



Meeting	Licensing Sub-Committee
Date and Time	Thursday, 23rd April, 2026 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 a 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 a Variation of Premises Licence - The Rising Sun, Colden Common, Winchester, SO21 1SB (LR608) (Pages 5 - 58)**

Laura Taylor
Chief Executive

14 April 2026

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 Morris, Godfrey and Gordon-Smith

Reserve Member:

Cllr Langford-Smith

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 Tippett-Cooper)

FILMING AND BROADCAST NOTIFICATION

This meeting will be recorded and broadcast live from the Council's YouTube channel. The meeting day 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 Applications for a New Premises Licence, Variations to a Premises Licence or Club Premises Certificate

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 Chairman will set out the procedure to be followed during the hearing
2. **Licensing Manager/Officer** will introduce the Report.
3. The Members may ask questions of the **Licensing Manager/Officer**
4. The **Applicant** or representative may address the Sub-Committee as follows:- a) to clarify any points which the Licensing Authority has given notice of (Regulation 7(1)(d) of the Licensing Act 2003 (Hearings) Regulations 2005; b) to 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.

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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 **Applicant** or representative may address the Sub-Committee in order to reply to any representation made.
17. Members of the Sub-Committee may ask questions of the **Applicant** or representative

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

LR608
FOR DECISION
WARD(S): COLDEN COMMON & TWYFORD

LICENSING SUB – COMMITTEE

Thursday 23 April 2026 10:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Nick Lindner

Tel: 01962 848188

Email: licensing@winchester.gov.uk

Application: Application for variation of a premises licence

Premises: The Rising Sun, 27 Spring Lane, Colden Common, Winchester,
Hampshire, 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 2 Representations from Responsible Authorities**
- Appendix 3 Representations from Other Persons**
- Appendix 4 Location Plan showing Representations**
- Appendix 5 Premises Licence review hearing minutes**

Part A.**1. Application**

Applicant: Lucky Hoof 2023 Ltd

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

- 1.1 This application is for a variation of a premises licence under section 17 of the Licensing Act 2003 for The Rising Sun, 27 Spring Lane, Colden Common, Winchester, Hampshire, SO21 1SD.
- 1.2 The applicant has stated that the variation is to increase the licensable area following an extension to the premises, pursuant to the grant of a planning application in 2025. Furthermore, removal of current conditions of the licence and replaced with those proposed in the application, some of which to reflect the amended layout and structure of the premises.
- 1.3 The Licensing Sub-Committee imposed additional conditions on the premises licence, following a review of the premises licence by Environmental Protection as a Responsible Authority. A copy of the minutes can be found at Appendix 5.
- 1.4 Two representations were received from Responsible Authorities; Environmental Protection and Planning. Copies of the representations can be found at Appendix 2.
- 1.5 The representation from Environmental Protection includes their comments to each of the proposed conditions.
- 1.6 Paragraph 14.65 of S182 guidance states that *“The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa”*.
- 1.7 The planning and licensing regimes are legally separate. Planning is directed at development of land and the use of premises on that land. Licensing is the regime that is directed at licensable activities and responsible management of premises upon that land and therefore the two regimes may not come to the same conclusions.

- 1.8 Planning permission, or lack of any lawful use is not a reason to grant or refuse a licensing application. Planning matters will only be considered where they relate to the promotion of the licensing objectives. The relevance of planning matters will be decided on a case-by-case basis.
- 1.9 Three representations from 'Other Persons' have been received in relation to the prevention of crime and disorder, public safety, and the prevention of public nuisance licensing objectives. Copies of the representations can be found at Appendix 3.
- 1.10 Notice of the application was displayed outside of the premises for a period of 28 days until 9 March 2026 and advertised in the Hampshire Chronicle on 12 February 2026.
- 1.11 Notices of the hearing were sent to all Parties on 7 April 2026.

Designated Premises Supervisor

Jonathon Spencer

Steps to promote the Licensing Objectives

Please see Section 16 of 18 of the application at Appendix 1.

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

Representation received in relation to the public nuisance licensing objective and can be found at Appendix 2.

Hampshire Constabulary

No representations received.

Hampshire 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

Representation received in relation to the public nuisance licensing objective and can be found at Appendix 2.

3. Representations from Other Persons

Representations have been received from three 'Other Persons', all of which are against the application. The main concerns are with regard to the prevention of public nuisance licensing objective.

Representations can be found at Appendix 3.

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 variation as applied for:*** Approve all requested changes to the licence.
 - b) ***Modify the conditions of the licence:*** Approve the variation but amend, add, or remove specific conditions to ensure the licensing objectives are promoted.
 - c) ***Reject the whole or part of the application:*** Refuse the proposed changes, or only approve some changes while rejecting others.
 - d) ***Reduce the hours or licensable activities:*** the committee can grant a restricted version of the application.
- 4.5 The premises is not situated within the South Downs National Park, and therefore, the Sub-Committee are not required to take steps to further the SDNP purposes when considering this 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 2.23, 2.24, 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 - 2.12, 2.17, 2.21 – 2.22 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 Section B)

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 2.24, 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 Section D)

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

Mandatory Conditions

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 an 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: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (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.

Possible Conditions

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule:

All Licensing Objectives

A1. CCTV- internal and external CCTV shall be installed and maintained, with footage retained for a minimum of 28 days and made available to responsible authorities upon request.

A2. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:

- i. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour

- ii. All crimes reported to the venue

- iii. Any faults in the CCTV system, searching equipment or scanning equipment
- iv. Any visit by a responsible authority or emergency service

The incident book must be kept at the premises and made available to an Officer of a Responsible Authority on request, or during an inspection.

A3. A refusals register must be kept at the Premises and maintained up to date at all times recording the date time, type of product refused, reasons for every refusal to sell alcohol to a customer and the name and signature of member of staff refusing the sale.

A4. The refusals record must be made available to an Officer of a Responsible Authority on request.

A5. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Refusals Register every month and must sign and date the Refusals Register when this has been completed, or if the Refusals Register is electronic the check and date and time of the check must be clearly recorded.

A6. Training in relation to the Licensing Objectives and the conditions on the premises licence, Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers, incident

records dispersal policy, the premises' drugs policy must be provided and undertaken by all members of staff (whether paid or unpaid) before they make a sale or supply of alcohol and at least every six months thereafter.

A7. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.

A8. Documented training records must be kept at the premises and made available to an Officer of a Responsible Authority on request.

Public Nuisance

PN1. The areas denoted smoking area and hatched in green on the plan that accompanies this application shall be the only area used by patrons for smoking.

PN2. No alcohol shall be taken outside of the premises after 22:30 hours.

PN3. All windows and doors shall be kept closed (other than for access and egress) when regulated entertainment is being performed or any music is being played.

PN4. The premises shall deploy its best efforts to prevent patrons loitering in the outside area of the premises after 22:30 hours.

PN5. No television set, any other screen projecting television images, and any loudspeakers shall be used in the external area hatched in blue on the plan.

PN6. The Licence Holder shall install noise attenuating baffleboard materials to the external wooden gazebo structure situated in the area hatched in blue in the plan.

PN7. Noise Management Plan ('NMP'): The premises shall operate in accordance with a NMP to be agreed with the Licensing Authority. The Premises Licence holder shall ensure that the premises operates in accordance with the approved NMP.

