

LR583  
FOR DECISION  
WARD(S): ST MICHAEL

**LICENSING SUB – COMMITTEE**

Tuesday 26 March 2024 10:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Carol Stefanczuk

Tel: 01962 848188

Email: [licensing@winchester.gov.uk](mailto:licensing@winchester.gov.uk)

Application: Grant of Premises Licence

Premises: The Rising Sun, 14 Bridge Street, Winchester, SO23 8HL

**Part A. Report**

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**Part A.****1. Application****Applicant:** Wellington Pub Company PLC**Premises:** The Rising Sun, 14 Bridge Street, Winchester, SO23 8HL

1.1 This application is for grant of a new premises licence under section 34 of the Licensing Act 2003 for The Rising Sun, 14 Bridge Street, Winchester, SO23 8HL.

1.2 The application seeks to provide licensable activities as detailed below:

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

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

1.3 A Premises Licence has previously been granted for The Rising Sun from 24 November 2005 (effective from introduction of Licensing Act 2003) until 14 December 2023 when the licence lapsed due to insolvency of the licence holder. A premises licence transfer application was not received.

1.4 The previous premises licence authorised licensable activities for the same timings as in paragraph 1.2 above, with the exception of regulated entertainment on Christmas Eve and New Years Eve.

1.5 Eight valid representations from 'Other Persons' have been received in relation to the prevention of crime and disorder and prevention of public nuisance licensing objectives. Copies of the representations can be found at Appendix 2.

1.6 During the consultation period, conditions were agreed between the applicant and Hampshire Constabulary and the applicant and Environmental Protection, should a licence be granted. The agreed conditions can be found in section 5 of the report.

1.7 Notice of the application was displayed outside of the premises for a period of 28 days until 27 February 2024, and advertised in the Hampshire Chronicle on 8 February 2024.

1.8 Notices of the hearing were sent to all Parties on 7 March 2024.

**Designated Premises Supervisor**

To be confirmed.

If granted, the premises licence cannot be used until a nominated personal licence holder is formally named as the Designated Premises Supervisor (DPS).

**Steps to promote the Licensing Objectives**

Proposed conditions are set out as part of the application at Appendix 1. Agreed conditions with Hampshire Constabulary and Environmental Protection are set out in section 5 of the report, shown in *italics*.

## **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**

Conditions were agreed between the applicant and Environmental Protection during the consultation period, should a licence be granted.

#### **Hampshire Constabulary**

Conditions were agreed between the applicant and Hampshire Constabulary during the consultation period, should a licence be granted.

#### **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**

No representations received.

### **3. Representations from Other Persons**

Representations have been received from eight 'Other Persons', all of which are against the application. The main concerns are with regard to the prevention of crime and disorder and prevention of public nuisance licensing objectives.

Representations can be seen at Appendix 2.

#### **4. Observations**

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

#### **Terminal hours**

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

(Licensing Policy 2.22 Part 4, A8, C4)

#### **Licensing Objectives**

##### **Crime and Disorder**

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

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

### Public Safety

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

(Licensing Policy Part 4, B2, B3)

### Public Nuisance

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

(Licensing Policy Part 4, Section C)

### Protection of Children

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

(Licensing Policy Part 4, D6, D7)

### **Human Rights**

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

### **Public Sector Equality Duty**

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

## 5. Conditions

### Mandatory Conditions

#### **The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 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 carried 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**

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:

*Conditions shown in italics have been agreed with Hampshire Constabulary, should a licence be granted.*

### **Operating Hours**

1. The hours the premises may be used for the sale of alcohol (for consumption on and off the premises) shall be:
 

Monday to Thursday	1100 to 0000
Friday and Saturday	1100 to 0100
Sunday	1100 to 2330
Christmas Eve	1100 to 0100 the next day
New Years Eve	1100 to 1100 1 January
  
2. The hours the premises may be used for the provision of regulated entertainment shall be:
 

Live and Recorded Music (indoors only)

Monday to Thursday	1100 to 0000
Friday and Saturday	1100 to 0100
Sunday	1100 to 2330
Christmas Eve	1100 to 0100 the next day
New Years Eve	1100 to 1100 1 January
  
3. The hours the premises may open for other than Licensable Activities shall be:
 

Monday to Thursday	1100 to 0030
Friday and Saturday	1100 to 0130
Sunday	1100 to 0000
Christmas Eve	1100 to 0130 the next day
New Years Eve	1100 to 1100 1 January

## Crime and Disorder

### CCTV

- CD1. *A colour recording CCTV system that captures images from the main public areas shall be fully operational whilst licensable activities are taking place.*
- CD2. *The system shall be able to cope with all levels of illumination.*
- CD3. *The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.*
- CD4. *The system shall be serviced at least annually and maintained to a standard that is acceptable to the police licensing department responsible for the area.*
- CD5. *The system clock shall be checked regularly for accuracy taking account of GMT and BST.*
- CD6. *Digital systems shall have sufficient storage capacity for a minimum of 28 days evidential quality recordings.*
- CD7. *The images produced shall be date and time stamped.*
- CD8. *A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.*
- CD9. *An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.*
- CD10. *It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times the premises is open a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment and download data.*

### Security

- CD11. *On Fridays, Saturdays and days preceding UK public holidays from 21:00 until the closing time of the venue, two frontline door supervisor, SIA registered security staff shall be employed at the venue. This number is to include only frontline door supervisor SIA staff employed solely on door supervisor / security duties, i.e. safety and security at the venue.*
- CD12. *All persons who are frontline door supervisor SIA registered and whose position or role profile is solely security at the venue, shall wear a*

