

LR501  
FOR DECISION  
WARD(S): ALRESFORD AND ITCHEN VALLEY

**LICENSING SUB – COMMITTEE**

25 September 2017

Report of the Head of Environmental Health and Licensing

Contact Officer: Justine Allingham. Tel No: 01962 848 179.  
Email: jallingham@winchester.gov.uk

**Application: Police Objection to Temporary Event Notice**

**Premises: Matterley Basin, Alresford Road, Winchester, Hampshire  
(Race Paddock)**

Part A. Report

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**Part A.****1. Matter**

**Applicant:** Mr Alessandro Galuzzi

**Premises:** Matterley Basin, Alresford Road, Winchester, Hampshire (Race Paddock)

- 1.1 This report relates to a Police objection to a Temporary Event Notice. The objection was submitted by the Police Licensing Officer, on behalf of Hampshire Constabulary (a responsible authority), under section 104 of the Licensing Act 2003. The objection was received on 13 September 2017 and can be found at Appendix 1.
- 1.2 The objection relates to the prevention of crime and disorder, public safety and the protection of children from harm licensing objectives following the submission of a temporary event notice.
- 1.3 The premises user has been sent a copy of the objection that has been made and recommended to make contact with the Police Licensing Officer before the hearing in order to achieve an agreement. In the event that an agreement is not possible, the Sub-Committee will be asked to consider the objection.
- 1.4 The Temporary Event Notice to which the objection was made was received on 11 September 2017. It relates to the holding of a temporary event at the Race Paddock area at Matterley Basin, Alresford Road, Winchester Hampshire, and was received from Mr Alessandro Galuzzi. The notification was made under section 100 of the Licensing Act 2003. A copy of the Notice can be found at Appendix 2.
- 1.5 The purpose of the Notice is to allow the on sale of alcohol from Wednesday 27 September to Sunday 1 October 2017 between 0800 and 0130 hours each day.
- 1.6 A copy of the Notice was served to the Police and Environmental Health on 12 September 2017.
- 1.7 No objection has been received from Environmental Health.

## **Relevant Representations**

### **2. Responsible Authorities**

In accordance with the legislation, a copy of the Notice was served on Hampshire Police and the Council's Environmental Health Team. The representations received are as follows:

#### **Hampshire Constabulary**

Objection Notice received on 13 September 2017 on the grounds of prevention of crime and disorder, public safety and protection of children from harm licensing objectives.

#### **Environmental Health**

No representations received.

### **3. Observations**

- 3.1 Where, as in this case, an objection has been submitted in respect of a Temporary Event Notice, the City Council (as the relevant licensing authority) must
- (a) hold a hearing to consider the objection notice, unless the premises user, the objector who gave the objection notice and the authority agree that a hearing is unnecessary, and
  - (b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it appropriate for the promotion of a licensing objective to do so.
- 3.2 The Licensing Sub-Committee is authorised to hold the hearing on behalf of the licensing authority.
- 3.3 The licensing objectives are:-
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 3.4 In making its decision, the Sub-Committee must have regard to the objection, as well as National Guidance and the Council's Licensing Policy.
- 3.5 The Sub-Committee must have regard to all of the representations.
- 3.6 The Sub-Committee must decide whether to:-
- a) Allow the licensable activities to go ahead as stated in the Temporary Event Notice; or
  - b) Issue the premises user (the person who served the Temporary Event Notice) with a counter notice, if it considers it appropriate for the promotion of a licensing objective to do so. Serving a counter notice decides that the event would undermine the licensing objectives.

#### **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 Part 4, A8)

## **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, 2.11, 2.17 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, B3, B4)

### Public Nuisance

The Sub-Committee should consider any appropriate conditions to prevent public nuisance caused by noise and light 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.

#### **4. Other Considerations**

##### **Community Strategy and Portfolio Plans (Relevance To:)**

This report covers issues which affect the Outcomes of High Quality Environment and Active Communities.

There is no direct link to Portfolio Plans as the requirements under the Licensing Act 2003 are statutory functions.

##### **Resource Implications**

The application fee of £21 has been received.

