

Valid representations

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

GOSSCHALKS

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

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

Dear Sirs,

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

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

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

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

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


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

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

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

We look forward to hearing from you.

Yours faithfully,

A handwritten signature in dark ink, appearing to read "Gosschalks", with a stylized, cursive-like script.

GOSSCHALKS LLP

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

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

To the Licensing Authority,

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

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

Nature of the Nuisance and Its Impact:

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

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

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

Consequences:

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

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

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

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

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

Request:

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

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

Thank you for taking the time to consider my representation.

Yours sincerely,

Francesca Santovito

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

22nd June 2025

Paul Gunter

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

Received 24 June 2025

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

Submitted under the Licensing Act 2003 – Prevention of Public Nuisance

To the Licensing Authority,

History.

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

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

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

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

Current.

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

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

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

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

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

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

P Gunter MIOA, June 2025.

Cllr Susan J Cook

Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ

Received 26 June 2025

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

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

To The Licensing Committee.

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

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

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

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

Now we have a very different situation.

Now we have a license that sadly doesn't seem to grasp that what goes on in and around the Pub Does have an affect on the surrounding area namely the residents.

Infact even down to the time of deliveries and I'm sure that you have been shown footage of Deliveries arriving at totally unsuitable hours of the morning and the goods are not taken in as it's so early this is just the tip of the Iceberg.

So let's begin.....

26th June 24/00164/WKS

Enforcement Case

Outbuilding (That now has Planning Permission)

Extractor Fans wrongly repositioned

Flag Pole

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

Resitting of Refuse Bins Creating Parking Issues.

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

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

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

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

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

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

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

Again this could have been handled very differently.

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

Let's Begin.

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

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

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

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

○

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

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

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

Here is the Request:

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

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

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

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

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

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

Kind Regards

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

Tel no : [REDACTED]

Winchester City Council
City Offices
Colebrook Street
Winchester SO23 9LJ

