers available to us to make Winchester a safe and pleasant place to live, work and visit.

Resource Implications

No fee is applicable for this application. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application from Abby Toms, on behalf of Environmental Protection
- 1a. Addendum to application
2. Representations Other Persons
3. Map of representations and premises location
4. Copy of current Premises Licence



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **Abby Toms**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

The Rising Sun
27 Spring Lane
Colden Common
Winchester
Hampshire

Post town

Post code (if known) SO21 1SB

Name of premises licence holder or club holding club premises certificate (if known)

Lucky Hoof 2023 Ltd

Number of premises licence or club premises certificate (if known)
PREM 241

Part 2 - Applicant details

I am

Please tick yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) ☐ Please tick yes

Surname

First names

I am 18 years old or over

Please tick yes
☐

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mrs Abby Toms Environmental Protection Manager Winchester City Council Colebrook Street Winchester Hampshire SO23 9LJ
Telephone number (if any) 01962 848097
E-mail address (optional) atoms@winchester.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

In the middle of July 2024, Environmental Health and Licensing received a number of reports of noise disturbance arising from The Rising Sun from 3 residential households. The local residents' affected advised that the premises had been playing Euro football matches on a television outside. One of the residents sent a movie clip of the football game on 15th July - the football commentary was so loud that the words could be clearly heard in their kitchen, with the window open slightly for ventilation. On the same day, it is understood that a live band was playing outside from the car park area on a flatbed lorry with various external speakers.

One resident reported that the pub played loud music, films and football outside until 2230 when it was turned off, but was then followed by loud shouting, noise and anti-social behaviour in the streets until 0200.

I spoke to an affected resident in detail who advised me that it wasn't just the noise from music or the television but the noise from patrons sitting outside shouting/laughing until late at night - regularly until 0100 and on one occasion until 0400 that caused such disturbance that they had decided to stay with relatives to avoid being disturbed and get a good night's sleep. They stated that they had lived very close to the pub for 25 years and had expected some noise from time to time, but not to be so significantly disturbed.

I visited the premises and spoke to the then Designated Premises Holder Jonathon Spencer on 5th August 2024 to highlight the concerns and reports made to me.

In respect of live music in the outdoor area, I advised Mr Spencer that it would be very difficult to avoid causing public nuisance from such events. This is because

there would be no attenuation that say a building could provide, there were residential premises surrounding the premises in every orientation (so you couldn't orientate the speakers away from nearby residents) and some were so close that their gardens bordered the pub garden/ car park). (See Appendix A which shows a map of the site and nearby residential properties.)

It would, therefore, be impossible to play music at a level that would both entertain the audience but not disturb the residents and so one outdoor live music event would be all I could agree to. He asked whether his licence restricted him to this and I advised that it didn't. Under the Live Music Act, the whole premises is considered to be a 'workplace' and as such is allowed, by exemption to play live music from 0700-2300 for an audience of up to 500. I did advise, however that if nuisance was caused then we might seek a licence review or serve an Abatement Notice. Mr Spencer advised that he would only hold one further live music event on 23rd August - called a 'Gig in the garden'. Other events included a beer and cider festival 16-18 August and a rum and reggae event but Mr Spencer stated that this would not include live music outside.

I advised that we would be likely to monitor the 'gig in the garden event' and he would be advised to notify the neighbours that it was happening, the finish time and provide a 'hotline' number for them to contact him if they were being disturbed.

The premises had recently (3rd August) hosted a 'family fun day' which included a bouncy castle outside, involved a children's disco inside that finished at 1700 and a barbecue. We did not receive noise complaints about that and I advised that the odd community event like that would probably be unlikely to cause nuisance.

Mr Spencer showed me a new 'smoking shelter' that he had built to the side of the property in the car park. This was a substantial wooden structure. (see photos in Appendix B) To my mind this was an attractive outdoor entertainment area, not really designed exclusively for people to have the odd cigarette, as there was a large flat screen tv mounted on one wall, a bar area with pumps, 2 speakers affixed to each end of the structure and several tables and chairs under the enclosure. It was from this that the Euro football had been played.

Although this structure was put up by Mr Spencer and he was responsible for the events, the Licence at the time of that visit was held by EI Group Ltd, the Premises Licence was transferred to Lucky Hoof 2023 Ltd on 29th August 2024, which is Jonathon Spencer's business name. He remains the tenant and licence holder of the pub.

Reports of noise disturbance from the outdoor area continued and a noise nuisance recorder was installed in a nearby resident's property from 17.8.24-08.09.24. The transcript from this monitoring is attached as Appendix C. The recordings showed that the noise from voices, music, television and speakers emanating externally from the former car park area where the outdoor structure is located constituted a statutory nuisance under Environmental Protection Act 1990 and a public nuisance.

An Abatement Notice was served on Lucky Hoof 2023 Ltd requiring the noise from the outdoor area to be abated. (Appendix D) This required noise from loud voices, television and speakers within the 'former' car park area (identified on the accompanying map) to be abated. It was intended to prevent noise disturbance from live or recorded music events in the 'former' car park, to prevent noise or music from

the television and speakers within the wooden structure and to control noise from patrons sat outside in the 'former' car park area under the wooden structure.

Mr Spencer responded by removing the television and advised me had disabled the external speakers. However the chairs and tables were not removed.

There were fewer reports of noise disturbance for the external area during the Winter months as would be expected.

Earlier this year, various reports of noise disturbance from music emanating from the inside of the pub were received and I spoke to Mr Spencer giving him advice on how to minimize noise disturbance from the inside. In addition, reports were made concerning noise from early morning deliveries and I advised Mr Spencer to ensure that deliveries were not made until after 0700 on weekdays and 0800 at weekends, which he advised me he would action.

Despite the discussions, reports of noise disturbance continued and so a noise nuisance recorder was installed in a neighbour's property, this time in a bedroom to assess the impact. Recordings were made between 12.3.25 and 7.4.25. A transcript report showing the results is attached. (Appendix E). Many recordings showed that music from inside the pub was audible in the customers' bedroom at levels that would be considered unreasonable. There were some occasions where the volume of music was so loud that the music track could be identified in the resident's bedroom. This included excessive bass, and amplified voices and which would be likely to cause sleep disturbance or prevent sleep and significantly impact the average person's use and enjoyment of their property.

Subsequent to the recordings made by Environmental Health, one of the residents made a number of MP4 video recordings. Appendix F provides a summary of the recordings as assessed by Environmental Health. There were many recordings of people shouting/ screaming /raised voices etc in the outdoor car park area within the wooden structure or nearby and some recordings of noise indoors. Note that on one occasion the resident made a recording of music noise at 0115 and reported that the music didn't stop until 0150. The licence only permits live and recorded music until 0000.

There are some occasions where the Abatement Notice has likely been breached. It would be possible to consider legal proceedings for breach of an Abatement Notice. However the Abatement Notice only addresses noise from the car park area and in view of all of the noise sources from inside and outside, it was considered more appropriate to consider a review of the licence.

It is important to note that Winchester City Council's Planning enforcement team served an Enforcement Notice on Lucky Hoof 2023 Ltd and the brewery at the end of January requiring the wooden structure to be removed as it did not have planning permission. This has been appealed and is currently awaiting a decision by the Planning Inspectorate. I am concerned that such appeals can take considerable time to be assessed and in the meantime, residents continue to be significantly disturbed, so I am recommending a condition to prohibit the use of the car park area for any patrons. There is a sizeable garden attached to the premises which historically has been available for outdoor use and it is at some distance away from the nearest residential properties in any case. I would propose to prohibit the use of the car park area for patrons (other than car parking) and should the planning inspector find in

favour of the appellant, they could subsequently apply for a variation to the licence to continue its use.

On 12th May, Environmental Health received further reports of noise disturbance from a new resident who wishes to remain anonymous, but advised that he and his baby had been regularly woken up / kept awake from loud music and bass emanating from within the pub.

I have presented a snapshot of the evidence to illustrate that I believe that the pub is causing significant public nuisance and I would like the Committee to consider altering the licence/ imposing conditions as follows:

Proposed changes/ conditions (note – please read in accordance with proposed map in Appendix G :

1. The provision of live/ recorded music at the premises shall no longer be exempt from licensing requirements under the Live Music Act 2012. Accordingly, any performance of live/recorded music shall be subject to the conditions of this premises licence and shall not take place unless specifically authorised by this licence.

(This condition is imposed on the grounds that the provision of live/ recorded music has been found to undermine the prevention of public nuisance licensing objective.)

2. To remove all of the existing public nuisance conditions attached to PREM 241

3. No live or recorded music shall be played outside.

4. To prohibit the use of the car park area (as identified on the attached map) for patrons to congregate, but retaining the small area at the front of the property for smokers.

Proposed condition: 'The areas marked A and C on the attached map shall be used for patrons/ smokers. Area B shall only be used for car parking.'

5. Proposed condition: 'The garden area marked A on the map shall not be used by customers after the hours of 2230.'

6. To install and set a Noise Limiter – to control the volume of music internally. This will allow the volume to be set to a suitable level as assessed by Environmental Health so as not to cause public nuisance to neighbours.

Proposed condition: 'A suitable noise limiting device shall be installed and set at a level agreed with the Licensing Authority within 2 months. It shall thereafter be maintained in such a manner as to control all sources of amplified music at the premises in accordance with the agreement.'