PN8. There shall be included in the NMP a patron dispersal policy from the premises to minimise noise disturbance to nearby residents after 22:30 hours. The policy shall be agreed with the Local Authority.

PN9. 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.

PN10. There shall be a maximum of three live music events per annum outside of the licensed premises. Such events must not be consecutive and last for a maximum duration of 4 hours, to finish no later than 20:00 hours.

PN11. Amplification of live music events outside the premises shall be by microphone only and shall not be by use of amplified instruments.

PN12. There shall be signage positioned in prominent locations inside and outside the premises, particularly at exit points and paths, reminding patrons to respect the needs of residents and to leave quietly.

PN13. The Licence Holder shall not accept deliveries to the premises before 08:00 hours each day of the week.

PN14. The Licence Holder shall provide to local residents a dedicated telephone number or email address to enable the premises staff at any time or day the premises are open to respond to any complaints alleging public nuisance.

PN15. A written logbook shall be kept of any complaints with times and dates together with the nature of the complaint and action taken. The logbook should be available at all times to responsible authorities for inspection.

Protection of Children

PC1. The Licence Holder shall adopt the Challenge 25 scheme and appropriate signage will be placed at the bar server. The premises will operate a policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The ID that will be accepted is a passport or driving licence with a photograph.

6. Other Considerations

Council Strategy Outcome (Relevance To:)

This report relates to the fourth Strategic Outcome; 'Improving the quality of the District's environment' 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

A statutory licence fee of £100 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by Lucky Hoof 2023 Ltd
2. Representations by Responsible Authorities
3. Representations by Other Persons
4. Location Plan showing Representations
5. Premises Licence review hearing minutes

* required information

Section 1 of 18

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

System reference

Not Currently In Use

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

Your reference

DCC/RS/26/VAR

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

Jonathon

* Family name

Spencer

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

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

Applicant Business

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

Yes No

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

Registration number

14602380

Business name

Lucky Hoof 2023 Ltd

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

VAT number

-

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

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

13,750

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

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

Increase licensable area following an extension to the premises, pursuant to the grant of a planning application in 2025.

Modification of conditions of licence as set out in sections 15 and 16 of this application. Some conditions modified to reflect amended layout and structure of premises.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Section 14 of 18

ADULT ENTERTAINMENT

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

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

N/A

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Removal of all conditions currently under Annex 2 of the premises licence, to be replaced by proposed conditions contained in section 16 of this application.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Not to hand

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

Continued from previous page...

1. CCTV- internal and external CCTV shall be installed, with footage retained for a minimum of 28 days and made available to responsible authorities upon request.
2. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:
 - i. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
 - ii. All crimes reported to the venue
 - iii. Any faults in the CCTV system, searching equipment or scanning equipment
 - iv. Any visit by a responsible authority or emergency serviceThe incident book must be kept at the premises and made available to an Officer of a Responsible Authority on request, or during an inspection.
3. A refusals register must be kept at the Premises and maintained up to date at all times recording the date time, type of product refused, reasons for every refusal to sell alcohol to a customer and the name and signature of member of staff refusing the sale. The refusals record must be made available to an Officer of a Responsible Authority on request,. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Refusals Register every month and must sign and date the Refusals Register when this has been completed, or if the Refusals Register is electronic the check and date and time of the check must be clearly recorded.
4. Training in relation to the Licensing Objectives and the conditions on the premises licence, Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers, incident records dispersal policy, the premises' drugs policy must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale or supply of alcohol and at least every six months thereafter. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers. Documented training records must be kept at the premises and made available to an Officer of a Responsible Authority on request.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

5. The areas denoted smoking area and hatched in green on the plan that accompanies this application shall by the only area used by patrons for smoking.
6. No alcohol shall be taken outside of the premises after 22:30 hours.
7. All windows and doors shall be kept closed (other than for access and egress) when regulated entertainment is being performed.
8. The premises shall deploy its best efforts to prevent patrons loitering in the outside area of the premises after 22:30 hours.

Continued from previous page...

9. No television set shall be used in the external wooden gazebo type structure situated in the area marked 'Gazebo Area' and hatched in blue on the plan that accompanies this application, or any other screen projecting television images, and nor shall any loudspeakers be used in this area.

10. The Licence Holder shall install noise attenuating baffleboard materials to the external wooden gazebo structure situated in the area marked 'Gazebo Area' and hatched in blue in the plan that accompanies this application.

11. Noise Management Plan ('NMP'): The premises shall operate in accordance with a NMP to be agreed with the Licensing Authority. The Premises Licence holder shall ensure that the premises operates in accordance with the approved NMP.

12. There shall be included in the NMP a patron dispersal policy from the premises to minimise noise disturbance to nearby residents after 22:30 hours. The policy shall be agreed with the Local Authority.

13. 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.

14. There shall be a maximum of three live music events per annum outside of the licensed premises. Such events must not be consecutive and last for a maximum duration of 4 hours, to finish no later than 20:00 hours.

15. Amplification of live music events outside the premises shall be by microphone only and shall not be by use of amplified instruments.

16. There shall be signage positioned in prominent locations inside and outside the premises, particularly at exit points and paths, reminding patrons to respect the needs of residents and to leave quietly.

17. The Licence Holder will not accept deliveries to the premises before 08:00 hours each day of the week.

18. The Licence Holder shall provide to local residents a dedicated telephone number or email address to enable the premises staff at any time or day the premises are open to respond to any complaints alleging public nuisance. A written log book shall be kept of any complaints with times and dates together with the nature of the complaint and action taken. The log book should be available at all times to responsible authorities for inspection.

e) The protection of children from harm

19. The Licence Holder shall adopt the Challenge 25 scheme and appropriate signage will be placed at the bar servery. The premises will operate a policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The ID that will be accepted is a passport or driving licence with a photograph.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

- **Plays:** no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

* I/we understand 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.

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

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

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

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

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

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

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

Abby Toms
Environmental Protection Manager
Winchester City Council
Colebrook Street
Winchester
SO23 9LJ
Received 09 March 2026

Representation - Variation to Premises Licence Rising Sun Colden Common (PREM241)

Thank you for your consultation on the Premises Licence Variation for The Rising Sun, Colden Common, Winchester, SO21 1SB submitted by Lucky Hoof 2023 Ltd.

This Premises has a history of having caused public nuisance and therefore not promoting the licensing objectives.

Following the erection of a wooden gazebo type structure close to the neighbouring property, an Abatement Notice was served on the Licence Holder in September 2024 in respect of external noise from this area. This was as a result of noise from loud voices, television and speakers in this area. Whilst the television was removed and speakers disabled; there were continuing issues with groups of patrons in this area late at night shouting / screaming.

There is no doubt that the wooden structure has encouraged big groups of patrons to sit outside and later at night. In my opinion it has been poorly sited, at approx. 1.2m from the boundary of the nearest residential property and due to its lightweight construction, would be impossible to sufficiently insulate so as to effectively attenuate noise from within it. The Planning Enforcement Team served an Enforcement Notice on Lucky Hoof 2023 Ltd in January 2025 requiring the structure to be removed. An appeal was lodged with the Planning Inspectorate in February 2025 and we are still awaiting a decision on this.

