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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
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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
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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 completely 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