7. Proposed condition: 'All windows and doors shall be kept closed (other than for access and egress) when regulated entertainment is being played.'

8. To submit a suitable Noise Management Plan to include management of all noise sources at the premises e.g use of the noise limiter, management of patrons outside including smokers, a dispersal policy, restrictions on the hours of deliveries and any

additional controls to avoid causing public nuisance.

Proposed condition: 'The premises shall operate in accordance with a Noise Management Plan (NMP), to be agreed and approved in writing by the Licensing Authority within 2 months. The Premises Licence Holder shall ensure that the premises operates in accordance with the approved NMP. '

Accompanying documents:

Appendix A: Map showing location of Rising Sun pub and close proximity of surrounding residents

Appendix B: Photos of external wooden structure, bar area and tables/chairs and plan to show how close the structure is to nearest residential property

Appendix C: Transcript report of noise recordings taken from resident's property (lounge) 17.8.24-08.09.24

Appendix D: Abatement Notice served 24.9.24

Appendix E: Transcript report of noise recordings taken from resident's property (bedroom) 12.3.25 - 7.4.25.

Appendix F: Summary of MP4 video recordings made by resident 13.4.25-11.5.25

Appendix G: Map delineating areas of the premises to accompany proposed conditions

Please provide as much information as possible to support the application
(please read guidance note 3)

Please tick yes

Have you made an application for review relating to the premises before?

☐

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix A: Map to show location of Rising Sun pub (whole site outlined in purple)
and close proximity of surrounding residential properties



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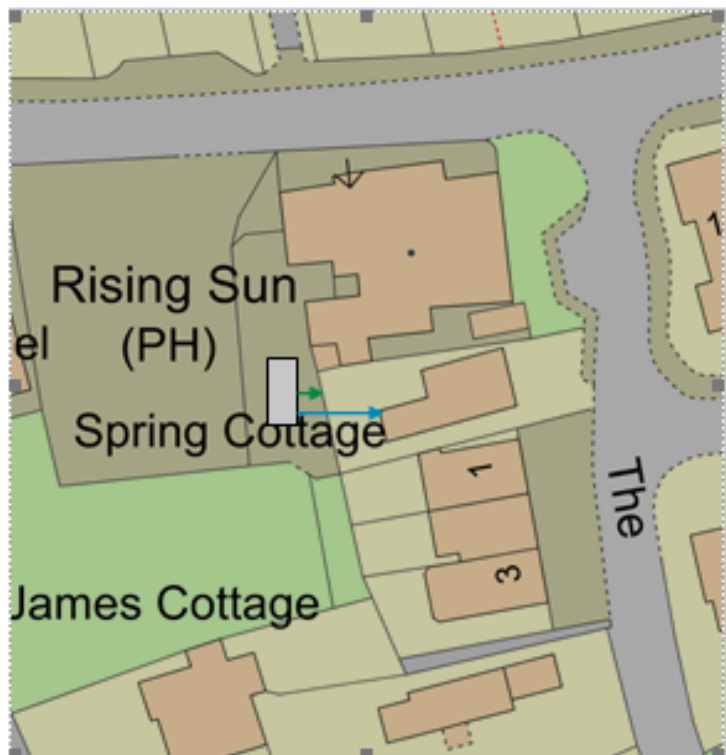
Appendix B: Photos of external wooden structure, bar area and tables/chairs and plan to show how close the structure is to nearest residential property










Closest residential property - to illustrate proximity to pub



Key:	
	Approximate location of wooden structure
	Approximate distance to garden boundary fence of nearest residential property = 2m
	Approximate distance to nearest residential property = 6-8m

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17-08-24-08-09-24
Recordings

		Officer description	
	17/08/2024 09:30:59.000 - 17/08/2024 09:33:28.000	PLT voice recording	
	17/08/2024 09:33:59.000 - 17/08/2024 09:34:59.000	PLT voice recording and calibration	
1	17/08/2024 19:45:57.000 - 17/08/2024 19:48:26.000	Voices/ chatter and music. Towards end more noise of children and conversation with adult(s)	
2	17/08/2024 20:15:04.000 - 17/08/2024 20:17:33.000	People noise of patrons dominate, with male singing and children screeching predominant. Some music noise	
3	17/08/2024 20:28:16.000 - 17/08/2024 20:30:45.000	Noise from patrons. General hubbub of patrons very intrusive inside customer property. Bass beat in background	
4	17/08/2024 20:34:16.000 - 17/08/2024 20:36:44.000	Noise from patrons with one male voice heard above the others. Bass beat also heard	
5	17/08/2024 20:48:57.000 - 17/08/2024 20:51:26.000		People noise dominates, and very intrusive
6	28/08/2024 16:12:47.000 - 28/08/2024 16:13:21.000	Voice recording and calibration following equipment reset	
7	28/08/2024 16:13:23.000 - 28/08/2024 16:15:37.000	VP Voice recording	
8	31/08/2024 15:07:41.000 - 31/08/2024 15:10:10.000	Noise of music and patron – music dominant, and could identify track if I knew it. Intrusive.	
9	31/08/2024 15:10:49.000 - 31/08/2024 15:13:18.000	Loud music (Oasis) and some noise of patrons. Track easily identifiable. Loud motor vehicle passes.	
11	01/09/2024 19:43:07.000 - 01/09/2024 19:45:36.000 00:02:29.000	Noise from patrons talking/laughing clearly audible. Hum like extractor also clearly audible. Helicopter passes.	
12	02/09/2024 19:43:05.000 - 02/09/2024 19:45:34.000	Laughing heard and bass beat. Door opened and conversations heard word for word	
13	02/09/2024 19:52:14.000 - 02/09/2024 19:54:43.000	Voices talking and LF hum.	
14	07/09/2024 16:35:03.000 - 07/09/2024 16:37:32.000	Own TV at first then noise of people talking drowns it out. Voices clearly audible. Airy hum with LF component (such as kitchen extraction or air conditioning)	
15	07/09/2024 16:39:01.000 - 07/09/2024 16:41:30.000	Noise of friction such as cleaning fabric but noise of hubbub of patrons audible.	



		Airy fan type noise heard
16	07/09/2024 16:55:10.000 - 07/09/2024 16:57:39.000	As above – patrons talking/laughing and fan noise.
17	07/09/2024 17:07:51.000 - 07/09/2024 17:10:20.000 0 00:02:29.000	Noise of patron and of fan.
18	07/09/2024 19:38:16.000 - 07/09/2024 19:40:45.000	Noise of patrons, inc children and fan as before.
19	07/09/2024 19:40:47.000 - 07/09/2024 19:43:06.000	Fan and patrons as before.
20	07/09/2024 19:44:10.000 - 07/09/2024 19:46:39.000	Fan and people noise. Both male voices and children.
21	07/09/2024 19:55:07.000 - 07/09/2024 19:57:36.000	As above
22	07/09/2024 20:00:54.000 - 07/09/2024 20:03:23.000	As above general chatter, dispersed with outbursts of loud laughter - highly audible
23	07/09/2024 20:03:24.000 - 07/09/2024 20:05:41.000	Fan, and group of males laughing. Children also heard.
24	07/09/2024 20:14:02.000 - 07/09/2024 20:16:32.000	Fan, children and male voices all heard louder than previously.
25	08/09/2024 18:39:58.000 - 08/09/2024 18:42:27.000	Music heard inside before door/window opened. Then opened. Music clearly heard, and identifiable. Fan heard towards end of recording.

KEY



Significant noise impact
 Marginal noise impact
 Negligible noise impact
 Night-time monitoring (23:00-07:00)

Conclusions

The noise from voices, music, television and speakers emanating externally from the former car park area where the outdoor structure is located constitutes a statutory nuisance under Environmental Protection Act 1990.

Officer assessment: Verity Potter (and peer reviewed)
 (Environmental Health Officer)



Winchester
City Council

TRUE COPY SERVED BY HAND/POSTED

MR. JOHNATHAN SPENCE

Uniform case & notice references

24/01261 / N01NRH & 24/00015/EPABAT

Address & exact location/person served

LUCKY HOOF 2023 LTD, 47 TYNE ROAD, OAKHAM, RUTLAND. LE15 6SJ

Date & time of service

24.9.24 at ~ 1430 HRS

Officer (name & signature) MRS ABIGAIL TOMS

ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80

Abatement Notice in Respect of Statutory Nuisance

Ref: 24/00015/EPABAT

To: Lucky Hoof 2023 Ltd

Of: 47 Tyne Road, Oakham, Rutland, United Kingdom, LE15 6SJ

Take Notice that Winchester City Council ('the Council') is satisfied of the existence and likely recurrence of a statutory nuisance under Section 79(1)(g) of the Environmental Protection Act ('the Act') at residential premises adjacent to The Rising Sun, 27 Spring Lane, Colden Common, Winchester. Hampshire. SO21 1SB within the district of the Council.

The nuisance is: **Noise from loud voices, television and speakers within the car park of The Rising Sun, 27 Spring Lane, Colden Common Winchester. Hampshire. SO21 1SB (as marked on the attached map)**

You are: **The company responsible for the nuisance**

What you are required to do: **To abate the nuisance and thereafter neither to cause, permit nor otherwise allow its recurrence.**

Time for compliance: **Within 28 days from the date of service of this notice**

This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended as, in the opinion of the Council, **the expenditure which would be incurred by any person in carrying out works in compliance with this Notice would not be disproportionate to the public benefit to be expected in that period from such compliance**

WARNING:

1. If without reasonable excuse you contravene or fail to comply with any requirements of this notice you will be committing an offence under Section 80(4) of the Act. On summary conviction an unlimited fine may be imposed.
2. The Council may also take proceedings in the High Court for securing the abatement of the nuisance. Further, if you fail to execute any or all of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure.