The reports of disturbance then started to include music noise from within the premises and independent recordings/ monitoring carried out by Environmental Health substantiated that this was causing a public nuisance.

I called the Premises Licence into review in May 2025 and the case was heard by Licensing Sub-Committee on 22nd July 2025. The Licensing Committee approved a new licence with a range of new conditions.

The Premises Licence Holder appealed this decision. The appeal is currently awaiting a hearing which is scheduled at Basingstoke Magistrates Court at the end of August 2026.

As a result, none of the conditions put forward by the Licensing Sub-Committee have taken effect. I am concerned that, despite all of the enforcement action and the review application, the affected neighbours continue to be disturbed by this premises since the case was first reported in 2024 and it has had a significant health impact on their lives.

The Applicant has now submitted this variation application to include a new indoor extension area, that does benefit from appropriate planning permission. They have taken the opportunity to propose a series of amended conditions relating to the prevention of public nuisance licensing objective. I have considered these proposals, but in light of matters discussed above, I do not consider these conditions are sufficient to achieve this licensing objective. To expand upon this concern, I have provided comments on these conditions and have then suggested amendments and additional conditions that in my view would achieve this licensing objective:

(The conditions proposed by the applicant are denoted by the numbers given in the application under the section 16 (d) on 'the prevention of public nuisance', with my comments following in green)

5. The areas denoted smoking area and hatched in green on the plan that accompanies this application shall be the only area used by patrons for smoking.

I agree that this could be a suitable location for smokers; however, my colleague Phil Tidridge was monitoring noise on Sat 7 Feb 2026 (2100-2230) and witnessed loud shouting and screaming in this area and no one was seen to manage this in the time that he was present. This smoking area therefore needs to be actively supervised (see comments regarding condition 11).

6. No alcohol shall be taken outside of the premises after 22:30 hours.

I do not agree with this condition as patrons might take a beverage outside at 2225 and sit there until 0000 drinking it and I don't think this would effectively reduce the dwell time outside.

7. All windows and doors shall be kept closed (other than for access and egress) when regulated entertainment is being performed.

I agree with this condition.

8. The premises shall deploy its best efforts to prevent patrons loitering in the outside area of the premises after 22:30 hours.

I do not think that this is an enforceable condition - what are a 'premises' best efforts'? Therefore, I do not think it is appropriate.

9. No television set shall be used in the external wooden gazebo type structure situated in the area marked 'Gazebo Area' and hatched in blue on the plan that accompanies this application, or any other screen projecting television images, and nor shall any loudspeakers be used in this area.

I think this condition should refer to no televisions, screens or loudspeakers outdoors. I would caution against naming an area as the 'Gazebo area' in any condition and refer to it as the blue/ green hatched area, as the gazebo does not have planning permission and if the Planning Inspector determines it should be removed, a licence condition referring to the gazebo area may no longer be valid.

10. The Licence Holder shall install noise attenuating baffleboard materials to the external wooden gazebo structure situated in the area marked 'Gazebo Area' and hatched in blue in the plan that accompanies this application.

As mentioned, I do not consider it is possible to acoustically insulate this structure effectively against the transmission of sound from within it. This was a condition put forward by the Premises Licence Holder and agreed by the Licensing Sub-Committee in July 2025.

At any time since then, or indeed since the structure was erected, the licence holder could have done this but has not. I remain of the view that this area should not be used for outside seating. It is located 1.2m from the boundary of the neighbour's property and is not possible to insulate it effectively.

There is a large grassed established garden area further away that patrons could use as an alternative. I recognise the gazebo is subject to Planning enforcement action and that the Planning Inspectorate will be determining if it is a lawful development, but the appeal was lodged with them a year ago and there has been no announcement of a date when it will even be considered.

In the meantime, the neighbours are subject to regular groups of people shouting / screaming being exuberant especially in the warmer months. I continue to recommend that this area is prohibited for use by patrons. If the Planning Inspector later announces that the gazebo is lawful and can stay, the Applicant could then apply for a variation to allow its use subject to a condition such as this.

11. Noise Management Plan ('NMP'): The premises shall operate in accordance with a NMP to be agreed with the Licensing Authority. The Premises Licence holder shall ensure that the premises operates in accordance with the approved NMP.

This was a condition (along with condition 12 below) imposed by the Licensing Sub-Committee in July 2025 which was not disputed by the Premises Licence Holder. However, they appear to have made no attempt to write a noise management plan to date. I am disappointed that a NMP hasn't been included with this application. This condition, if imposed should have a short deadline. Alternatively, the Applicant may now wish to submit their full NMP (and patron dispersal policy) for consideration by the Licensing Authority and others. I would expect this to include strict controls on the management of noise from patrons externally including the active supervision of the smoking area and dispersal policy as mentioned below.

12. There shall be included in the NMP a patron dispersal policy from the premises to minimise noise disturbance to nearby residents after 22:30 hours. The policy shall be agreed with the Local Authority.

My comments above also apply to a Dispersal Policy, which would be expected as part of a Noise Management Plan.

13. 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.

Agreed

14. There shall be a maximum of three live music events per annum outside of the licensed premises. Such events must not be consecutive and last for a maximum duration of 4 hours, to finish no later than 20:00 hours.

I would expect this to read that 'There shall be a maximum of three live music events per annum held outdoors. Such events must not be consecutive and last for a maximum duration of 4 hours, to finish no later than 20:00 hours.'

15. Amplification of live music events outside the premises shall be by microphone only and shall not be by use of amplified instruments.

Outdoor live external events referred to in condition 14 shall use no amplification

16. There shall be signage positioned in prominent locations inside and outside the premises, particularly at exit points and paths, reminding patrons to respect the needs of residents and to leave quietly.

Agreed

17. The Licence Holder will not accept deliveries to the premises before 08:00 hours each day of the week.

Agreed and it is noted that this has been much improved since July 2025 (with the odd exception)

18. The Licence Holder shall provide to local residents a dedicated telephone number or email address to enable the premises staff at any time or day the premises are open to respond to any complaints alleging public nuisance. A written log book shall be kept of any complaints with times and dates together with the nature of the complaint and action taken. The log book should be available at all times to responsible authorities for inspection.

Agreed

Additional Conditions proposed

To further promote the licensing objective, the prevention of public nuisance, I would also propose the following additional conditions:

1. No external area shall be used after 22:00, except for smokers in the green hatched area, who will not be permitted to have drinks outside after this time.

Any condition relating to the outside would have to have the same hours of course should this one be agreed.

2. A suitable noise limiting device shall be installed and set at a level to be 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.

I am aware that the Applicant is not keen on this condition, but there has been ample opportunity to manage internal noise so as to avoid public nuisance. Despite this, we have continued to receive reports (and videos) of noise disturbance from music inside the pub. Sometimes the live bands cause issues and sometimes not. This needs some consistent and physical control which could be imposed through the use of a noise limiter.

Mark Fletcher
Principal Enforcement Officer, Planning
Winchester City Council
Colebrook Street
Winchester
SO23 9LJ
Received 09 March 2026

Please see representation regarding the Rising Sun

Thank you for your consultation regarding the Rising Sun and the Premises Licence Variation. Winchester City Council Enforcement department would wish to make representation in relation to the prevention of public nuisance grounds.

