

LICENSING SUB-COMMITTEE

Thursday, 17 June 2021

Attendance:

Councillors

Read (Chairperson)

Cunningham

Laming

Officers in attendance:

Miss B Appletree – Licensing Officer

Mr N Mountney – Litigation Solicitor

[Full audio and video recording](#)

1. **TEMPORARY EVENT NOTICE FOR VIP HOSPITALITY MARQUEE, MOTOCROSS EVENT, MATTERLEY ESTATE, WINCHESTER, SO21 1HW (LR544)**

The Chairperson welcomed the following to the meeting:

- Steve Dixon – Applicant
- PC Brian Swallow – Hampshire Constabulary (relevant person)

The Licensing Officer introduced the report which set out a Temporary Event Notice (TEN) for a VIP hospitality marquee at the Motorcross event. The application was contained as appendix 1 to the report, however no plans had been submitted to indicate the location of the marquee. An objection had been received from PC Swallow on behalf of Hampshire Constabulary as contained as appendix 2 to the report. The possible decisions available to the Sub-Committee were set out on page 7 of the report.

PC Swallow addressed the Sub-Committee and requested consent from all parties that additional information be considered in the form of a letter sent to Mr Dixon on 17 June 2021 from the Chair of the Safety Advisory Group. Members of the Sub-Committee and Mr Dixon consented to the letter being considered and the meeting adjourned for ten minutes to allow its contents to be read. The letter was subsequently published under the Sub-Committee meeting page on the Council's website.

PC Swallow outlined the objections to the application as set out in appendix 2 of the report.

PC Swallow responded to questions from Members and confirmed there was a lack of information in the application or event management plan (EMP) regarding the exact size or proposed location of the marquee. In addition, he had serious concerns regarding the lack of information regarding security arrangements. The EMP submitted also made no reference to the large structure collapse that occurred during the 2020 event and how a similar incident could be prevented. He advised that there was a non-uniformed police licensing presence during the 2020 event.

PC Swallow responded to questions from Mr Dixon and advised that he was not aware of any arrests or cautions or incidents involving bar or security personnel or of underage drinking that had taken place at previous events. He highlighted that, as detailed in the letter from the SAG chair, warning letters had been issued to Mr Dixon in 2012 and 2013.

Mr Dixon then addressed the Sub-Committee and emphasised that the entire site was very large and could accommodate over 200,000 people (although due to Covid restrictions the event was operating in 2021 at 2% capacity with a total attendance of 4,000). The proposed VIP area was the same as in previous years since 2006 and would comprise a HERAS fenced off area 100m by 100m which could accommodate 2,000 people. The reason for the TENs application was to avoid people having to walk further to the other bars licensed under the premises licences.

Mr Dixon stated that the structure that collapsed in 2020 was erected at every world championship event since 2011 and he was not responsible for it. It was situated in a double fenced off area of the site which was not accessible by the public. Following the 2020 incident, the organiser's health and safety officers had reported a RIDDOR in March 2020 and had not received any response to this. He did not consider that the incident was relevant to the current application.

When prompted by the Litigation Solicitor as to whether Mr Dixon had further comments directly related to the licensing objections or the relevant application for a marquee, Mr Dixon stated that he would not be having a marquee to serve alcohol from but would instead have an American style bus. The Chairperson sought clarification whether this change would require a new application as it was a fundamental change. The Licensing Officer clarified that the TENs application specifically referred to a VIP hospitality marquee as the premises so serving alcohol from a bus would require a new application. Mr Dixon then confirmed that he would then continue with the TENs application for a marquee with a bar within it.

Mr Dixon then responded to questions from PC Swallow and confirmed that as event organiser he had overall responsibility for the event, including all structures within and people attending, however he employed health and safety qualified staff to sign off different elements. In 2012 and 2013 (the events referred to in the letter from the SAG Chair), he employed an event controller but retained overall responsibility as event organiser. It was intended that 10 members of staff would be on duty in the bar in the marquee. He apologised for the delay but the details regarding the security arrangements had now been uploaded to the EMP.

Mr Dixon responded to questions from Sub-Committee Members and it was clarified by the Licensing Officer that under the TENs application, Mr Dixon was responsible for the operation of the bar within the marquee application and not the designated premises supervisor (DPS). In response to questions regarding how he would manage the bar during the licensing hours proposed, Mr Dixon advised that he would reduce the hours applied for to between 10am and 5pm on both Saturday and Sunday only, with no licensable activities outside of these hours (including on the Friday). Mr Dixon stated he did not know how to run a bar himself so he would employ people to do so by employing two bar supervisors. The Licensing Officer clarified that a TENs premises user could delegate responsibility to another person but this was required to be in writing.

PC Swallow addressed the Sub-Committee to confirm that his previously expressed concerns had not been addressed by Mr Dixon and he had more concerns due to the statement made by Mr Dixon that he did not know how to run a bar. He had no confidence in his ability to manage a bar or to uphold the licensing objectives.

The Sub Committee then retired to deliberate the case in private.

In his closing remarks, the Chairperson stated that in reaching its decision, the Sub-Committee has carefully considered the objection, and the response of the Applicant. It has taken into account the Council's Statement of Licensing Policy, the Home Office Guidance issued under section 182 of the Licensing Act 2003, the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

The Sub-Committee has concluded that, for the reasons stated below, a counter notice should be given in respect of the Temporary Event Notice. This means that the licensable activities set out in the Temporary Event Notice may not go ahead.

