

LICENSING SUB – COMMITTEE

Thursday 23 April 2026 10:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

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Application: Application for variation of a premises licence

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

Part A. Report

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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