Dated: 24th September 2024

Signed: 

Name: Abigail Toms

Designation: Environmental Protection Manager

RIGHT OF APPEAL: You may appeal against this notice to a Magistrates Court within 21 days beginning with the date of the service of this notice. The grounds of appeal prescribed in the Regulations are detailed in the accompanying

notes.

Notes

The Statutory Nuisance (Appeals) Regulations 1995 provides as follows;

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 (the 1990 Act)

2. [1] The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrate) against an abatement notice served upon him by a local authority.

[2] The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-

a) that the abatement notice is not justified by section 80(3) of the 1990 Act (summary proceedings for statutory nuisances);

b) that there has been some informality, defect or error in, or in connection with the abatement notice, or in connection with any copy of the abatement notice served under section 80(A)(3) (certain notices in respect of vehicles, machinery or equipment);

c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;

d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;

e) where the nuisance to which the notice relates-

i] is a nuisance falling within section 79[1][a], [d], [e], [f] or [g] of the 1990 Act and arises on industrial, trade or business premises, or

ii] is a nuisance falling within section 79[1][b] of the 1990 Act and the smoke is emitted from a chimney, or

iii] is a nuisance falling within section 79[1][ga] of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, business or trade purposes, that the best practicable means were used to prevent, or to counteract the effects of the nuisance;

f) that, in the case of a nuisance under section 79[g] or [ga] of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80[1][a] of that Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -

i] any notice served under section 60 or 66 of the 1974 Act (consent for work on construction sites and from certain premises), or

ii] any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or

- iii] any determination made under section 67 of the 1974 Act (noise control of new buildings);
- g) that, in the case of a nuisance under section 79[1][ga] of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80[1][a] of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 of the 1993 Act (loudspeakers in streets or roads);
- h) that the abatement notice should have been served on some person instead of the appellant, being-
 - i] the person responsible for the nuisance, or
 - ii] the person responsible for the vehicle, machinery or equipment, or
 - iii] in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - iv] in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- i) that the abatement notice might lawfully have been served on some person in addition to the appellant, being-
 - i] in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - ii] in the case where the appellant is the occupier of the premises, the owner of the premises and that it would have been equitable for it to have been so served;
- j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being-
 - i] a person also responsible for the nuisance, or
 - ii] a person who is also owner of the premises, or
 - iii] a person who is also an occupier of the premises, or
 - iv] a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.

[3] If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in connection with, any copy of the notice served under section 80[A][3] the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

[4] Where the grounds upon which an appeal is brought include a ground specified in paragraph [2][i] or [j] above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

[5] On hearing the appeal the court may:

- a) quash the abatement notice to which the appeal relates, or
- b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
- c) dismiss the appeal;

and an abatement notice that has been varied under sub-paragraph b) above shall be final and shall otherwise have effect, as so varied, as if it had been made so by the local authority.

[6] Subject to paragraph [7] below, on hearing of appeal the court may make such order as it thinks fit:

- a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

[7] In exercising its powers under paragraph [6] above, the court:

- a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph [4] above.

SUSPENSION OF NOTICES

3. [1] Where-

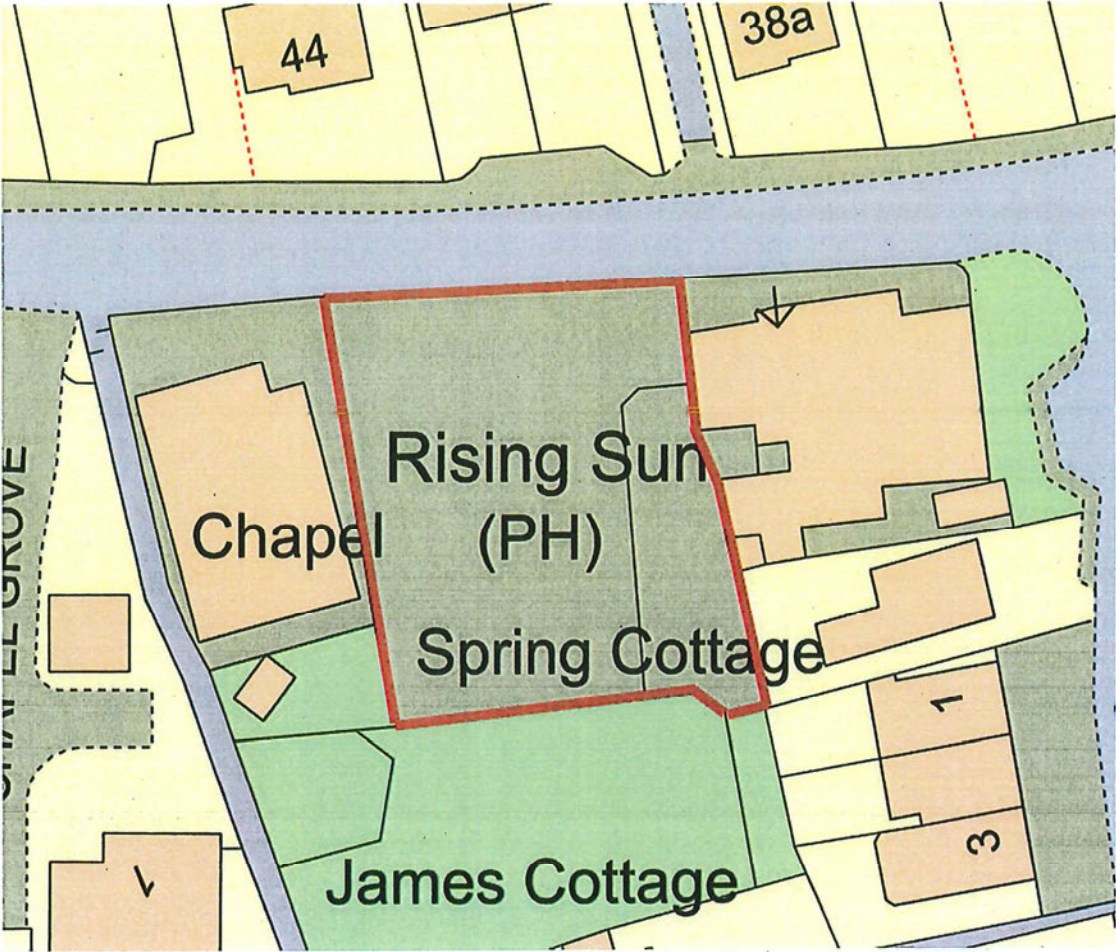
- a) an appeal is brought against an abatement notice served under section 80 or 80(A) of the 1990 Act, and-
- b) either-
 - i] compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of an appeal, or
 - ii] in the case of a nuisance under section 79[1][g] or [ga] of the 1990 Act, the noise to which the abatement notice relates is a noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- c) either paragraph [2] does not apply, or if it does apply but the requirements of paragraph [3] have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

[2] This paragraph applies where-

- a) the nuisance to which the abatement notice relates:
 - i] is injurious to health, or
 - ii] is likely to be of a limited duration such that suspension of the notice would render it of no practicable effect, or
- b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

[3] Where paragraph [2] applies the abatement notice-

- a) shall include a statement that paragraph [2] applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- b) shall include a statement as to which of the grounds set out in paragraph [2] apply.







Recordings

		Duration	Notes
Audio-recording	12/03/2025 17:32:51.000 - 12/03/2025 17:35:20.000	0 00:02:29.000	Voice log
Audio-recording	12/03/2025 17:35:21.000 - 12/03/2025 17:36:08.000	0 00:00:47.000	Reference tone
Audio-recording	13/03/2025 05:31:23.000 - 13/03/2025 05:33:52.000	0 00:02:29.000	Loud birdsong. Some movements consistent with delivery (doors opened, minor trolley noise etc)
Audio-recording	14/03/2025 20:38:00.000 - 14/03/2025 20:40:29.000	0 00:02:29.000	Bass noise heard Distant traffic noise heard, some voices
Audio-recording	14/03/2025 20:47:38.000 - 14/03/2025 20:50:08.000	0 00:02:30.000	Bass noise clearly heard – talking of residents and traffic noise. Others also talking presumed customers but might be passers by.
Audio-recording	14/03/2025 21:39:20.000 - 14/03/2025 21:41:49.000	0 00:02:29.000	Intrusive bass heard and internal movement. Traffic noise decreased from previous recording but present. Amplified voice also heard.
Audio-recording	14/03/2025 21:41:52.000 - 14/03/2025 21:44:21.000	0 00:02:29.000	Bassy music continues, people walking past, talking, faint singing, vehicle driving past
Audio-recording	14/03/2025 21:44:30.000 - 14/03/2025 21:46:59.000	0 00:02:29.000	Bassy music continues, faint singing
Audio-recording	14/03/2025 21:52:24.000 - 14/03/2025 21:54:53.000	0 00:02:29.000	Own tv on with bass from pub heard over. TV then turned off and could identify the track from bass. Some lyrics just audible but actual words not distinguishable Vehicle pulling up and driving off.
Audio-recording	14/03/2025 21:56:30.000 - 14/03/2025 21:58:59.000	0 00:02:29.000	Bassy music continues – able to identify the song towards the end of the recording, singing - can identify the occasional word, vehicle driving past, laughing, humming noise,
Audio-recording	14/03/2025 21:59:04.000 - 14/03/2025 22:01:33.000	0 00:02:29.000	Bassy music continues, singing – at the same level as previous recording, faster paced music towards the end with less bass but still able to recognise the song ('Don't look back in anger' – Oasis) vehicle driving past, humming noise
Audio-recording	14/03/2025 22:03:46.000 - 14/03/2025 22:06:15.000	0 00:02:29.000	Bassy music, talking, singing – similar level to previous recording and able to identify some words and song 'Sex on Fire' by Kings of Leon, vehicle driving past, humming noise