As you will be aware an abatement notice that was served by Winchester City Council Environmental Health Department. Winchester City Council Planning Enforcement team made the decision to serve an Enforcement notice in relation to the unauthorised erection of a gazebo/smoking structure that is included within the attached plan, this enforcement notice was served as a result of its siting being considered to have an unacceptable impact on residential amenity of neighbouring properties by way of noise and pollution and was therefore considered to be contrary to National Planning Policy Framework (NPPF) paragraphs 187(E), 198 and 200, policies MTRA1 and MTRA2 of the Winchester District Local Plan part 1: Joint core strategy (2013) and DM17 and DM20 of the Winchester District Local Plan Part 2.

The service of an Enforcement Notice followed the failure of a retrospective planning application (24/02809/FUL) to retain the unauthorised gazebo/smoking shelter. The Rising Sun Public House has chosen to appeal the service of this Enforcement Notice, the matter is currently awaiting determination by the Planning Inspectorate. The reference number for the Planning inspectorate appeal is APP/L1765/C/25/3361487.

The licensing variation shows the area that is subject to the enforcement appeal and therefore the variation would potentially approve an area that does not have planning permission for the aforementioned gazebo/smoking shelter and therefore the plan is not reflective of the current situation regarding Planning Permission that has been granted at the site.

Francesca Santovito

Spring Cottage

Hill Lane

Colden Common

Winchester

Hampshire

SO21 1RZ

Received 15 February 2026

Re: Representation Opposing Licence Variation Application – The Rising Sun, Colden Common (Lucky Hoof 2023 Ltd)

Date: 15th February 2026

Introduction

I am the immediate neighbour to The Rising Sun, living directly adjacent to the premises. For over three years I have been subjected to persistent breaches of licensing conditions, planning law, and statutory noise regulations. Winchester City Council has already brought the premises licence into review due to these issues, and the operator is currently appealing those conditions in the Magistrates' Court.

This variation application appears to be an attempt to circumvent that process rather than a genuine effort to comply with the law. The proposed conditions offer no meaningful safeguards, no enforcement mechanisms, and no credible evidence that the operator intends to comply with any licence conditions.

My objections relate directly to all four licensing objectives.

1. Prevention of Crime and Disorder

The operator has a long and well-documented history of ignoring licence conditions, including those relating to:

- CCTV
- Incident recording
- Staff training
- Control of patrons
- Management of outside areas

The application proposes replacing all Annex 2 conditions with new ones, but the operator has **never complied with the existing conditions**, so replacing them is meaningless.

The application states:

“An incident book must be kept at the Premises and maintained up to date...”

This has not been done for years. Complaints, disturbances, and anti-social behaviour have gone unrecorded and unaddressed. Police and council officers have repeatedly found the premises in breach.

There is no evidence that the operator will comply with the new conditions any more than the old ones.

2. Public Safety

Illegal wooden structure (“gazebo”)

The application repeatedly refers to the external wooden structure, for example:

“The Licence Holder shall install noise attenuating baffleboard materials to the external wooden gazebo structure...”

This structure:

- Has no planning permission
- Was built without building control oversight
- Is made of combustible materials
- Is positioned approximately 50 cm from my boundary
- Is used for smoking and congregation of patrons

Licensing cannot legitimise an unlawful building. Including it in the licence variation is inappropriate and undermines the licensing regime.

Baffleboards are not fit for purpose

The proposed installation of baffleboards is **wholly inadequate** for several reasons:

1. **Baffleboards do not prevent noise escaping from the pub itself.**
They only absorb a small amount of reflected sound within the structure. They do **not** block or contain amplified music, shouting, or crowd noise coming from inside the pub.
2. **The structure is open and porous.**
Noise escapes freely through open sides, gaps, and the roof. Baffleboards cannot compensate for an unsealed, uninsulated, illegally built wooden shelter.
3. **We have substantial evidence of noise escaping from the pub interior,** including recordings and logs demonstrating breaches of statutory noise levels.
The operator has refused to install **noise limiters**, a condition imposed in the existing licence review. His refusal demonstrates that he has no intention of containing noise within the premises.
4. **Baffleboards are not a substitute for proper acoustic control.**
Only sealed construction, proper insulation, and noise limiters can achieve compliance. The operator has rejected all of these.

The proposed condition is therefore ineffective and does not promote the licensing objectives.

Fire risk

Allowing smoking in a wooden structure positioned directly against a residential boundary presents a serious fire hazard. The application does not address:

- Fire safety assessments
- Safe disposal of smoking materials
- Ventilation
- Distance from neighbouring properties

Combined with BBQs placed directly against my fence, the risk is unacceptable.

3. Prevention of Public Nuisance

This is the area where the impact on my home life has been most severe.

Noise from inside the pub

The application states:

“All windows and doors shall be kept closed (other than for access and egress) when regulated entertainment is being performed.”

This is inadequate because:

- Noise from rowdy patrons inside the pub occurs **at all times of day**, not just during regulated entertainment.
- The operator routinely leaves windows open, allowing shouting, singing, and loud conversations to escape directly into my home.
- The only effective condition is that **windows must be kept closed at all times**, not only during entertainment.

Given the operator’s history of non-compliance, anything less is unenforceable.

Noise from patrons

The application states:

“The premises shall deploy its best efforts to prevent patrons loitering... after 22:30 hours.”

This is insufficient because:

- Noise and anti-social behaviour occur **throughout the day**, not only after 22:30.
- Patrons regularly gather in the illegal wooden structure and outside areas, causing shouting, swearing, and disturbance.
- Staff rarely intervene, despite repeated complaints.

The operator must be required to control patron behaviour **at all times**, not only after 22:30.

Outdoor BBQs

The application contains **no reference whatsoever** to BBQs, despite the fact that:

- They are used directly against my boundary
- They generate smoke, odour, and noise
- They attract groups of patrons
- They present a fire hazard next to the illegal wooden structure

This omission is significant and undermines the licensing objectives.

Deliveries

The application states:

“The Licence Holder will not accept deliveries before 08:00 hours each day.”

This is inadequate because:

- There is no restriction on deliveries later in the day, including evenings and weekends
- Deliveries have previously occurred late at night, causing noise disturbance
- There is no limit on frequency, vehicle type, or unloading noise

A meaningful condition must restrict deliveries to **reasonable daytime hours only**, not simply prohibit them before 08:00.

4. Protection of Children from Harm

Children living in neighbouring properties, are exposed to:

- Loud and aggressive behaviour
- Smoke from the illegal structure
- BBQ fumes
- Late-night disturbances

The application’s reference to Challenge 25 does nothing to address these wider harms.

Conclusion

This variation application does not provide any credible or enforceable improvements to the promotion of the licensing objectives. Instead, it appears to be an attempt to circumvent the ongoing licence review and Magistrates’ Court appeal.

Given:

- The operator’s long history of non-compliance
- The illegal wooden structure
- The ineffectiveness of baffleboards
- The refusal to install noise limiters
- The lack of controls on BBQs, smoking, and patron behaviour
- The inadequate delivery restrictions
- The ongoing public nuisance and safety risks

I respectfully request that Winchester City Council **reject this variation application in full.**

I am willing to provide evidence, logs, photographs, and witness statements to support this representation.