Generally

It is accepted that recovering from the coronavirus pandemic has been difficult for all concerned. The Sub-Committee wish the applicant, sportspersons involved and the organisers well as they begin to run their events again.

However, the Sub-Committee are in a position to decide on whether the VIP Hospitality Marquee should be allowed to continue based on the promotion of the licensing objectives.

The Sub-Committee have no confidence in the applicant to organise the event in a professional manner and promote the licensing objectives.

It has become clear from the hearing that the applicant does not know what he is asking for. The hearing has proceeded on the basis that the marquee is still a consideration.

The applicant has admitted he does not know how to run a bar, which is of grave concern given this is the licensable activity being applied for.

The applicant is unable to articulate and explain the demarcation of responsibilities in running the bar and controlling the sale of alcohol.

Public safety

- The Sub-Committee take seriously the concerns of the police which have not been addressed in the plans submitted
- Security measures are unclear – the Sub-Committee do not know how 499 persons including minors are to be controlled. We do not know if there is going to be fencing around the marquee to ensure this.
- There is a distinct absence of a clear management plan, and clear evidence from David Ingram of the licensing authority that either measures have not been taken, or are insufficient to address safety concerns.
- Security schedule and security point map are still unavailable as of today, as per David Ingram's letter as Chair of the Safety Advisory Group, dated 17 June 2021.
- No number of security personnel has been provided

Protection of children from harm

- there are insufficient control measures regarding the proposed 499 persons in and out of the premises
- There is concern regard proxy sales which is not addressed
- The DPS is based in the entertainment area 0.5 km away from the proposed marquee - there is concern in relation to management of refusals which has not been addressed.

Crime and disorder

- the absence of any ability to control 499 at the marquee bar in the wider site of 4000 capacity raises unaddressed concerns as to the free-movement of persons buying alcohol, and the high likelihood of consumption by children and under-aged adolescents.
- Observations by non-uniformed police showed breaches of the licenses by lack of security at the bars, unchallenged intoxication, and lack of communication with security.

In conclusion, the Chairperson stated that Mr Dixon would be formally notified of today's decision in writing and that this notification would include details of the right to appeal against this decision to the Magistrates' Court, which must be made within 21 days of the notification.

RESOLVED:

That, for the reasons stated above, a counter notice should be given in respect of the Temporary Event Notice. This means that the licensable activities set out in the Temporary Event Notice may not go ahead.

2. **TEMPORARY EVENT NOTICE FOR VIP CAMPING AREA, MOTOCROSS EVENT, MATTERLEY ESTATE, WINCHESTER, SO21 1HW**
(LR545)

The Chairperson welcomed the following to the meeting:

- Steve Dixon – Applicant
- PC Brian Swallow – Hampshire Constabulary (relevant person)

The Licensing Officer introduced the report which set out a Temporary Event Notice (TEN) for a VIP camping area at the Motorcross event. The application was contained as appendix 1 to the report but no plan of the area to be licensed had been submitted. An objection had been received from PC Swallow on behalf of Hampshire Constabulary as contained as appendix 2 to the report. The possible decisions available to the Sub-Committee were set out on page 51 of the report.

PC Swallow addressed the Sub-Committee and requested consent from all parties that additional information be considered in the form of a letter sent to Mr Dixon on 17 June 2021 from the Chair of the Safety Advisory Group. Members of the Sub-Committee and Mr Dixon consented to the letter being considered and it was noted that its contents had been read by all under the previous item of business. The letter was subsequently published under the Sub-Committee meeting page on the Council's website.

PC Swallow outlined the objections to the application as set out in appendix 2 of the report.

Mr Dixon then addressed the Sub-Committee and stated that he wished to withdraw this application as the VIP camping area was no longer needed.

RESOLVED:

That it be noted that the application for a Temporary Event Notice for VIP Camping area at the Motocross event was withdrawn by the applicant.

3. **TEMPORARY EVENT NOTICE FOR BARS 2 AND 3, MOTOCROSS EVENT, MATTERLEY ESTATE, WINCHESTER, SO21 1HW**
(LR546)

The Chairperson welcomed the following to the meeting:

- Steve Dixon – Applicant
- PC Brian Swallow – Hampshire Constabulary (relevant person)

The Licensing Officer introduced the report which set out a Temporary Event Notice (TEN) for Bars 2 and 3 at the Motorcross event. The application was contained as appendix 1 to the report but no plan of the area to be licensed had been submitted. However, it was understood that the premises were already covered by the existing premises licences. An objection had been received from

PC Swallow on behalf of Hampshire Constabulary as contained as appendix 2 to the report. The possible decisions available to the Sub-Committee were set out on page 95 of the report.

PC Swallow addressed the Sub-Committee and requested consent from all parties that additional information be considered in the form of a letter sent to Mr Dixon on 17 June 2021 from the Chair of the Safety Advisory Group. The Sub-Committee Members consented to the letter being considered but Mr Dixon did not consent, therefore the letter was not considered in connection with this application.

PC Swallow outlined the objections to the application as set out in Appendix 2 of the report.

In response to questions from Members, PC Swallow confirmed that Bars 2 and 3 were already covered by the existing premises licences.

Mr Dixon then addressed the Sub-Committee and confirmed that he wished to withdraw this application as it was not required. He apologised for the clerical error in submitting.

RESOLVED:

That it be noted that the application for a Temporary Event Notice for Bars 2 and 3 at the Motocross event was withdrawn by the applicant.

The meeting commenced at 11.30 am and concluded at 2.20 pm

Chairperson