UNIFORM CASE REF 24/01269/NOINRH
NOISE FROM THE RISING SUN
RECORDINGS TAKEN FROM RESIDENT'S BEDROOM
DATE 12.3.25 – 07.04.25
Assessed and peer reviewed



Winchester
City Council

Audio-recording	14/03/2025 22:14:33.000 - 14/03/2025 22:17:02.000	0 00:02:29.000	Bassy music - can be heard with the customers tv playing, faint talking - unable to identify the words, vehicle driving past.
Audio-recording	14/03/2025 22:17:09.000 - 14/03/2025 22:19:38.000	0 00:02:29.000	Bassy music starts part way through the recording, singing – unable to identify the words, people walking past the customer property, vehicle driving past.
Audio-recording	14/03/2025 22:20:07.000 - 14/03/2025 22:22:36.000	0 00:02:29.000	Bassy music initially – returns toward the end of the recording, singing - unable to identify the words, vehicle driving past.
Audio-recording	14/03/2025 22:23:18.000 - 14/03/2025 22:25:47.000	0 00:02:29.000	Music clearly audible with male vocals heard but bass most intrusive. Period of quiet before a new track.
Audio-recording	14/03/2025 22:30:38.000 - 14/03/2025 22:33:07.000	0 00:02:29.000	Music – bass peaks throughout recording, unable to identify the song
Audio-recording	14/03/2025 22:45:43.000 - 14/03/2025 22:48:13.000	0 00:02:30.000	Music – able to recognise the song ('Paint It Black by The Rolling Stones) can be heard with the customers tv on, little bass, faint talking, unable to identify the words initially, some louder bass towards the end of the recording, vehicle driving past.
Audio-recording	14/03/2025 22:48:34.000 - 14/03/2025 22:51:03.000	0 00:02:29.000	Bassy music, faint singing occasionally able to recognise the words, but unable to identify the song, vehicle driving past.
Audio-recording	14/03/2025 22:58:23.000 - 14/03/2025 23:00:52.000	0 00:02:29.000	Bassy music (DJ – Westlife track-'When you're looking like that'). Door appears to open and lyrics apparent). New song. Bass clearly audible but lyrics barely heard.
Audio-recording	14/03/2025 23:02:14.000 - 14/03/2025 23:04:43.000	0 00:02:29.000	Bass beat clearly audible.
Audio-recording	14/03/2025 23:05:54.000 - 14/03/2025 23:08:23.000	0 00:02:29.000	Bassy music, faint singing able to recognise some of the words. Able to identify the song towards the end of the recording (4 Non Blonds 'Hey What's going on?'), vehicle driving past.
Audio-recording	14/03/2025 23:11:14.000 - 14/03/2025 23:13:43.000	0 00:02:29.000	Bassy music, faint singing unable to recognise the words. Unable to identify the song, vehicle driving past.
Audio-recording	14/03/2025 23:19:24.000 - 14/03/2025 23:21:53.000	0 00:02:29.000	Bassy music, unable to identify the song, vehicle driving past, humming noise, people talking in the vicinity of the resident's property
Audio-recording	14/03/2025 23:26:46.000 - 14/03/2025 23:29:15.000	0 00:02:29.000	Bassy music, faint singing able to recognise some of the words. Able to identify the song 'Sweet Caroline' by Neil Diamond

UNIFORM CASE REF 24/01269/NOINRH
 NOISE FROM THE RISING SUN
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 DATE 12.3.25 – 07.04.25
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Winchester
City Council

Audio-recording	14/03/2025 23:29:45.000 - 14/03/2025 23:32:14.000	0 00:02:29.000	Bassy music, faint singing able to recognise some of the words. Able to identify the song 'Sweet Caroline' by Neil Diamond, vehicle driving past, then start of an unknown song
Audio-recording	14/03/2025 23:33:25.000 - 14/03/2025 23:35:54.000	0 00:02:29.000	Bassy music, faint singing able to recognise some of the words. Able to identify the song, vehicle driving past.
Audio-recording	14/03/2025 23:35:55.000 - 14/03/2025 23:38:11.000	0 00:02:16.000	Bass beat clearly audible and intrusive. Voices heard in vicinity. Song ends – relative quiet except loud exhausts from vehicles a distance away
Audio-recording	14/03/2025 23:42:38.000 - 14/03/2025 23:45:07.000	0 00:02:29.000	Faint talking
Audio-recording	14/03/2025 23:46:38.000 - 14/03/2025 23:49:07.000	0 00:02:29.000	Thudding possibly from a door opening / closing, faint talking and shouting, vehicle driving past.
Audio-recording	14/03/2025 23:49:09.000 - 14/03/2025 23:51:09.000	0 00:02:00.000	Thud caused by a car door shutting, vehicle idling briefly. Voices outside and vehicle pulling away. Voices heard in vicinity
Audio-recording	15/03/2025 06:54:52.000 - 15/03/2025 06:57:20.000	0 00:02:28.000	TV or radio in own property and moving around. Birdsong. Window opened- birdsong heard. A few bangs heard.
Audio-recording	15/03/2025 06:57:23.000 - 15/03/2025 06:59:31.000	0 00:02:08.000	Birdsong. Metal bangs and movement continues. At end of recording sounds as if trolley rolled nearby.
Audio-recording	15/03/2025 07:00:12.000 - 15/03/2025 07:02:41.000	0 00:02:29.000	Movement associated with delivery. Birdsong
Audio-recording	15/03/2025 07:02:43.000 - 15/03/2025 07:04:57.000	0 00:02:14.000	Sounds consistent with delivery. Vehicle idling humming noise starts with engine) and leaves. Birdsong

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City Council

		Duration	Notes
Audio-recording	22/03/2025 21:07:25.000 - 22/03/2025 21:09:54.000	0 00:02:29.000	Own tv heard at start of recording Faint distant voices heard. Hum becomes apparent
Audio-recording	22/03/2025 21:41:46.000 - 22/03/2025 21:44:15.000	0 00:02:29.000	Faint talking/possibly beat of music. Loudspeaker with make voice heard clearly inside
Audio-recording	22/03/2025 21:44:17.000 - 22/03/2025 21:46:29.000	0 00:02:12.000	Internal: dropping of an object, movement External: very faint talking, talking over a microphone,
Audio-recording	22/03/2025 21:47:07.000 - 22/03/2025 21:49:36.000	0 00:02:29.000	Very faint talking, talking over a microphone, vehicle driving past.
Audio-recording	22/03/2025 21:49:58.000 - 22/03/2025 21:52:27.000	0 00:02:29.000	Very faint talking, talking over a microphone, vehicle driving past, humming noise,
Audio-recording	22/03/2025 21:52:29.000 - 22/03/2025 21:54:52.000	0 00:02:23.000	Very faint talking, talking over a microphone, vehicle driving past, humming noise,
Audio-recording	22/03/2025 22:02:34.000 - 22/03/2025 22:05:03.000	0 00:02:29.000	Very faint talking, talking over a microphone.
Audio-recording	22/03/2025 22:05:04.000 - 22/03/2025 22:07:05.000	0 00:02:01.000	Amplified male voice. Possible bass beat audible
Audio-recording	23/03/2025 19:03:42.000 - 23/03/2025 19:06:11.000	0 00:02:29.000	Tv noise at start and movement inside property. Faint clattering possibly from the kitchen, raised voices, vehicle driving past, humming noise
Audio-recording	23/03/2025 19:08:43.000 - 23/03/2025 19:11:12.000	0 00:02:29.000	Faint voices heard.
Audio-recording	23/03/2025 19:17:55.000 - 23/03/2025 19:20:24.000	0 00:02:29.000	Humming noise
Audio-recording	23/03/2025 19:35:01.000 - 23/03/2025 19:37:30.000	0 00:02:29.000	Internal: movement, faint tapping External: humming noise, thud, vehicle driving past

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City Council

		Duration	Notes
Audio-recording	26/03/2025 19:53:01.000 - 26/03/2025 19:55:30.000	0 00:02:29.000	Lots of movement of microphone. Inc zipper noise. Humming sound Vehicle passes. Sounds like dishes clashing
Audio-recording	27/03/2025 20:03:42.000 - 27/03/2025 20:06:12.000	0 00:02:30.000	Humming noise, vehicle driving past.
Audio-recording	27/03/2025 20:09:35.000 - 27/03/2025 20:12:04.000	0 00:02:29.000	Movement in property Distinctive hum heard over passing vehicles. voices
Audio-recording	27/03/2025 20:13:37.000 - 27/03/2025 20:16:06.000	0 00:02:29.000	Humming noise, vehicle driving past, talking, dropping of an object - possible a pan.