Although premises licences have been granted in connection with the event at Matterley Basin, the areas of land covered by those licences and this Temporary Event Notice are not the same. Therefore, the ability to impose conditions under Section 106A of the Licensing Act 2003 does not apply.

Although there is a right of appeal against the decision to give a counter notice, such a right cannot be exercised in this case. This is because an appeal must be made within 21 days of the decision, and at least 5 working days before the start date of the event. Given the timescales of the decision, it will not be possible to make an appeal and comply with this time limit.

##### **Appendices**

1. Objection Notice by PC Matthew Moss on behalf of Hampshire Constabulary
2. Temporary Event Notice by Mr Alessandro Galuzzi



**Telephone** 101 **Direct Dial** 02380479578

**Fax** 01962 874201 **Text Relay** 18001 101

**Email Address**  
matthew.moss@hampshire.pnn.police.uk

**Our ref:**  
**Your ref:**

13<sup>th</sup> September 2017

**Chief Officer of Police Objection**

**Temporary Event Notice (TEN) from Alessandro GALUZZI**  
**27/09 - 01/10 @ Matterley Basin**

Dear Sir / Madam,

I write on behalf of the Chief Officer of Police to **OBJECT** to the TEN submitted by Mr Alessandro GALUZZI for the period Wednesday 27<sup>th</sup> September 2017 to Sunday 1<sup>st</sup> October 2017. The Chief Officer of Police is concerned that allowing this TEN will put at risk the licensing objectives, namely the prevention of crime and disorder, public safety and the protection of children from harm.

**Motocross of Nations 2017**

The Motocross of Nations is a large scale motorcycling event being held at Matterley Bowl on Saturday 30<sup>th</sup> and Sunday 1<sup>st</sup> October. It is an international event and will attract participants and guests from around the world, with up to 40,000 people attending.

The event is being organised by 'SD Events' who have recently applied for two large Premises Licenses, which following a hearing were granted. They have also submitted 4 TENs of their own pre agreed by the responsible authorities for areas that are not mass market, such as VIP bars and a crew bars. They do still form part of the overall event plan.

**Further TEN from Mr GALUZZI**

On the 11<sup>th</sup> of September a further TEN notice was received from Mr GALUZZI in relation to the event, stating that they were providing 3 bars in the paddock area of



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the event. The application states that the bars will be licensed between 0800 and 0130 hrs in three areas, although it provides no plan as to where these areas are.

Unfortunately the applicant appears to have no connection with SD events and has been employed directly by an organisation called Youthstream, who are *'the company that manages the exclusive television, marketing and promotional rights'* for the Motocross event worldwide. This is a different organisation to SD events who deliver the event locally. This has meant that the bars and the operator are not linked in anyway with the main organisation of the event, and do not appear in any of the event paperwork.

### **Pre – Application Consultation**

The licensing act guidance states the following:

*"While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application."*

The Motocross event has been the subject of extensive consultation since the early part of the year. Having spoken to SD events they have not previously appraised us of this application because they did not know about it and are not involved. Hence there has been no pre application consultation for these notices.

### **Police Rationale for Objection**

This event has been the subject of extensive planning both by the organisers and by local authorities. There is a full Event Safety Management Plan (ESMP) in place to demonstrate how the site will be managed and how issues that arise will be dealt with. It again should be made clear that this TEN has had no involvement of the organisers, and has been submitted without their initial knowledge.

The TEN submitted by Mr GALUZZI has no detail on a whole range of areas the police have concern. These include but are not limited to:

- Map of the site indicating where the bars will be
- Operating Schedule demonstrating how this will not impact on the rest of the site
- Measures being taking to avoid drunkenness given the large number of hours the bars are open for
- Measures being taken to avoid the supply of alcohol to children
- The impact of having a bar in an area where riding of motor vehicles is taking place
- The relationship of this area to the main event organisers should the event have problems.
- What training do staff have?
- What security measures are in place?

Wider concerns include why is this area being licensed so late when racing finished around 1700? And why is there a need for alcohol to be sold in an area where people are racing and working on motor vehicles?