Paul Gunter
Lilac Cottage
Hill Lane
Colden Common
Winchester
Hampshire
SO21 1RZ
Received 09 March 2026

To Winchester City Council.

Please see below my comment on the application to vary the licence on the above premises.

The Rising Sun Public House, Spring Lane, Colden Common

Licensing variation.

So now that the premises has extended and the car park has had its layout revised, according to the premises operator we should have seen an improvement.

Indeed, we have seen parking on Spring Lane getting worse, the noise from the wooden structure getting worse and even a bass beat now audible from within my property.

The Parking.

Yet again when the premises is busy, one side of Spring Lane becomes a solid block of vehicles, making it a problem to navigate a residential road. The parking on the corner of Hill Lane has become an issue too. Access out onto Spring Lane, without putting yourself in danger of vehicles coming along becoming impossible. Saturday a large van was parked right up on the corner making it very dangerous to exit Hill Lane.

The Wooden Structure.

The use of this wooden structure and the reflective nature of its construction, added with the now building extension have amplified the noise being created. Its construction does not lead itself to be able to be used without causing an issue. So called absorptive 'tiles' are design for office and building interiors, they are not designed for the lining of a wooden gazebo building. The structure is still be be decided by the Government Planning Inspector as it was built without planning permission.

Music Noise.

Friday 27th February, I could hear the bass beat of drums/bass guitar in my property. Not at a level to constitute a Statutory Nuisance, but at a level to cause an annoyance. I expect premises nearer than mine would have been much more disturbed.

Ongoing Issues.

The extension was, as we believed, was to add more dining capacity to the venue. In reality what has happened is that the area is 2 Pool Tables and AWP Gaming Machines totally changing the whole ambience of the premises. What we believed to be an extension to a local community lead focused venue has been turned into a Sports Type Bar. The other venues within the Taste The World Group seem to be following a similar theme apart from the Orbis Dining Establishments within the group.

Summary.

I wish to support the Environmental Health Team in asking for a Full Noise Impact Assessment of the use of the venue and the wooden structure. The results of which to be reported to the Environmental Health Team and Licensing Department and implemented fully before the new Licensing Variation is implemented. Control of the people noise issues of the venue to be via a managed Management Action Plan and fully implemented. Control of the Music inside the venue to be via Noise Limiter utilising a graphic EQ so that bass can be controlled as well as the overall music volume.

These requests are not anything onerous on the venue as they are applied to many such premises throughout the country.

Regards

Cllr Susan Cook
No 12 Hewlett Close
Twyford
Winchester
Hampshire
SO21 1PR
Received 09 March 2026

Good Evening

Here is my Formal Representation

A Village Pub should never be granted a 01.00 am License unless they have applied for a Tens License for a Special Occasion.

This is a Residential Area.

The Opening is Stated on the Planning Application as 11.00-23.00.

Infact on line it's clearly states the Premises opens for Business from 10.00am!

Was this early opening for the Cafe that was discussed on numerous times or infact for the addt covers in the Restaurant Area again all on the Facebook Social Media Pages.

As we know the purpose of the Application is to make structural Changes in line with the Plan and Modify Conditions.

Thise Headings are.

The Prevention of Crime and Disorder.

Public Safety

The Prevention of Public Nuisance

The Protection of Children from Harm.

Currently the Rising Sun do not have a License for the Newly Built Extension and they also do not have permission for the Wooden Structure that is Millimetres for the nearby Residents Boundary.

It was built without Planning Permission and continues to be used to generate Business.

This is currently with the Inspector.

Rather intrigued as the newly built Structure that had permission was going to be a Cafe and here we are with Pool Tables and very few addt tables for dining!!

Regarding the Rising Sun Planning Application it is very clear what the hours that have been put upon the Application form and they A4 11.00-23.00!!

Application dated 19/12/2025

Section 20 Very Clear 11.00-23.00!!!

NOT 01.00am

The hours do not match up with the current hours that the licensed premises is operating under!!!!

Cars Parking Illegally Regularly.

Noise from the Wooden Structure has infact increased and there appears to be no management of the Noise Control

It is a Duty of the License and The Manager that an Establishment of the Licensed Premises to make sure that the Customers behave and they are not intimidating to others that maybe not in the Licensed Premises and in the Vicinty.

May I also ask where is the Full Noise impact Assesment is regarding the venue including the Wooden Structure?

The lack of Controls on Smoking and Patron Behaviour appears to be completly unacceptable.

I understand the variation has not been approved and Mr Spencer is actually already using the newly built extension without a License in place.

1. Procedural Concerns – Variation Submitted During an Active Appeal

The operator has submitted this variation application while appealing the licence review conditions imposed by the Council.

- This creates a risk of conflicting or incompatible licence conditions, making enforcement extremely difficult.
- It appears to be an attempt to circumvent or dilute the review outcome before the Magistrates' Court has ruled.

- The Licensing Sub-Committee should consider whether determining a variation at this stage undermines the integrity of the review and appeal process.

2. Pattern of Using Appeals to Delay Compliance

- The operator has repeatedly appealed enforcement actions and licensing decisions over a sustained time period
- This pattern has resulted in prolonged non-compliance and ongoing harm to residents.
- The variation application should be viewed in the context of this wider strategy of delay and avoidance.

3. Proposed Conditions Are Not Enforceable or Credible

- Many of the new conditions rely on vague wording such as “best efforts”, which is not enforceable.
- The operator has a long history of failing to comply with existing Annex 2 conditions; replacing them without evidence of compliance is inappropriate.
- No compliance plan, monitoring plan or management strategy has been provided to demonstrate how the operator intends to meet the licensing objectives.

4. Noise Mitigation Claims Are Unsupported

- No acoustic report or professional noise assessment accompanies the application. Why Is This?
- The proposed use of baffleboards is not an appropriate or effective mitigation measure for an open, unsealed wooden structure.
- The operator continues to refuse to install a noise limiter, despite this being a condition arising from the licence review.

Why Is This?

5. Licensing Should Not Rely on an Unlawful Structure

- The wooden structure referenced throughout the application has no planning permission and no building control approval.

It's currently with the Enforcement Dept as this is understood Review with the InSpector.

- Granting a variation that depends on this structure risks legitimising unlawful development.
- Licensing and planning are separate regimes, but licensing should not endorse or rely upon a structure that is currently in breach.

6. Fire Safety Concerns Remain Unaddressed

- No fire risk assessment has been provided for the wooden structure, despite it being used for smoking and positioned directly against a residential boundary.
- BBQs are placed against residents' fences, increasing the fire risk.
- The operator has not demonstrated compliance with the Regulatory Reform (Fire Safety) Order 2005.

7. Significant Ongoing Impact on Residential Amenity

- Residents have experienced sustained noise, smoke, odour and anti-social behaviour for almost three years which is not acceptable.
- The variation application does not address these issues and offers no credible mitigation.
- The cumulative impact on neighbouring homes remains severe and ongoing.

In addition there are some Residents who haven't spoken out as they are fearful which is not right with any licensed premises.

8. Request for a Site Visit

- A site visit would allow the Sub-Committee to see the proximity of the wooden structure, the boundary issues and the noise pathways first-hand.
- This would provide essential context for decision-making.