		Duration	Notes
Audio-recording	05/04/2025 20:44:48.000 - 05/04/2025 20:47:17.000	0 00:02:29.000	Internal movement, and music noise audible. Then music clearly audible with drum and bass guitar most audible, and male vocals audible but no clarity on words. Song ends – noise level can be seen to drop- by about 5-7dB
Audio-recording	05/04/2025 20:57:17.000 - 05/04/2025 20:59:46.000	0 00:02:29.000	Motor or fan noise switched off at beginning of recording (believed customer property). Window opened. Bass noise audible just with window open, for 10s or so. Internal movement
Audio-recording	05/04/2025 21:09:54.000 - 05/04/2025 21:12:23.000	0 00:02:29.000	Some voices heard. Including some raised voices
Audio-recording	05/04/2025 21:13:25.000 - 05/04/2025 21:15:54.000	0 00:02:29.000	Humming noise, talking / laughing/ yelling
Audio-recording	05/04/2025 21:18:56.000 - 05/04/2025 21:21:25.000	0 00:02:29.000	Humming noise, music playing – drum and bass, people talking, dog barking, vehicle driving past,
Audio-recording	05/04/2025 21:21:27.000 - 05/04/2025 21:23:44.000	0 00:02:17.000	Humming noise, music playing – drum and bass, varies in noise level, people talking, vehicle driving past.
Audio-recording	05/04/2025 21:24:59.000 - 05/04/2025 21:27:28.000	0 00:02:29.000	Possible male vocalist just audible. Then drums bass and male vocalist heard clearly. Becomes worse when door to pub appears to be opened
Audio-recording	05/04/2025 21:27:29.000 - 05/04/2025 21:29:45.000	0 00:02:16.000	Humming noise, music playing – drum and bass, varies in noise level, vehicle driving past.
Audio-recording	05/04/2025 21:29:46.000 - 05/04/2025 21:31:58.000	0 00:02:12.000	Humming noise, music playing – drum and bass, varies in noise level, people talking, background vehicle noise.



Audio-recording	05/04/2025 21:32:00.000 - 05/04/2025 21:34:12.000	0 00:02:12.000	Drum bass and male vocals clearly audible. Distant laughter just audible
Audio-recording	05/04/2025 21:34:14.000 - 05/04/2025 21:36:38.000	0 00:02:24.000	Humming noise, music playing – drums, varies in noise level, faint singing.
Audio-recording	05/04/2025 21:49:15.000 - 05/04/2025 21:51:44.000	0 00:02:29.000	Humming noise, music playing – drum and bass, varies in noise level, faint singing, people talking,
Audio-recording	05/04/2025 21:52:44.000 - 05/04/2025 21:55:13.000	0 00:02:29.000	Drumming and bass guitar clearly audible alongside some noise from people. Distant road noise.
Audio-recording	05/04/2025 21:58:51.000 - 05/04/2025 22:01:20.000	0 00:02:29.000	Humming noise, music playing – drum and bass, varies in noise level, faint talking, car door shutting, vehicle driving past.
Audio-recording	05/04/2025 22:11:06.000 - 05/04/2025 22:13:35.000	0 00:02:29.000	Drumming clearly heard at beginning of recording. Voices of people in the vicinity. Music noise again.
Audio-recording	05/04/2025 22:14:19.000 - 05/04/2025 22:16:48.000	0 00:02:29.000	Drumming and bass line clearly heard again – window open in customer home.
Audio-recording	05/04/2025 22:22:38.000 - 05/04/2025 22:25:07.000	0 00:02:29.000	Noise from people. Vehicles passing
Audio-recording	05/04/2025 23:57:01.000 - 05/04/2025 23:59:30.000	0 00:02:29.000	High pitched dinging noise. Movement in own property. Distinguishable hum.

KEY



Significant noise impact
Marginal noise impact
Negligible noise impact
Night-time monitoring (23:00-07:00)

Conclusions

The NNR was installed in the resident's bedroom, to monitor noise disturbances caused by The Rising Sun. The recorder was set-up for 26 days 12/03/2025 – 07/04/2025. During this period, a total of 67 recordings were made (excluding two voice calibration tests).

Many recordings show that music from inside the pub is audible in the customers' bedroom at levels that would be considered unreasonable. There were some occasions where the volume of music was so loud that the music track could be identified in the resident's bedroom. This included excessive bass, and amplified voices and which would be likely to cause sleep disturbance or prevent sleep and significantly impact the average person's use and enjoyment of their property.

Summary of MP4 video recordings submitted by resident – reviewed by Environmental Health

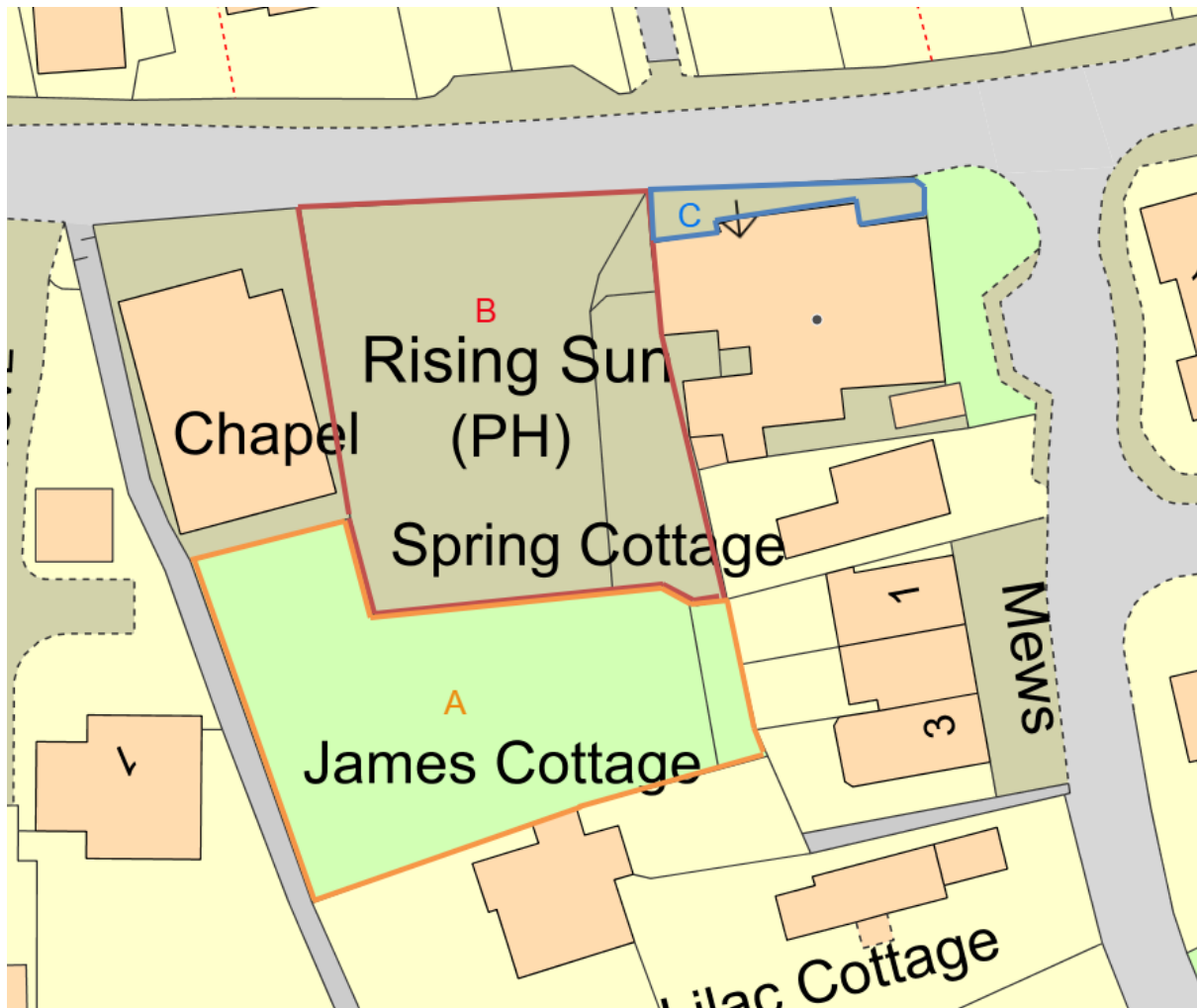
Date / time	Observations by Environmental Health Officer
13.4.25 1756 Outdoor noise car park area	Very loud singing/chanting in outside areas of the pub
17.4.25 0650 Delivery noise	'Harvest' van delivery – lots of bangs and crashes Birdsong and noise of vehicle arriving and being unloaded heard. metal clanging heard. 8 minute video.
17.4.25 2014, 2047,2115 Outdoor noise car park area	2014 loud shouting female and child voices and birdsong. Children singing. Towards end children screaming and shouting 2047 shouting voices heard clearly in garden with some quieter ones in between 1 min video 2114 dog barking voices heard talking in garden area.
18.4.25 1908,1921,1950, 2033 2057, 2210 Outdoor noise car park area	1908 male voices heard clearly in garden neighbour garden area including distinctive laugh. Birdsong also heard. 1921 Birdsong and male voices heard. Male voice shouts. 1950 Loud male voices heard in own garden area word for word. Shouting approx. half way through. 2033 loud male voices heard word for word in garden area 2057 Singing and talking in outside space – very loud and disturbing in neighbour garden
19.4.25 2211 Outdoor noise car park area	Very Loud voices mainly male clearly heard word for word in neighbour's garden

