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Meeting	Licensing Sub-Committee
Date and Time	Thursday, 17th June, 2021 at 11.30 am.
Venue	This meeting will be held virtually and a live audio stream can be listened to via www.winchester.gov.uk .

S U P P L E M E N T A R Y A G E N D A

Agenda Item.

4. Letter from Chair of SAG dated 17 June 2021 (Pages 3 - 6)

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Lisa Kirkman
Strategic Director and Monitoring
Officer

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17 June 2021



Agenda Contact: Nancy Graham, Senior Democratic Services Officer
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Mr S Dixon
MX Events Ltd
Mx House Brickyard Road,
Swanmore,
Southampton
SO32
2SA

Our ref: MG/MXGP2021
Phone N^o: 01962 848 121
E-Mail: Mgreenwood@winchester.gov.uk

BY E-MAIL

17 June 2021

Dear Mr Dixon,

RE: Motocross GP 2021 – Matterley Basin, Winchester

I am writing to you as the Chair of Winchester Safety Advisory Group (SAG) to voice concerns about public safety at the MXGP event that you are planning to hold at Matterley Basin, Winchester, on the weekend of 26 and 27 June 2021.

The concerns of the Safety Advisory Group stem from the fact that preparations for public safety appear to have taken second place to the race event organisation and in some cases, matters affecting public safety have still not been clarified with just 10 days until the start of the event.

As a condition of your planning approval through the South Downs National Park Authority, you are required to submit an Event Management Plan (EMP) at least 60 days prior to the event. As you know, there is a SAG process for this event and the SAG also expects to see a comprehensive EMP at least 60 days prior to the event. This has been an extraordinary year, but you informed us of your intent to run the event on 31 March 2021, having already planned to run the event at first in mid-May, and then later on 20 June 2021. It was not until 20 May 2021 that the EMP was submitted, only seven days before the SAG meeting and just 1 month prior to the event itself.

The late submission of the EMP gave little time for the SAG and attending agencies to familiarise themselves with the EMP and make comment. Still, a significant number of issues were raised concerning the EMP during the meeting on the 27 May 2021. Following the meeting, a report listing 15 action points to address concerns regarding the overturned Skybox structure in February 2020 and a further 40 other points seeking clarification of the EMP was submitted to you on 3 June 2021.

Another 8 concerns were raised by South Central Ambulance Service about the medical plan, which was supported by the Hampshire Hospitals NHS Foundation Trust and submitted to you on 10 June 2021.

The MXGP event runs in a similar fashion each year, but importantly the contractors and the event management team appear to change each year. It is as a result of this that there is often a lack of clarity in the EMP regarding roles and responsibilities. This is not helped where the EMP from the previous year appears to have been re-submitted for this year without a thorough review. An example of this is the management of security and the Noise Management Plan which relates to a previous event.

The EMP stated that Aurora Security were responsible for the management of security this year in 2021 as they were last year. However, during the SAG meeting you explained that this was not the case and in fact, Southern Security were undertaking this role at the event. Following the SAG, we were informed that Southern Security were only covering the bars that serve alcohol and that we would receive confirmation of who would be covering the rest of the security for the event. On 3 June 2021 we were then informed that Security Nation would be managing security at the event. However, initial contact with Security Nation appeared to suggest that they were only asked to cover internal security.

At the point of writing, the Security Schedule and the Security Point Map were still unavailable. Hampshire Constabulary have been unable, even after repeated attempts, to confirm Security Nation's understanding of what they are being asked to do and how they intend to manage security.

Hampshire Constabulary have expressed concerns to the SAG in writing about the lack of information available to answer how the two security firms will work together, how many security staff will be on site, the hours that they are working, where they will be located and how many will be SIA trained with less than two weeks to go.

One week before the event in 2012 there was an issue with one of the key contractors and this resulted in a 'crisis' meeting with SD Events and the Landowner to ensure that action would be taken to stop the security company from withdrawing their services.

This happened again in 2013 (again one week before the event) with different, yet essential, contractors threatening to not turn up. Another meeting was held between SD Events and Winchester City Council. This subsequently led to this authority having to write to Youthstream (now Infront) to raise concerns about how you were managing your contractors. At another event, the security company threatened to walk off the site, due to lack of payment.