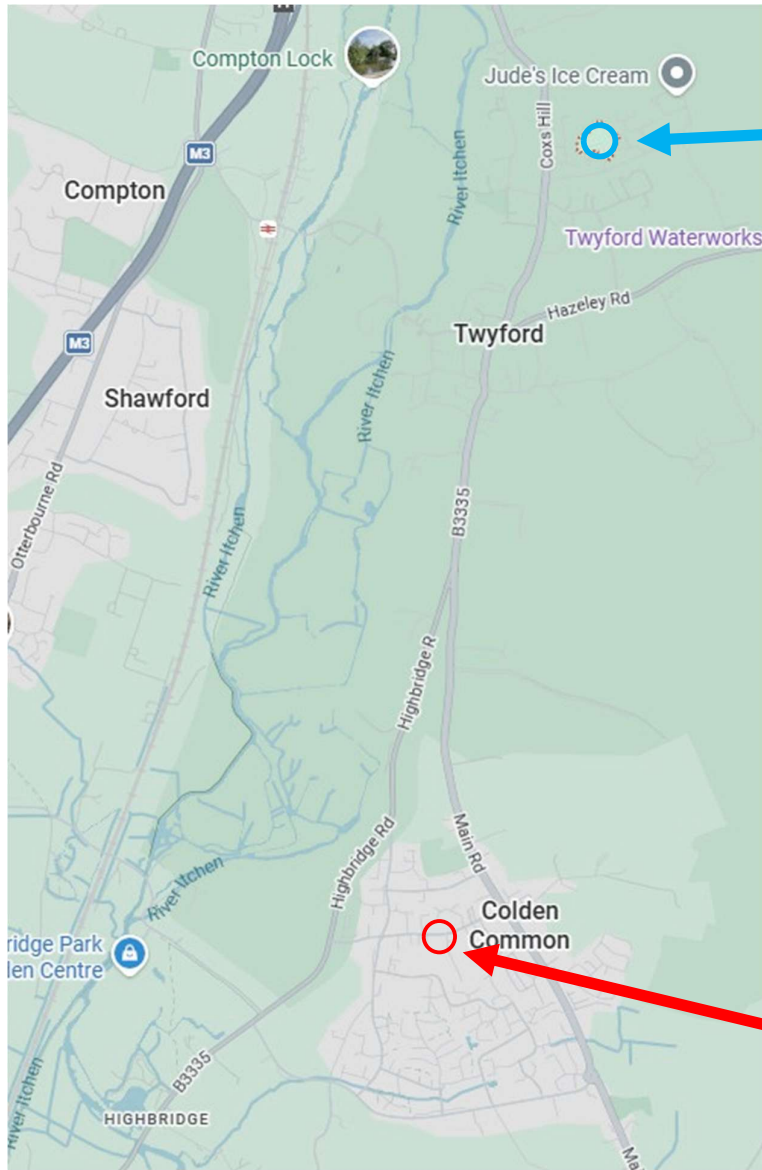
9. Relevance to Future Enforcement

- While this is a variation hearing, the operator's long history of non-compliance is relevant to assessing whether the proposed changes promote the licensing objectives.
- The Sub-Committee may wish to note concerns about the operator's conduct for future enforcement or review proceedings.

I respectfully request that Winchester City Council reject this variation Application in Full.

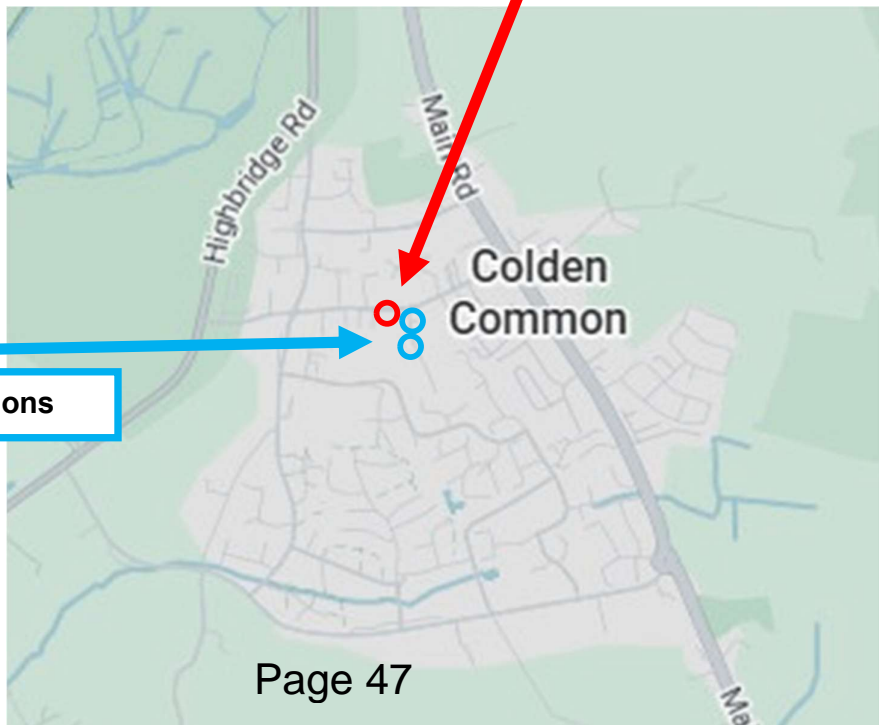
Regards

Appendix 4



Representation

The Rising Sun Premises



Representations

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LICENSING SUB-COMMITTEE

Tuesday, 22 July 2025

Attendance:

Councillors

Laming (Chairperson)

Gordon-Smith

Langford-Smith

Others in attendance who addressed the meeting:

Councillor Susan Cook

Officers in attendance:

Carol Stefanczuk – Licensing Manager

Laura James – Senior Litigation and Licensing Solicitor

Caitlin Rowles -Trainee Solicitor

[Recording of meeting](#)

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

RESOLVED:

That Councillor Laming be confirmed as Chairperson for the meeting.

2. **DISCLOSURE OF INTERESTS**

There were no disclosure of interests made at this meeting.

3. **APPLICATION FOR A REVIEW OF PREMISES LICENCE - RISING SUN, 27 SPRING LANE, COLDEN COMMON, WINCHESTER, SO21 1SD (LR600)**

The Chairperson welcomed all those present to the meeting:

Applicant:

Abby Toms – Environmental Protection Manager, Winchester City Council

Phil Tidridge - Chartered Environmental Health Practitioner, Winchester City Council

Premises Licence Holder:

Jonathan Spencer – Premises Licence Holder (accompanied by Operations Manager)

Duncan Craig – Counsel for the Premises Licence Holder

Other Persons who have made written representations:

Councillor Susan Cook (representation on pages 58 to 61) - also speaking on behalf of Francesca Santovito (representation on pages 53 to 55) and Paul Gunter (representation on pages 56 & 57)

The Licensing Manager introduced the report which set out an application to review the premises licence, submitted by Abby Toms, on behalf of Environmental Protection for Winchester City Council (a responsible authority as defined under section 13 of the Licensing Act 2023) under section 51 of the Licensing Act 2003 for The Rising Sun, 27 Spring Lane, Colden Common, Winchester, SO21 1SD.