19.4.25 0640 Delivery noise	Harvest van 7.5T delivers some noise consistent with delivery and movement of crates. Loud birdsong 8 minute video
20.4.25 2210 Congregating in street noise	People (maybe patrons) / shouting / congregating on street corner
21.4.25 2342 Congregating in street noise	People congregating on corner of street – very loud
28.4.25 0544 Delivery noise	Food delivery at 0544 in unmarked van – engine left idling whilst unloading van and door slam/ some bangs
10.5.25 – 2316, 2318, 2330 2332, 2338, 2341 Outdoor noise car park area	2316 pm Very clear, intrusive bass beat heard and people talking close to boundary (assume from what can be heard that music from inside but people in outside area close to boundary) 2318 loud talking assumed close to boundary from volume and clarity of words. Potential breach of Abatement Notice. Bass beat also heard, but assumed from inside. 2230 bass and people noise clearly audible 2332 High pitched beeping noise at beginning of recording voices and bass beat. Very clear and intrusive in rear garden 2338 bass heard and people noise 2341 voices and bass beat to front of property – intrusive. Very loud laughing 2358 as above, banging bass beat noise and people talking
10.5.25 – 2343 Outdoor noise car park area	Rear of residential property – noise from loud voices, shouting and screaming in car park area where wooden structure located, words distinguishable and a banging noise possibly music bass beat. Potential breach of Abatement Notice?
11.5.25 – 0107	Recording provided by affected resident. Clear, intrusive bass beat from loud music and loud voices evident. Noise of people

MP4 music recording	possibly leaving premises as can hear door opening and closing. Customer advised from inside pub.
Music noise from inside premises	Resident advised that the music continued well past 0115 - with thumping bass. Customer advises music finished at 0150 (Licence only allows until 0000 for live and recorded music)

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Appendix G: Map delineating areas of the premises to accompany proposed conditions



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The Rising Sun Colden Common

Addendum to Environmental Health Request for Licensing Review

My name is Philip Tidridge, and I am a Chartered Environmental Health Practitioner working for the Environmental Protection team at Winchester City Council. I have over 30 years' experience in assessing noise nuisance and I am a chartered member of the Institute of Environmental Health.

Following contact from a local resident we were made aware that there was a potential event taking place at the Rising Sun, suggested to be a Summer Garden Party from 6pm onwards on 21 June 2025.

At the request of Abigail Toms (Team Leader for the Environmental Protection team who made the representation), I attended the site to witness the event from a prevention of public nuisance perspective (the licensing objective on which the review was based).

I arrived on site at 18:45 and observed that the outside area to the west of the main pub building was being used for an event. Specifically, this was the tarmac area on which tables and seating is currently located and the grassed area. This consisted of an outside BBQ, a bouncy castle (for children) and a live musician.

This musician was using a guitar that was being amplified using a single large tripod speaker to a height of about 1.5 to 2 meters. This speaker was located on the boundary between the tarmac and grassed areas next to the green fence. The volume of the music was significant and having parked on the main road opposite the pub, I considered this would be intrusive inside local residents' properties and very intrusive in their garden areas. I question why the music needed to be so loud as it was at a volume much higher than necessary to provide a suitable ambience and entertainment to persons at the event; who were seated near the performer. I further question why it was necessary for the use of any amplification for such an event.

I then parked in the layby on the opposite side (east) of the pub and sat in the car with the window open. The words from the song could still clearly be heard despite now being shielded by the main pub building.

I left the site at just after 19:00 and the music was still playing.

Overall, I am of the professional opinion that this event could have been organised in a much more sympathetic way to reduce noise impacts and promote the licence objective of the prevention of public nuisance. This event therefore in my view supports the need to call this licence into review and seek changes to the Premises licence by adding additional controls to reduce noise impacts.

Subsequent to these observations we have received two complaints about the noise levels from this event, one of which was from a local resident that had not contacted us previously.

Phil Tidridge MSc MCIEH, CEnvH

Chartered Environmental Health Practitioner

Winchester City Council

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Valid representations

Gosschalks, on behalf of Ei Group Ltd (Freeholder)
Received 18 June 2025

GOSSCHALKS

BY EMAIL AND FIRST CLASS POST
Winchester City Council
Licensing Department
City Offices, Colebrook Street
Winchester
SO23 9LJ

Please ask for: Alex Green
Direct Tel: 01482 590284
Email: arg@gosschalks.co.uk
Our ref: ARG/ADS/98454.30229
Your ref:
Date: 18/06/2025

Dear Sirs,

**Re: Licensing Act 2003 – Review Proceedings
The Rising Sun, Colden Common, SO21 1SB**

We act on behalf of Ei Group Ltd. Our client is the freehold owner of these premises and we have received a copy of the application for review of the premises licence issued 28th May 2025 by the Environmental Health Officer (EHO).

We would be grateful if you would accept this letter as a formal representation on behalf of Ei Group Ltd.

Ei Group Ltd owns around 4000 public houses in England and Wales. The vast majority of these premises are the subject of lease/tenancy agreements through which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Rising Sun is the subject of a lease in favour of the current premises licence holder, Lucky Hoof 2023 Ltd.

Please note we take a wholly neutral stance with regard to the allegations made given that our client has no operational responsibility for the operation of these premises.

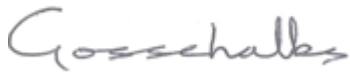
In relation to the allegations made by the EHO in the review proceedings, we feel that the licensing objectives could be promoted by a program of staff training, the rigorous compliance with the existing conditions and the possible addition of some conditions if necessary. On the information that is currently available, we feel these would be an appropriate and proportionate response to the issues that resulted in the application for the review.

At this stage, we would be grateful if you could acknowledge receipt of this representation and advise of the date upon which this will be considered by the Licensing Sub Committee. It

may be that our client may wish to expand upon this representation if further information comes to light.

We look forward to hearing from you.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "Gosschalks".

GOSSCHALKS LLP

Francesca Santovito
Spring Cottage, Hill Lane, Colden Common, Winchester, SO21 1RZ
Received 22 June 2025

Representation Regarding Licence Review of The Rising Sun, 27 Spring Lane, Colden Common, Winchester, SO21 1SD
Submitted under the Licensing Act 2003 – Prevention of Public Nuisance

To the Licensing Authority,

I am submitting this representation as a local resident directly and persistently affected by the operation of The Rising Sun, 27 Spring Lane, Colden Common, which is currently subject to a licence review.

My property is located immediately next to the premises. Since the current license/licensee has been in effect, I have experienced **unrelenting noise, disruption, and antisocial behaviour** that significantly interferes with my right to enjoy my home in peace. The issues I raise here are ongoing, severe, and have caused a substantial deterioration in my quality of life. I wish to address them specifically in relation to the **prevention of public nuisance** licensing objectives.

Nature of the Nuisance and Its Impact:

1. **Amplified Music and Loud Noise:** Music, often live or amplified, emanates from both inside the pub, a wooden outdoor structure, which I understand has been erected without proper planning consent, and the outside tarmaced area/designated car park area as well as the beer garden. Noise levels are particularly disturbing at weekends, often continuing into the early morning, in breach of the abatement notice issued by Winchester City Council.
2. **Noise Intrusion into My Property:** Regular loud music (live and recorded), shouting, singing, and use of megaphones and loudspeakers can be clearly heard within my home, including in bedrooms during night-time hours. These events are not occasional, they occur most days, making restful sleep and a peaceful environment impossible.
3. **Early Morning Commercial Activity:** Deliveries and staff activities begin in the very early hours including weekends, causing additional noise from clattering, banging, and loud voices. This causes repeated disruption to sleep and increases overall stress levels as well as intrusion onto my property.
4. **Antisocial Behaviour and Substance Misuse:** Large groups of patrons frequently gather on or directly adjacent to my boundary fence (in an area that is technically dedicated car parking but appears to have been repurposed by the pub without appropriate authority). These gatherings involve singing, shouting, banging on tables and fences, playing football against my boundary, BBQs, and smoking, including the use of illegal substances. Drunk individuals regularly spill out into surrounding areas

before and after closing time, often extending into the early hours. The associated disturbance includes banging of car doors, revving of engines, and excessive use of horns at all times.

5. **Dangerous and Offensive Behaviour:** My property has been directly targeted on several occasions with thrown objects, including cigarette ends, glass bottles, stones, and even bricks, one incident led to a smashed window. These acts constitute not only nuisance, but also threats to personal safety and property.
6. **Overflowing Parking and Obstruction:** Patron parking regularly exceeds the premises' capacity, leading to cars being parked on pavements, across resident driveways, on double yellow lines, and dangerously close to junctions. This creates significant hazards for both drivers and pedestrians and impedes the free flow of local traffic, affecting access for residents, emergency vehicles, and delivery services.
7. **Use of Outdoor Areas and Associated Disturbance:** Music and social gatherings frequently take place in outdoor areas of the premises. From my understanding, these spaces may be subject to restrictions under licensing conditions. The continued use of these areas for amplified sound appears to contribute significantly to the overall disturbance experienced at my property.

Consequences:

The cumulative impact of these persistent disturbances has been *both exhausting and deeply demoralising*. I have had to completely alter my daily routines in an attempt to sidestep the worst of the noise and disruption. Opening windows, even during hot weather, has become impossible, as the barrage of sound frequently pierces my home, making indoor peace unattainable.