Over the years, there has been concern over how the demarcation of responsibility is split between Infront and MX Events Ltd (previously SD Events). It is the SAGs' belief that this disconnect led to the overturning of the Skybox structure during the strong winds last year (2020). Had there been a clear line of responsibility for managing the Skybox, with a clear process for managing structures during adverse weather conditions and checks in place by MX Events staff to ensure that the structure was maintained in accordance with its specification, it is likely that the outcome would have been different. I note that the latest EMP submission has looked to address these issues going forward.

The final Noise Management Plan is required to be submitted, as part of the Premises Licence conditions to the Licensing Authority for agreement no later than 28 days prior to the commencement of the event. It was submitted with just 13 days left before the event.

The Public Liability insurance taken out by MX Events, through the ACU, does not appear to include protection for members of the public/attendees at the event should they become injured. Although this insurance is not a legal requirement, it is an important back up in the event of something going wrong.

There are two COVID-19 Risk Assessments. One generic version produced by the ACU and an MX Events version. The latter identifies the need for signage, controlling pinch points, cleaning regimes etc. But, there is no plan to explain how these will be put into practice.

MX Events have informed the SAG that they have sought Government approval to hold the event with twice the original number of attendees, which is twice the amount currently permitted by Government.

This latest development, in light of the concerns issued by the SAG raises further questions, such as:

1. Can MX Events afford to run the event if prevented from having more than 4,000 attendants?
2. Have MX Events already sold more than the maximum numbers of tickets allowed at Step 3?
3. Can MX Events safely upscale security and facilities to accommodate double the numbers planned for?
4. Do MX Events have procedures in place, if they are not permitted to increase their numbers, to manage:
 - (a) Refunds to those who may have already paid?
 - (b) To turn customers away who may have paid and not realised that they cannot gain entry, or were expecting to be able to purchase tickets on arrival?

The original EMP was found to be missing important information and although a new EMP has been submitted just 12 days prior to the event, it is still lacking in important information without which, the SAG is unable to properly assess how MX Events are going to ensure public safety.

The various concerns mentioned in this letter have resulted in Winchester City Council having to consider additional checks to ensure the event is able to happen in a safe way.

Hampshire County Council's Emergency Planning department have been asked to put together a tabletop exercise on Friday 18 June 2021 to help the MXGP Event Management Team consider how they will react to an emergency situation and test the procedures of the EMP.

The Winchester SAG provides a forum for discussing and advising on public safety at an event. Its aim is to help organisers with the planning, and management of an event

and to encourage cooperation and coordination between all relevant agencies. They are non-statutory bodies and so do not have legal powers or responsibilities, and are not empowered to approve or prohibit events from taking place. However certain regulatory partners of the SAG do have their own powers which can be deployed for instance in health and Safety, Licensing and general policing. Event organisers and others involved in the running of an event, retain the principal legal duties for ensuring public safety and legal compliance generally.

It should be mentioned that the inability of MX Events to prepare well for the 2021 event has resulted in a disproportionate amount of SAG members' time being spent on this event. David INgram

I must also make it absolutely clear that as the event organiser should you fail to comply with your own EMP and should there be a serious incident, you will leave yourself vulnerable to statutory and civil action being taken by the enforcing authorities, those you employ and the general public who have been put at risk.

Finally, may I remind you that as an event organiser you not only have a duty under statutory provisions to comply with Health and Safety law but also that of common law whereby you have a general duty of care to persons affected by your operation. I am aware that Mr Bruce, as the landowner, has a duty to the public and those on his land and therefore is copied into this letter.

During the event we will continue to work with you to support the safety of the event as well as monitor the situation and gather evidence where we feel you are not complying with your EMP and if deemed necessary this evidence may support any subsequent legal action. Notwithstanding an onsite emergency meeting will be convened to resolve any serious issues where they occur.

I am also advising that you show the contents of this letter to your insurers, so they are aware of our concerns.

If you have any questions or concerns, please do not hesitate to contact me (details at the head of this letter).

Yours sincerely



David Ingram
Chair of the Winchester Safety Advisory Group
Service Lead, Public Protection Service

CC: MX Events Ltd
CC: Mr P Bruce. Landowner. Matterley Estate
CC: Jon Turton, District Commander /Chief Inspector, Neighbourhood Policing Team for Winchester & Simon Holyoak, Simon Holyoak, JOU Operations Unit (South)