By failing to supply any proper plan in relation to these bars the applicant puts at risk the licensing objectives. Elsewhere on the site these are being mitigated by



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conditions or by the ESMP. It is the opinion of the Chief Officer that by looking at the detailed ESMP, it shows how much planning and preparation has gone into this event.

Given this TEN (whilst being lawfully submitted) does not have any examples of any steps the applicant is taking to prevent issues or deal with potential concerns, the notice must harm the licensing objectives for the simple reason that if they were not at risk, other licenses in force on the site at the same time would not be subject of stringent conditions or a detailed ESMP.

There is also the further concern that this notice falls outside of the control of the command chain that is running the wider event. In the event of a problem the organisers of the main event would have no sway in dealing with persons operating these bars, leaving it to responsible authorities to deal. That in the opinion of the Chief Officer of Police is not acceptable.

### **Summary**

**The Chief Officer of Police requests that a committee considers this representation and rejects this notice. Unfortunately with no underlying premises license for this area conditions cannot be considered.**

Yours Faithfully,

PC 3554 Matthew Moss  
On behalf of the Chief Officer of Police



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# Winchester

City Council

City Offices Colebrook Street Winchester SO23 9LJ

SOLUTIONS

11 SEP 2017

RECEIVED

## Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated **AT LEAST TEN CLEAR WORKING DAYS BEFORE THE COMMENCEMENT OF THE PROPOSED LICENSABLE ACTIVITIES.** (The ten working days does not include the day the Council receives the notice or the day of the event). Working days are Monday to Friday not including bank holidays. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	GALUZZI
Forenames	ALESSANDRO
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	Day <input type="text"/> Month <input type="text"/> Year <input type="text"/>
4. Your place of birth	[ REDACTED ]
5. National Insurance Number	[ REDACTED ]
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[ REDACTED ]	
Post town	REDACTED
Post code	REDACTED
7. Other contact details	
Telephone numbers Daytime	REDACTED
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (optional)	REDACTED

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

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Post town	Post code
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9. Alternative contact details (if applicable)

Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (optional)	

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

MATTERLEY BASIN, WINCHESTER,  
SO21 1HW MATTERLEY BASIN, ALBERT ROAD  
WINCHESTER HAMPSHIRE

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	
Club premises certificate number	

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

RACE PADDOCK : RESERVED AREA FOR SPONSORS AND TEAMS THAT COMPETE FOR THE MOTOCROSS RACE. THE PADDOCK IS LOCATED ON THE LEFT OF THE RACE TRACK.

Please describe the nature of the premises below. (Please read note 4)

THREE BAR POINTS FOR FOOD AND DRINK ADMINISTRATION. THE BARS CONSIST OF THREE HEXAGONAL GAZEBOS

Please describe the nature of the event below. (Please read note 5)

"MOTOCROSS OF NATIONS" MOTOCROSS RACE.

**3. The licensable activities**

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

from WEDNESDAY 27<sup>th</sup> of September to 1<sup>st</sup> of October 2017

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

FROM 8.00 to 1.30 (24 HOUR CLOCK).

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

200

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)

THE LICENSABLE ACTIVITIES WILL NOT INCLUDE THE PROVISION OF RELEVANT ENTERTAINMENT.

4. Personal licence holders (Please read note 13)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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<b>7. Checklist (Please read note 16)</b>		
I have (Please mark the appropriate boxes with an "X")		
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated		<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated		<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated		<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority		<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police		<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions		<input type="checkbox"/>
Made or enclosed payment of the fee for the application		<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below		<input checked="" type="checkbox"/>

<b>8. Condition (Please read note 17)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 18)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine up to level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to an unlimited fine, or to imprisonment for a term not exceeding six months, or to both.	
Signature	<b>SIGNATURE</b>
Date	07/09/2017
Name of Person signing	ALESSANDRO GALUZZI

For completion by the Licensing Authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	SIGNATURE. On behalf of the Licensing Authority
Date	12/09/17.
Name of Officer signing	MATT TUCKER (LICENS)