

## **LICENSING SUB-COMMITTEE**

**Tuesday, 3 June 2025**

### **Attendance:**

Councillors

Wallace (Chairperson)

Cunningham

Morris

### **Officers in attendance:**

Carol Stefanczuk – Licensing Manager

Daniel Lucas – Senior Planning and Litigation Lawyer

Caitlin Rowles -Trainee Solicitor

### **Recording of Meeting**

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#### **1. TO CONFIRM A CHAIRPERSON FOR THE MEETING**

RESOLVED:

That Councillor Wallace be confirmed as Chairperson for the meeting.

#### **2. DISCLOSURE OF INTERESTS**

There were no disclosure of interests made at this meeting.

#### **3. TEMPORARY EVENT NOTICE FOR MAIN BEER TENT AT MXGP, MATTERLEY BOWL, ALRESFORD ROAD WINCHESTER (REPORT LR595)**

The Chairperson welcomed all those present to the meeting:

#### **Applicant:**

- Alan Dove
- Alan Phillips
- John Davis

#### **Hampshire and Isle of Wight Constabulary:**

- Police Staff Colin Pollard
- Police Constable Emma Berry

The Licensing Manager introduced the report, highlighting also each of the other four Temporary Event Notices (TENs) also applied for (as set out on the agenda at reports LR595 – LR599).

Each were applications for TENs under Section 100 of the Licensing Act 2003 for an event called the MXGP of Britain 2025 at the Matterley Estate, Alresford Road, Winchester and for the same site and event, but for five different premises. Each of the TEN applications were appended to the Reports and these detailed the times during the event period where it was proposed to carry out licensable activities.

The Sub Committee's attention was drawn to a plan of the location of the five TEN premises at the site which had been provided by the applicant following publication of the agenda pack. As other persons present, the Police agreed that this information be submitted as evidence to the Sub Committee hearing. This was published to the council's website after the meeting as [supplementary agenda item 1](#)

The Senior Planning and Litigation Lawyer then addressed the Sub Committee regarding the five TENs applied for, referencing Section 101 of the Licensing Act of 2003.

It was explained that the law allowed for periods of a TEN with certain breaks in time. A TEN was void if the event period specified in it did not end at least 24 hours before the event period specified in any other TEN given by the relevant premises user. Five TENs had been applied for which were all occurring *at once* on a particular area - the Matterley Estate. No information had been provided by the applicant as to how the different areas within the site were to be regulated to keep to the required 499 minimum, nor was there a clear description of the specific area to be licensed.

Therefore, having taken further external legal opinion (and also referencing the licensing law text for practitioners (Pattersons)), although the specific points of law hadn't been tested in the High Court, it was recommended that the Sub-Committee consider only the merits of *one* of the TENs applied for. This was because the legal opinion was that the other four TENs were void as the premise was not clearly demoted, and therefore the extent of the limit of control of the 499 limit was unknown, and whether there was a break in the necessary 24 period – as it appeared that there were to be five running concurrently.

The Senior Planning and Litigation Lawyer responded to questions from the Sub-Committee. In summary, it was recognised that there was no case law interpreting Section 101 of the Licensing Act of 2003 regarding TENs (i.e. what could be construed as a contained licenced area). However, paragraph 7.35 of the Section 182 guidance stated that a premises user was legally responsible for ensuring that the numbers present in each of licensable areas of the TENs did not exceed the permitted limit at any one time. Recognising that comparisons could be made to other events where there were multiple bar areas, most large festivals and events of this scale would operate under a Premises Licence with its associated controls and conditions. In the case of TENs, or in this case, multiple

Tens; no reference had been made to the 499 number, how that was going to be managed, controlled or demarcated.

At the invitation of the Chairperson, the applicant (Mr Dove) responded to the points and the Senior Planning and Litigation Lawyer reiterated that although TENs had been submitted previously at similar motocross events at the Matterley estate, each had been considered on their own merits at that time, and in the case of 2021, had been subsequently withdrawn.

In summary, Mr Dove described in detail each of the proposed and separate premises for which each were subject to TENs applied for, and how they would be operated and controlled.

He also reiterated that the red line of the plan was indicative only and referred to a Premises Licence that was also applied for. Mr Dove also reminded the meeting that core activity of the motorcross event was not licensable, and that the sales of alcohol, regulated entertainment or late-night refreshment was entirely ancillary and that should the Premises License be approved, then the five TENs would be withdrawn.