The application related 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. An abatement notice was served on Lucky Hoof 2023 Ltd (the premises licence holder who has held the licence since 29 August 2024) under section 90 of the Environmental Protection Act 1990 on 24 September 2024.

The applicant (Environmental Protection (a responsible authority)) requested that the current public nuisance conditions on the premises licence are removed and replaced with alternative conditions to ensure the licensing objectives were upheld. The suggested conditions were listed in paragraph 5.3 (page 11) of the report. In relation to suggested condition 7, it was requested that condition include Environmental Protection, to improve the noise management plan and provide a clear deadline, therefore a suggested alternative condition was proposed as follows:

‘The premises licence shall operate in accordance with a Noise Management Plan (NMP), to be agreed and approved in writing by the Licensing Authority and the Environmental Protection Team within two months of the 22 July 2025 hearing decision.’

The full application, together with a copy of the abatement notice was set out in Appendix 1 to the report.

The Sub-Committee were advised that no representations had been received from any other Responsible Authority. Four written representations had been received from ‘Other Persons’; three in support of the review application relating to the prevention of public nuisance licensing objective and one of whom was in attendance and addressed the Sub-Committee (also speaking on behalf of Francesca Santovito and Paul Gunter, who had also submitted written representations but were unable to attend the hearing) and one in support of the freeholder of the premises. The written representations were set out in full at

Appendix 2 of the report. The current premises licence was set out at pages 65 to 67 of the report.

The Licensing Manager drew the Sub-Committee's attention to the relevant sections of the guidance issued under section 182 of the Licensing Act 2003 (specifically paragraphs 16.36, 16.43, 16.44 and 16.55).

In conclusion, the Licensing Manager reminded the Sub-Committee that in their decision they must take the following steps that they considered appropriate to promote the licensing objectives. Any additional conditions considered by the Sub-Committee were subject to the premises licence holder being given opportunity to respond and explain how this may affect their business operation.

- (a) Modify the conditions attached to the premises licence, either permanently or temporarily for a period not exceeding three months;
- (b) Exclude a licensable activity from the premises licence, either permanently or temporarily for a period not exceeding three months;
- (c) Remove the designated premises supervisor from the licence;
- (d) Suspend the premises licence for a period not exceeding three months;
- (e) Revoke the premises licence.

The Sub-Committee's attention was drawn to supplementary information issued following the publication of the agenda pack listed as follows which contained proposed conditions and supporting documents submitted by the Licence Holder's Counsel, that had been published prior to the meeting taking place.

- (1) [Supplementary Agenda 1 – LR600 Appendix G Map and Proposed Conditions and Supporting document submitted by the Licence Holder's Counsel](#)

During proceedings, the Council's Senior Litigation and Licensing Solicitor advised the Sub-Committee that prior to the meeting commencement of the meeting she had been in brief discussion with the licence holder's representative and considered that there was merit in adjourning the meeting for further discussion in respect of the proposed conditions to take place.

The Chairperson announced there would be a short adjournment in proceedings to enable the premises licence holder's representative to engage in further discussions with the applicant (Environmental Protection) and the Council's Senior Litigation and Licensing Solicitor present.

The meeting was adjourned at 10.15 am and reconvened at 10.55 am.

Upon recommencement of the meeting, the applicant, Abby Toms representing the Environmental Protection Team at Winchester City Council (Responsible Authority) addressed the Sub-Committee setting out the application and responded to questions thereon.

It was noted that the application had been submitted as there were instances of noise nuisance from both inside and outside the premises after serving the

abatement notice. Observations of this were set out in the addendum to the report.

The applicant outlined that the main issues were due to noise from inside the premises from music late at night, the outdoor area (particularly from live bands) and the noise emanating from people sat in the wooden structure (indicated in photos on pages 25 to 27) which was situated exceptionally close to the neighbouring residential property.

Following discussions, the applicant reported that agreement had been reached on several conditions with the premises licence holder, these included:

1. The installation of internal and external CCTV (footage to be retained for a minimum of 28 days and made available to responsible authorities on request)
2. To remove all the public nuisance conditions attached to the existing premises licence PREM241,
3. A condition be agreed requiring the garden area to be closed after 2230 hours (it was emphasised that Environmental Protection considered the garden to be the grassed area, illustrated as Area A on the map set out in the report)
4. All windows and doors to be kept closed other than for access and egress when regulated entertainment was being played.
5. Noise Management Plan (NMP) to be agreed and approved in writing as detailed above.
6. The premises licence holder shall ensure the premises operates in accordance with the approved NMP.
7. The provision of live and recorded music outdoors:
Three event days to be permitted per annum (not consecutive days), finishing no later than 2000 hours for not more than four hours, located in the middle of grassed area A, with an amplified microphone, not amplified instruments, the exact location of area A to be measured. The NMP should include volume control and management of these events, with prior neighbourhood notification and communication throughout these events taking place.

In addition, the applicant and the premises licence holder had recently agreed conditions to better control the management of the premises and incidents of noise nuisance, these were set out on pages 4 to 11 on the supplementary agenda linked above.

The applicant emphasised that the outstanding points that had not been agreed related to the outdoor area B where the structure was located, whereby its use had resulted in a significant public nuisance impact on neighbouring residential properties. The structure was currently subject to planning enforcement notice and was not a matter for consideration by the Sub-Committee. In addition, it was recommended by the applicant that a suitable noise limiting device be installed and set at a level to be agreed with the Licensing Authority and the Environmental Protection Team within two months and thereafter maintained to control all sources of amplified music. However, the premises licence holder had not agreed to the applicant's recommendations in these instances.

The Chairperson then invited 'Other Persons' who had made relevant written representation to address the Sub-Committee.

Councillor Cook spoke in relation to her written representation, and also on behalf of Francesca Santovito and Paul Gunter who had also made written representations to the application and responded to questions of the Sub-Committee thereon.

The applicant then responded to the matters raised and the Sub-Committee then asked further points of clarification.

The premises licence holder, Jonathan Spencer, was then invited to address the Sub-Committee who was also represented by his Counsel, Duncan Craig. Mr Spencer set out his response to the complaints, his previous experience and background, the measures and conditions that had been imposed to address the concerns raised by the applicant and Other Persons who had made written representations. Both responded to questions of the Sub-Committee thereon.

In relation to the two areas of dispute, the premises licence holder advised that the cost of a noise limiting device would be approximately £4,000 and that from his experience these were sensitive to weather conditions adversely affecting their use. In respect of the wooden structure, the premises licence holder advised that until the appeal was determined, the enforcement notice was suspended and in effect the structure could continue to be lawfully used. It was confirmed that the TV and speakers previously used under the structure had been removed. Mr Spencer stated that he was willing to establish a means of contact for residents to report any noise concerns in the future and would undertake to attenuate the structure to reduce the sound of patron's voices and would be willing to agree a condition to implement these measures if required by the Sub-Committee.

In response, the applicant stated that their preference would be for use of the structure to cease until such time as any baffle boards had been installed. Counsel for Mr Spencer made reference to the statutory guidance setting out the general principles for consideration in the imposition of any conditions which must be appropriate to promote the licensing objectives and favoured stepped measures to enable the licence holder opportunity to demonstrate a changed approach.