Even more distressingly, I can no longer make use of my garden or any outdoor areas. The constant intrusion of loud noise, smoke drifting from BBQs and cigarette use, and, at times, individuals encroaching onto my property, has rendered these spaces, once a sanctuary, entirely unusable. I now feel exposed and vulnerable in areas where I should be able to relax in privacy and comfort.

Additionally, the extractor fans used by the premises emit a persistent, mechanical noise throughout the day and late into the evening, accompanied by foul cooking odours that linger and drift directly into my property. This adds another layer of sensory intrusion, compounding an already intolerable situation.

In a bid to reclaim some sense of security, I have incurred considerable personal expense to raise my boundary fences and install CCTV cameras around my property, measures no resident should be forced to take simply to feel safe in their own home. Despite these efforts, I regularly feel compelled to vacate my property entirely on weekends. Staying in hotels has become a reluctant routine, not for leisure or respite, but purely so I can rest, recover, and maintain my ability to function in both my professional and personal life.

This relentless pattern of disruption has led to chronic sleep deprivation, heightened anxiety, and a profound loss of the quiet enjoyment and sanctuary that a home should provide. It is not just an inconvenience, it is a sustained erosion of my wellbeing and peace of mind.

Request:

Given the severity, persistence, and breadth of these issues, I urge the Licensing Committee to take robust action during this review process. The current operation of the premises is **incompatible with its residential setting** and falls significantly short of the standards expected in protecting the public from nuisance. It is also of concern that the licensee appears to consistently disregard notices issued by the local authority, and there are ongoing breaches of existing licensing conditions. This pattern of non-compliance further undermines confidence that the premises can operate responsibly under its current licence.

I respectfully request that the licensing hours, permitted activities, and use of external spaces be thoroughly reassessed, and that enforcement measures be strengthened to ensure ongoing compliance with any amended conditions.

Thank you for taking the time to consider my representation.

Yours sincerely,

Francesca Santovito

Spring Cottage, Hill Lane, Colden Common, Winchester, SO21 1RZ

22nd June 2025

Paul Gunter

Lilac Cottage, Hill Lane, Colden Common, Winchester, SO21 1RZ

Received 24 June 2025

Representation Regarding Licence Review of The Rising Sun, 27 Spring Lane, Colden Common, Winchester, SO21 1SD

Submitted under the Licensing Act 2003 – Prevention of Public Nuisance

To the Licensing Authority,

History.

As a resident living adjacent to the garden area of the Rising Sun since 2002, I would like to make the following points to the committee.

When I first moved into the property the Licensed premises was trading well with a small garden area and very little disturbance. When 'events' in the garden were to be organised, the residents were always informed.

Over the years that followed everything was peaceful and you would hardly notice that the garden was in use, even though it was busy. Due to the seating being at the front of the public house and a few tables on the grass area.

Then a few years ago there was a one-day music event which got out of hand and this led to a meeting with the landlady at the time attended by myself, council officers and local councillors. The landlady admitted that the company she employed to run the music side of the event had gone too far with the volume and timings. The following year, an event was run with input from myself and this went off without any issues.

Current.

In June 2024 I noticed that a wooden building was being built within the garden area of the Rising Sun. Having not seen any planning applications, I enquired with Winchester City Council which resulted in a long drawn out and still continuing issues, where there is now planning enforcement and a Planning Appeal lodged in Bristol with the Planning Inspectorate. I have had discussions and meetings with Planning, Environmental Health and the Licensing Teams over this structure and ongoing noise. It has had a bar added and a TV with speakers. The TV was taken down, but the speakers are still in use. The bar area is still in place but without the beer pump fonts.

On 23rd August 2024, an event took place which resulted in loud music from a live band being a nuisance to myself and other neighbours. As an Ex Local Authority Environmental Health Enforcement Officer, I monitored with my equipment and made a judgement that this would be classified as a Statutory Nuisance. The music was a live band in the garden with speaker amplification situated under the now erected wooden pergola structure. All the information was passed onto Environmental Health for them to consider what action was suitable. This event also included a large TV which was to become a feature of the

premises over the football event and with the larger gathering of customers had become an issue that the noise increased accordingly.

With the garden area now being pushed further towards the boundary on the southern edge and the increased use on warmer evenings I am not now able to enjoy sitting in my garden or to have windows open without hearing the people in the garden area of the Rising Sun. This never used to be an issue, but with more tables and the reflective nature of the wooden structure which amplifies the sounds, it is now disturbing what I would class as my right to enjoy my own property without disturbance.

I appreciate that people will always say you moved next to a public house, and yes I did, but the current license holder seems to not care about the neighbours who surround them and the lack of attention to Planning and Licensing Regulations makes me wonder what else we have to come this year with football and events being published on the facebook page of the Rising Sun. Already on 21st June, we experienced yet again live music from the garden area which was clearly audible inside my property. This music was from around 6pm through to just before 8pm. We now also have an inflatable bouncy castle in the garden the last few weekends with a diesel type generator motor powering the air supply. This has been run from morning till late and sounds like a motorcycle running. Is this really needed ?

I would ask the committee to take these points raised and bring a sense of normality back to the area of Colden Common.

P Gunter MIOA, June 2025.

Cllr Susan J Cook
Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ
Received 26 June 2025

Representation Regarding License Review of the Rising Sun, 27 Spring Lane,
Colden Common, Winchester, Hampshire. SO21 1SD

Submitted Under the Licensing Act 2003-Prevention of Public Nuisance.

To The Licensing Committee.

I begin this submission with what can only be said as a very disappointed Winchester City Councillor as the Officers throughout the time that this was originally reported some 12 months ago due to the illegal construction of a timber framed outbuilding that is currently being appealed despite no Planning Application being submitted in the first place.

We aren't here to discuss that particular item but it has formed the catalyst as to so many issues that nearby neighbours have had to endure.

This so called Timber Frame Drinking area which at one point had a Large TV, Pumps serving Alcohol, Speakers that could be heard halfway down the street all in a residential area.

Now this Pub hasn't just arrived and let's remember neither have some of the residents for example the closet neighbour has infact lived there 25 Years yes 25 Years and in that time hasn't had to complain whatsoever!

Now we have a very different situation.

Now we have a license that sadly doesn't seem to grasp that what goes on in and around the Pub Does have an affect on the surrounding area namely the residents. Infact even down to the time of deliveries and I'm sure that you have been shown footage of Deliveries arriving at totally unsuitable hours of the morning and the goods are not taken in as it's so early this is just the tip of the Iceberg.

So let's begin.....

26th June 24/00164/WKS

Enforcement Case

Outbuilding (That now has Planning Permission)

Extractor Fans wrongly repositioned

Flag Pole

Flood Lighting and I've personally seen the lighting totally inconsiderate to nearby Residents

Resitting of Refuse Bins Creating Parking Issues.

Just recently a weekend of a Bouncy Castle in the Garden wonderful for the Children but a generator that started very early in the day and continued to be on all day and it was extremely disturbing to nearby residents.

Music being streamed through Speakers outside again Disturbing the Peace and Tranquility of nearby Neighbours Gardens where they would like to enjoy their Homes and gardens but instead either go out or sit inside with all the windows closed then become a Prisoner in their Own Homes.

This isn't acceptable and once again the levels of the music and sound has all been captured on Video Recording Machinery for all to listen to.

It hasn't helped that the Timber frame amplifies all the talking and general conversation that takes place in this area of the pub which is directly behind residents gardens!

On occasions the music has been so loud that it could be heard approx 75 metres down the road.

Pub Windows all open and even when the Pub closes the customers then sit in the Wooden Structure until the early hours of the Morning chatting and as I've already said it amplifies the sound so that you can hear all that is being said.

I think it's important to say at this point of my submission to remind the Committee that back in June 2024 after taking over the pub a matter of weeks later a letter was sent to nearby residents apologising for the increase in Business which is a fantastic Achievement in todays Market Place but still to offer a £20.00 Voucher to spend in the pub is a kind gesture but it's rather closing the gate after the bull has decided to run off!

Again this could have been handled very differently.

So, let's take you all on a journey on how and why we are at this point here with this Licensing Review of the Rising Sun. Colden Common.

Let's Begin.

- ***Long-Term Residency & Context***

Francesca the closet Resident has lived next to The Rising Sun for some 25 years without issue from previous operators. The current problems have arisen since the current licensee took over.

- ***Severe and Ongoing Noise Disturbance***

- Persistent loud music, including live and amplified sound, from within the pub, windows wide open for all to hear, outdoor wooden structures, and beer garden, the amplified sound of barking dogs in the wooden outdoor structure, plus often in breach of abatement notices all too often.
- In some cases and although not that many the use of a megaphone, shouting, and singing are clearly audible inside Francesca's home and I have personally experienced the loud intense volume that is experienced including during nighttime hours, which in turn can be disrupting sleep and daily life.