At the invitation of the Chairperson, Police Staff Colin Pollard asked detailed questions of the applicant regarding each of the five premises applied for by TENs and their operation, including that for the main beer tent for off-sales. He then asked that the Sub Committee consider the proposed TENs as submitted on their own merits – any information related to applications permitted previously should be disregarded.

The Sub-Committee retired to deliberate in private.

Upon its reconvening, the Chairperson advised that in reaching its decision the Sub-Committee has carefully considered the 5 TENs applications made by the applicant; the advice from both the Council's Legal Officers & the guidance from external legal advice, the representations made by the Police, and the applicant's evidence given today. It has taken into account the Council's Statement of Licensing Policy, the Public Sector Equality Duty, 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 1988.

#### RESOLVED:

1. Advice from both the Council's Legal Officers & the guidance from external legal advice is that these five Temporary Event Notices (TENs) cannot be considered at the same time. Section 101 of the Licensing Act 2003 subsection (1) and (2)(d) provide for when a Temporary Events Notice is "void". Having heard from the Council's Legal Officer, the Applicant and the Police it is not clear from the information in the applications to explain how, on the balance of probabilities, these are 5 different premises.

For the following reasons:

- No information has been provided about how the 499 limit would be

managed/implemented;

- There is no clear information on the area that is to be licensed other than a bare description in the application form and grid-references;
- And there is a concern that the application is designed to circumvent public consultation and controls placed upon an application for a Premises Licence.

1. Whilst not directly dealing with the matter in issue the Licensing Authority have taken into account *Pattersons* and the reference provided at paragraph 1.375, footnote 4 and the unique situation where there is very little case law on the point.

2. Therefore, the Sub Committee find that 4 out of the 5 applications are “void” in accordance with section 101(1) and 101(2)(d) and invite the applicant to either withdraw all 5 TEN applications, or to choose which one to go forward with today for the rest of this hearing.

Further to the Sub Committee’s decision as set about above, the Chairperson then invited the applicant to advise whether it wished to pursue one TENs and if so, which of the five TENs applied for. After an adjournment of the Sub-Committee, the applicant agreed it would wish to pursue the TEN application for the main beer tent (LR595).

The Licensing Manager introduced the report (LR595). In summary, a Temporary Event Notice (TEN) has been submitted under section 100 of the Licensing Act 2003 for the Motocross Grand Prix to take place at Matterley Estate in Winchester. The TEN has been specified as the main beer tent in the main arena. The TEN was proposed for licensable activities to take place at the times specified within the application as appended to the report on page 15.

An objection was received by the Hampshire and Isle of Wight Constabulary, details of which are also appended to the Report (representation on page 21). The Sub Committee’s decision would be to acknowledge the TEN in accordance with the application, or to issue a counter notice, which would prevent the event going ahead under the temporary event notice.

The Licensing Manager also drew the Sub Committee’s attention to a premises license application applied for for the event, the last date for representations being 18 June which was two days before the event was to commence.

The Sub Committee proceeded to asked questions of the Licensing Manager. In summary, these included clarification of licensing requirements for this and similar events in the district and regarding use and operation of TENs for events such as fetes and smaller festivals.

The Chairperson then invited Police Staff Colin Pollard (who had made relevant written representations) to address the Sub Committee. Mr Pollard detailed a number of concerns regarding the event (and similar events at the site with the same operator) over a period of several years in relation to the provision of licensable activity and its impact on public safety and crime and disorder. Mr

Pollard responded to questions from the Sub Committee thereon and reiterated that as a TEN was unable to be conditioned, a premises license would be required so to be able to ensure that the relevant necessary conditions are imposed.

At the invitation of the Chairperson, Mr Dove advised that he had no further questions for the police regarding their representations.

At this point of the meeting, the Sub Committee adjourned for lunch.

Upon its reconvening, Mr Dove firstly addressed the Sub Committee regarding the representations made by the police and use of TENs at the event and then responded to detailed questions from the Sub Committee. In summary these included the management of those entering the bar areas who were intoxicated, associated staff training and protection of children at the event. It was noted that event security was not currently in the control of the applicant who would be running the bar area.

Mr Dove also responded to questions from the Senior Planning and Litigation Lawyer, clarifying information on the event's website regarding when campsites were to open and when track racing was to take place and therefore whether a TENs on the first day of the event was necessary.