Following the representations of all parties, the Council's Senior Litigation and Licensing Solicitor suggested that if the Sub-Committee were minded to impose conditions, it would be beneficial to bring these back to the hearing following their deliberations for the applicant and the premises licence holder to agree wording that would be clear and enforceable.

The Sub-Committee retired to deliberate in private. The council's Senior Litigation and Licensing Solicitor clarified that, any legal advice given during private session would be summarised upon the resumption of the Sub-Committee, in the interests of fairness and transparency of process.

The meeting was adjourned at 12.30 pm and reconvened at 2.15 pm.

Upon recommencement of the meeting, all parties were informed that legal discussion with the Sub-Committee had focussed on the decision to impose agreed conditions and additional conditions which were considered appropriate to address the issues raised during the hearing by the applicant and by 'Other Persons' who had submitted written representations. A discussion ensued at the hearing regarding the wording of conditions to ensure these were appropriate and proportionate.

The council's Senior Litigation and Licensing Solicitor stated that the nature of the conditions were to achieve a balance between the business and the locality, acknowledging this as a stepped approach to ensure that the prevention of public nuisance licensing objective was not undermined.

The proposed additional conditions were read out at the hearing, in draft form by the council's Senior Litigation and Licensing Solicitor as follows:

Furthermore, it was agreed that the council's Senior Litigation and Licensing Solicitor would circulate a written draft to Counsel for the premises licence holder and to the applicant, Environmental Protection (a responsible authority) for refinement after the meeting:

- (i) The existing public nuisance conditions attached to premises licence PREM241 be removed and replaced.
- (ii) Patrols by premises staff shall take place half hourly after 20:00 of the perimeter of the site to assess that there is no audible noise on the boundary of the site from the licensed premises;
- (iii) 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;
- (iv) Live music events in the garden unlicensed area be limited to 3 per annum, not be consecutive and to last no more than 4 hours and shall end no later than 20:00 hours;
- (v) Amplification of live music events outside the premises shall be by microphone only and shall not be by use of amplified instruments;
- (vi) Signage be placed in locations around the premises reminding patrons to leave quietly respecting the neighbourhood;
- (vii) All windows and doors shall be kept closed (other than for access and egress) when regulated entertainment is being played;
- (viii) No alcohol shall be taken outside of the premises after 22:30 hours;

- (ix) Noise Management Plan: 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. The NMP shall include provision for a suitable noise limiting device which shall be installed and set at a level to be 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;
- (x) The location of the noise limiting device within area B on the plan shall be agreed with the Local Authority within 2 months;
- (xi) The Licence Holder shall install noise attenuating baffleboard materials to the wooden structure located in area B to mitigate the transmission of voices, within 21 days;
- (xii) The Premises Licence holder will not accept deliveries to the premises before 08:00 hours each day of the week;
- (xiii) The Licence Holder shall provide to local residents a dedicated telephone number or email address to enable the premises staff at any time or day the premises are open to respond to any complaints alleging public nuisance. A written logbook shall be kept of any complaints with times and dates together with the nature of the complaint and action taken. The logbook should be available at all times to responsible authorities for inspection.

In addition, the premises licence holder agreed to supply a clear plan of the premises by 25 July 2025, to avoid confusion over location of areas in issue, setting out where the natural path leads from the wooden structure and garden area to the smoking shelter area/terrace at the front of the premises and smoking area.

The council's Senior Litigation and Licensing Solicitor emphasised that the decision given at the hearing would be a summary only and the full decision would be provided in writing within five days of the hearing date, in accordance with legislation. The written decision would form the 'Decision Notice' in the event of any conflict with the oral summary.

In the closing statement, the Senior Litigation and Licensing Solicitor stated that the Sub-Committee had carefully considered the application, the representations made by 'Other Persons' and the applicant's evidence given at the meeting. It had taken into account the Council's Statement of Licensing Policy, particularly the policy in relation to public nuisance, set out in section C, the Public Sector Equality Duty, the Home Office Guidance issued under section 182 of the Licensing Act 2003, the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

The Sub-Committee gave regard to the licensing objectives and guidance, the representations received by all parties, and sought to achieve an appropriate

balance between the application, the likely impact on those living in the area and the business operated by the premises licence holder.

RESOLVED:

The Sub-Committee has concluded that the Premises Licence should be amended with new and modified conditions in accordance with section 52 (4) of the Licensing Act 2003, as set out in draft form by the council's Senior Litigation and Licensing Solicitor at the meeting in (i) to (xiii) above, with the full decision to be provided in writing within five days of this Sub-Committee hearing, in accordance with legislation and following refinement by the applicant and the premises licence holder.

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

Following the meeting, the final wording of conditions, as referred to in the resolution above, was confirmed with revised wording which also related to an updated plan that was made available, the finalised conditions are set out as follows:

***FINALISED CONDITIONS:**

1. All of the Public Nuisance conditions attached to PREM 241 shall be removed and replaced with the conditions set out below.
2. CCTV- internal and external CCTV shall be installed, with footage retained for a minimum of 28 days and made available to responsible authorities upon request.
3. The areas marked D and E on the plan supplied by Applicant shall not be used by patrons after the hours of 22:30. Any smokers shall be asked to move to the front area marked B on the plan after this time. Area C is for the purposes of access only.
4. No alcohol shall be taken outside of the premises after 22:30 hours.
5. All windows and doors shall be kept closed (other than for access and egress) when regulated entertainment is being played.
6. There shall be half hourly patrols undertaken of the perimeter of the site commencing 20:00 hours by a member of premises staff to monitor that there is no clearly audible sound from the premises at the boundary of any residential property. Written records of these patrols shall be kept at all times on the licensed premises and shall record any incident and detail any action taken. Records shall be made available to responsible authorities on request.

7. No television set shall be used in the wooden gazebo type structure in Area D on the plan or other screen projecting television images, nor shall any loudspeakers be used in this area.
8. The Licence Holder shall install noise attenuating baffleboard materials to the wooden gazebo structure located in Area D to mitigate the transmission of voices, within 21 days.
9. Noise Management Plan: 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. The NMP shall include provision for a suitable noise limiting device which shall be installed and set at a level to be 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.
10. There shall be included in the NMP a patron dispersal policy from the premises to minimise noise disturbance to nearby residents after 22:30 hours. The policy shall be agreed with the Local Authority within 2 months.
11. 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.
12. There shall be a maximum of three live music events per annum outside of the licensed premises. Such events must not be consecutive and last for a maximum duration of 4 hours, to finish no later than 20:00 hours.
13. Amplification of live music events outside the premises shall be by microphone only and shall not be by use of amplified instruments.
14. There shall be signage positioned in prominent locations inside and outside the premises, particularly at exit points and paths, reminding patrons to respect the needs of residents and to leave quietly.
15. The Premises Licence holder will not accept deliveries to the premises before 08:00 hours each day of the week.
16. The Licence Holder shall provide to local residents a dedicated telephone number or email address to enable the premises staff at any time or day the premises are open to respond to any complaints alleging public nuisance. A written logbook shall be kept of any complaints with times and dates together with the nature of the complaint and action taken. The logbook should be available at all times to responsible authorities for inspection.

The meeting commenced at 10am, adjourned between 10.15am and 10.55am and between 12.30 pm and 2.15pm, and concluded at 2.50pm

Chairperson