*fluorescent and reflective orange tabard or jacket, clearly marked security at all times.*

*CD13. All front door refusals are to be recorded promptly, including the reason i.e. too intoxicated, barred suspicion of drugs etc.*

*CD14. If a person is ejected from the venue by a member of staff, a record must be made of the incident including details of the staff members involved and a summary of the circumstances. This must be completed as soon as practicable but prior than the end of that persons shift.*

*CD15. The licence holder shall maintain a duty register giving details of each and every person employed in the role of a security and shall provide upon request by any responsible authority, the following details:-*

- The full licence number, name, residential address and telephone number of that person;*
- The time at which they commenced that period of duty, with a signed acknowledgement by that person;*
- The time at which they finished the period of duty, with a signed acknowledgement by that person;*
- Any times during the period of duty when they were not on duty;*
- If that person is not employed directly by the licence holder or venue but via a security contractor company, then details of this company must also be supplied (company name and out of office contact details).*

*CD16. The register shall be so kept upon the premises that it relates so that it can be readily inspected by any responsible authority immediately upon request.*

*CD17. The duty register shall comprise of a bound, consecutively page-numbered book and the licence holder shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations to same.*

### *Body Worn Video*

*CD18. At times when the venue is operating SIA security, SIA staff shall wear and operate body worn video (BWV) recording equipment at all times.*

*CD19. All incidents of ejections and refusals that escalate to confrontation (either verbal or physical) shall be captured.*

*CD20. The images shall be made available as soon as practicable but at least within 48 hours to the police on request and shall not be handled by a third party (i.e. security contractor).*

*CD21. The equipment shall record high definition colour images and be able to capture sound, specifically conversation.*

- CD22. *The equipment shall be able to operate in all levels of illumination, images shall be time / date stamped.*
- CD23. *The BWV shall be of a similar specification to those currently utilised by Hampshire Constabulary and as such shall be of sufficient quality to produce evidential data.*
- CD24. *There shall be sufficient number of devices and or batteries at the venue to ensure that the devices are able to operate continually when necessary.*
- CD25. *Data obtained on the BWV shall be downloaded and stored in such a way to prevent images being edited or deleted as soon as practicable. Data shall be retained for a minimum of 28 days.*

### Incident Recording

- CD26. *An incident record shall be maintained to record any activity of a violent, criminal or anti-social nature at the premises.*
- CD27. *The record shall contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.*
- CD28. *This record shall be produced to any responsible authority upon request.*
- CD29. *This record shall be retained at the premises to which they relate for a period of 12 months.*

### Public Safety

#### Vulnerability

- PS1. *A written policy on how the venue deals with vulnerability shall be implemented and as a minimum shall include the following:*
- *A definition of the different types of vulnerability that may present at the premises.*
  - *How best to communicate with vulnerable people. For example, people who are drunk, people on their own, people behaving aggressively and people who are ill.*
  - *How to safeguard vulnerable people, including information on first aid administration and referral to the ambulance service and police where relevant.*
  - *Best practice for partnering with agencies, such as taxi companies, local authorities and other venues.*
  - *What to do if you sense a vulnerable person is in danger, for example if they leave the venue alone or with people they didn't arrive with.*

## **Public Nuisance**

- PN1. *Provision of a noise management plan to show how noise from the premises, particularly from regulated entertainment and noise from patrons will be controlled.*
- PN2. *Provision of a dispersal policy to show how patrons will be encouraged to leave quietly, including, but not limited to staff training and the provision of signage.*
- PN3. *Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed. A written record of such checks shall be kept for inspection by an Authorised Officer for at least 6 months.*
- PN4. *All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.*
- PN5. *Clear notices will be prominently displayed at the exits of the premises requesting customers leave the premises and the area in a quiet manner and orderly manner.*

## **Protection of Children**

### **Age Verification**

- PC1. *The operator shall ensure that there is a system in place to identify every individual who appears to be under 25 years of age and seeking to purchase or be supplied with age restricted products at or from the premises.*
- PC2. *Those identified shall produce acceptable means of identification and age confirmation.*
- PC3. *Acceptable identification documents shall be either a passport, photo driving licence or PASS accredited photo ID. If the person seeking age restricted products is unable to produce acceptable means of identification, no sale or supply of the products shall be made to or for that person.*
- PC4. *All refusals and challenges shall be documented and held at the venue and made available to any responsible authority upon request.*
- PC5. *Challenge 35 notices will be displayed in prominent positions throughout the premises.*

Refusals

*PC6. A record shall be kept of all refusals to sell or supply any age restricted product.*

*PC7. The record shall be kept and maintained at the premises to which the refusals relate and shall be made available for inspection immediately upon request by any responsible authority.*

*PC8. The record of refusals shall be retained for 12 months.*

Staff Training

*PC9. All staff, regardless of being in paid employment or not, shall receive information and training concerning the sale and supply of age-restricted products.*

*PC10. This training shall cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item when there are under the legal age to do so.*

*PC11. All staff shall sign an acknowledgement documenting that they have completed this training and have understood their responsibilities.*

*PC12. This training shall be reviewed and updated at reasonable intervals but as a minimum, annually.*

*PC13. All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions.*

*PC14. Training shall be recorded in documentary form that shall be available for immediate inspection at the request of any responsible authority.*

*PC15. The records shall be retained upon the premises that the staff work for a minimum of 12 months.*

## **6. Other Considerations**

### **Council Strategy Outcome (Relevance To:)**

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

### **Resource Implications**

A statutory licence fee of £190 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

### **Appendices**

1. Application by Wellington Pub Company PLC
2. Representations by Other Persons
3. Location plan with representations