○

- ***Antisocial Behaviour and Safety Concerns***

- Frequent use of pub-adjacent areas for rowdy gatherings involving loud shouting, table banging, football, BBQs, and reported illegal substance use.
- Drunken behaviour spills into surrounding streets with shouting, car horns, and engine revving continuing into early morning hours remembering at all times we are talking here a residential area.
- Francesca's property has been repeatedly targeted with objects thrown such as glass bottles, cigarette ends, even bricks—one incident resulting in a smashed window. (This was reported to the Police) I also rang the Pub and spoke to the Manager and made them aware of the incident and they said they had CCTV but were not in a position to allow it to be viewed.
-
- ***Excessive Early Morning Activity***
 - Staff and delivery noise starts in the early hours, including weekends, with banging, loud conversations and general disturbance. Ref the Delivery of Goods that can start as early as just after 06.00 am in the morning.
-
- ***Parking and Highway Safety Issues***
 - Patron parking routinely overflows into surrounding streets, blocking driveways, parking on double yellows, and compromising road safety at junctions.
 - Vehicles on some occasions are parked up and down the road making it difficult for buses to get through and of course this could cause problems for the Emergency Services.
-
- ***Use of Outdoor Space Contrary to Conditions***
 - Outdoor areas used for socialising and music events appear to conflict with licensing restrictions, exacerbating the disruption.
- ***Loss of Amenity and Impact on Wellbeing***
 - Sadly Francesca can no longer use her garden due to noise, smoke, and antisocial behaviour that is happening at the rear of her property.
 - She has had to invest in CCTV and fence enhancements to feel secure and also not to be overlooked into her Private Garden which used to be a place of
 - peace and quiet sadly no more.
 - Chronic sleep deprivation and anxiety have severely affected her wellbeing.
-
- ***Pattern of Non-Compliance***
- There have been Repeated Breaches of licensing conditions and the abatement notice which sadly in turn raises doubts about the licensee's willingness or ability to operate responsibly.

- No one is above the law and when an Event has been asked for and then refused then to still carry on is not how a Responsible Landlord should behave.

Here is the Request:

Francesca and nearby residents and can I say at this point there are other residents that wanted to complain but they felt after the incident with the Brick that was lobbed over the fence of Francescas home they didnt feel comfortable whatsoever.

It is asked that the Licensing Committee to take firm action to mitigate further harm.

Surely a full reassessment of licensing conditions, including permitted hours, external area usage, and enforcement mechanisms to protect local residents from continued public nuisance.

Can I at this point of my submission I would personally like to thank the Officers who have worked tirelessly on this case and have at all times been open and transparent with a guiding voice and reassurance to the residents and all that we ask is the changes are made so that nearby residents can begin to get their lives back and not be prisoners in their homes and living with what is becoming increasingly not a pleasant experience to be in their homes where they have enjoyed living for many years but circumstances have become intolerable in the last 12 plus months.

I understand that Francesca S And Paul G have also submitted Representations as to the Review of the License of the Rising Sun.

Thank-You for taking the time to read my submission and I am in complete agreement with the Officers Report.

Kind Regards

Cllr Susan J Cook
Ward Councillor for Colden Common and Twyford
Winchester City Council

Tel no : [REDACTED]

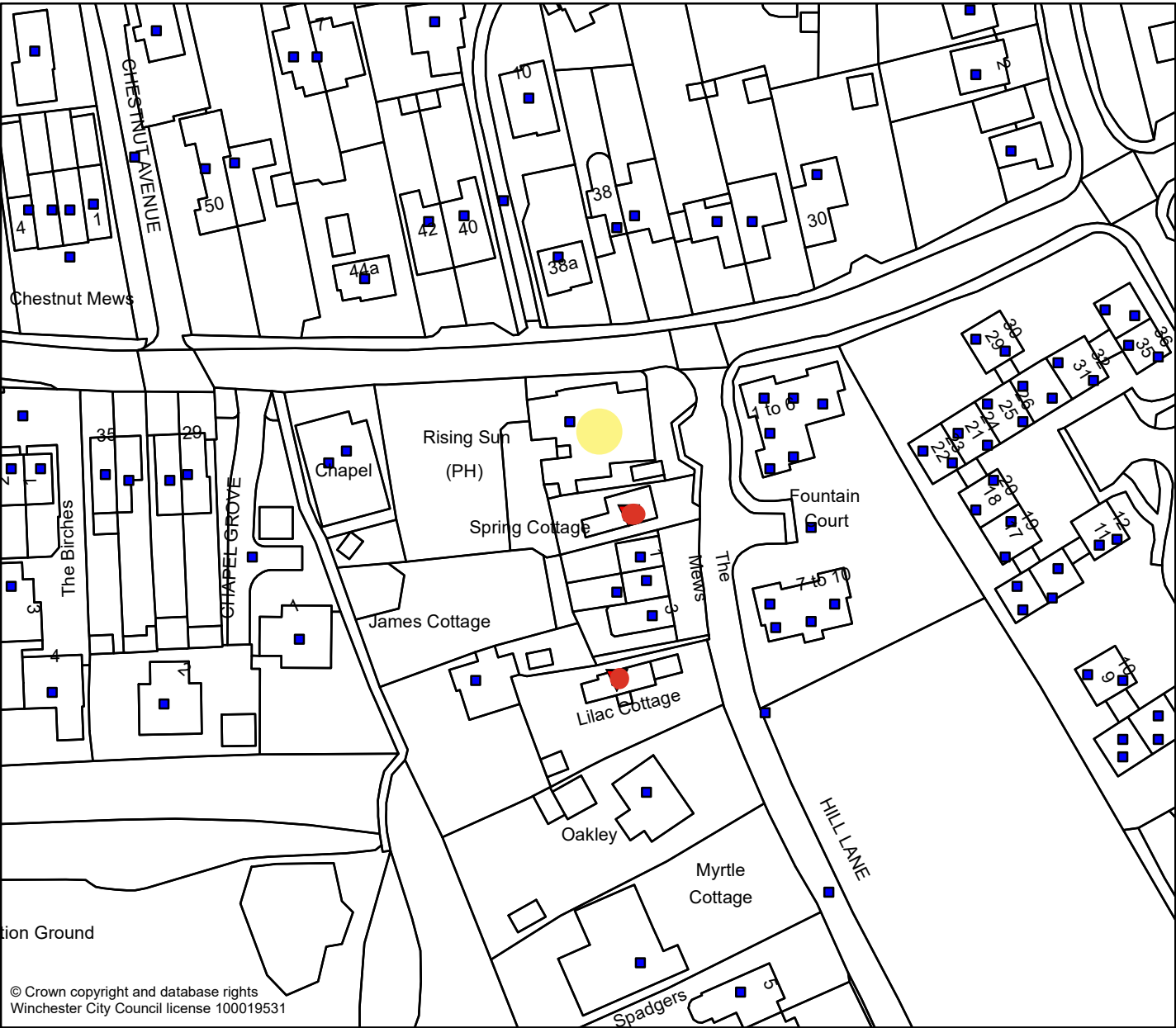
Winchester City Council
City Offices
Colebrook Street
Winchester SO23 9LJ



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Map of representations

Rising Sun, Colden Common



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Winchester City Council license 100019531

Legend

Premises

Representations

Scale: 0 10 20 40 Meters

Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

Tel. 01962 848 512
website: www.winchester.gov.uk

Organisation	Winchester City Council
Department	Winchester GIS
Comments	
Date	30/06/2025
BSN Number	100019531

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Premises Licence

Premises Licence Number

PREM241

24/01271/LAPRMT

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The Rising Sun
27 Spring Lane
Colden Common
Winchester
Hampshire
SO21 1SB

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

- b) Films
- c) Indoor Sporting Events
- e) Live Music
- f) Recorded Music
- i) Late Night Refreshment
- j) Supply of Alcohol

Times the licence authorises the carrying out of licensable activities

- b) Films
- c) Indoor Sporting Events
 - (i) **Monday to Sunday** **0700 to 0100**
- e) Live Music
- f) Recorded Music
 - (i) **Monday to Sunday** **0700 to 0000**

i)	Late Night Refreshment	
(i)	Monday to Sunday	2300 to 0130
j)	Supply of Alcohol	
(i)	Monday to Sunday	0700 to 0100
(ii)	New Years Eve	0700 to 0700 1 January

The opening hours of the premises		
(i)	Monday to Sunday	0700 to 0130
(ii)	New Years Eve	0700 to 0700 1 January

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
Lucky Hoof 2023 Ltd 47 Tyne Road Oakham Rutland LE15 6SJ

Registered number of holder, for example company number, charity number (where applicable)
Registered Company Number 14602380

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol
Jonathon Spencer [REDACTED]

Annex 1 – Mandatory conditions

Where the Licence Authorises Supply of Alcohol:

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

Where the Licence Authorises Exhibition of Films:

Admission of children to the exhibition of any film is restricted in accordance with:

- (1) Where the film classification body is specified in the licence, unless subsection (2)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (2) Where:
 - (a) the film classification body is not specified in the licence; or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question;admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section: 'children' means persons aged under 18; and
'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 9(c 39) (authority to determine suitability of video works for classification).

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 – effective from 1 October 2014

1. (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).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 3. (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.
 4. 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: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml 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.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014
– effective from 28 May 2014

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.

Annex 2 – Conditions consistent with the Operating Schedule

Crime and Disorder

1. Customers shall be permitted access to toilets, and to hot snacks and hot drinks 30 minutes after the sale of alcohol ceases.

Public Nuisance

1. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open after 2300.
2. Live and recorded music and any amplified voice shall cease no later than 0000.
3. The volume of regulated entertainment shall be kept at a level as to be inaudible at the boundary of the premises after 2300.

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

N/A

Annex 4 – Plans

See attached