The Chairperson then invited Police Staff Colin Pollard as to whether there were any further matters that required clarification in response to points raised by the applicant.

In summary, Mr Pollard advised that from a police perspective, and in relation to public safety and crime and disorder, the licensable activity at the motocross event required conditions to ensure the safety of the public and that risk from crime and disorder was mitigated. The police would work with the organisers in relation to the Premise License application currently under consideration, regarding conditions to be applied, to promote licensing objectives and to address issues raised by the police.

The Chairperson then invited Mr Dove to further respond to points raised and in summary, he reiterated the differences between the motocross events (GB and Nations) and that he was envisaging that in future there would be a more devolved management structure regarding responsibilities for different aspects of the event.

The Sub-Committee retired to deliberate in private.

Upon its reconvening, the Chairperson advised that in reaching its decision, the Sub-Committee has carefully considered the representations made by the Police, and the Applicant's evidence given today. It has taken into account the Council's Statement of Licensing Policy, the Public Sector Equality Duty, 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 1988.

The Applicant in deciding to pursue a TENs application has asked the committee to continue with the application relating to the Main Bar for the event. The Police were asked whether it wished to withdraw its representation given that only 1 TENs application shall now be considered by the Committee. The Police insisted on maintaining its objection as originally submitted.

The Sub-Committee has concluded that a counter notice should be given in respect to the Temporary Event Notice concerning the Main Bar Application (Report LR595). This means the activities set out in the Temporary Event Notice may not go ahead.

In reaching this conclusion the Sub-Committee decided that:

- 1) Given that this shall be a large event (approximately 9,000 attendees), the Committee were not satisfied given the history of the event when coupled alongside the nature of the application details, that there were sufficient and proportionate measures in place, commensurate with an event of this scale.
- 2) The 2024 event was managed by TENS and following the Police's objection issues relating to crime and disorder and safety were witnessed at the event. These included (but were not limited to) issues concerning lack of control relating to levels of drunkenness, and patrons being served in states of intoxication, the refusals record was initially not available and was only evident upon having been discussed with the applicant, and there reported to be insufficient control measures in relation to age verification and checks therein;
- 3) The committee were not satisfied on the balance of probabilities that the Applicant has control of, and the ability to implement security staff controls at the main bar. The applicant was unable to provide sufficient assurances to the committee about the security arrangements for the forthcoming event thereby undermining the licensing objective relating to public safety;

The Parties will be formally notified of the decision in writing shortly. This notification will 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 concerning the Main Bar Application (Report LR595). This means the activities set out in the Temporary Event Notice may not go ahead.

4. **TEMPORARY EVENT NOTICE FOR EVENT ARENA DAYTIME RELIEF BAR AT MXGP, MATTERLEY BOWL, ALRESFORD ROAD, WINCHESTER (REPORT LR596)**

RESOLVED:

That, for the reasons set out in minute 3 above, the application for a Temporary Event Notice for event arena daytime relief bar at the MXGB event be

determined as being “void” by the Sub-Committee.

5. **TEMPORARY EVENT NOTICE FOR RELIEF BAR IN Paddock AREA,  
MATTERLEY BOWL, ALRESFORD ROAD, WINCHESTER (REPORT LR597)**

RESOLVED:

That, for the reasons set out in minute 3 above, the application for a Temporary Event Notice for relief bar in paddock area at the MXGB event be determined as being “void” by the Sub-Committee.

6. **TEMPORARY EVENT NOTICE FOR EVENING ENTERTAINMENT AREA  
MATTERLEY BOWL, ALRESFORD ROAD, WINCHESTER (REPORT LR598)**

RESOLVED:

That, for the reasons set out in minute 3 above, the application for a Temporary Event Notice for evening entertainment area at the MXGB event be determined as being “void” by the Sub-Committee.

7. **TEMPORARY EVENT NOTICE FOR VIP HOSPITALITY MARQUEE,  
MATTERLEY BOWL, ALRESFORD ROAD, WINCHESTER (REPORT LR599)**

RESOLVED:

That, for the reasons set out in minute 3 above, the application for a Temporary Event Notice for VIP Hospitality Marquee at the MXGB be determined as being “void” by the Sub-Committee.

The meeting commenced at 10am, adjourned between 10.50am - 11.45am, adjourned between 12.40pm - 1.30pm, adjourned between 2.15pm- 3pm and concluded at 3.05pm

Chairperson