

LICENSING SUB – COMMITTEE

Tuesday 3 June 2025 10:00 at The Wykeham Suite, Winchester Wessex
Hotel, Paternoster Row, Winchester, SO23 9LQ

Report of the Service Lead for Public Protection

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Application: Temporary Event Notice (TEN)

Premises: Evening entertainment area at MXGP, Matterley Bowl,
Alresford Road, Winchester

Part A. Report

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Part A.

1. Application

Premises User: Mr Alan Dove

Premises: Evening entertainment area at MXGP, Matterley Bowl,
Alresford Road, Winchester

- 1.1 A Temporary Event Notice ("TEN") pursuant to section 100 of the Licensing Act 2003, has been given to the licensing authority for an event "MXGP" to take place at Matterley Estate, Winchester.
- 1.2 The TEN specifies that the event's location is *"Small evening entertainment area at 2025 MXGP of Britain 51°02'55"N , 001°13'40"W OS Grid Ref: SU 54229 27976 This notice applies to the space in front of the DJ stand and bounded by crowd control barriers."*
- 1.3 Licensable activities are proposed to take place on Friday 20 June 2025 1200 to 0000, Saturday 21 June 2025 0900 to 0000 and Sunday 22 June 2025 0900 to 2000.
- 1.4 The TEN specifies the provision of regulated entertainment and provision of late night refreshment as the licensable activities.
- 1.5 The TEN states that no more than 499 people will be on the premises at any one time whilst licensable activities are taking place. This includes any staff, organisers or performers.
- 1.6 The TEN was received by the licensing authority on 22 May 2025, which is within the required time limits as outlined in section 100(7) of the Licensing Act 2003; that is, notice must be given to the licensing authority no later than ten working days before the day on which the event period begins.
- 1.7 The TEN, as shown in Appendix 1, details the proposed dates, times and licensable activities.
- 1.8 Temporary Event Notices must be served on both Environmental Health and the Police, as Relevant Persons, for consideration. This TEN was served on both Relevant Persons by the licensing authority on 23 May 2025.
- 1.9 Hampshire and Isle of Wight Constabulary made an objection to this TEN regarding the prevention of crime and disorder and public safety licensing objectives. The objection was received on 27 May 2025, which was within the time limits outlined in section 104(3) of the Licensing Act 2003; that is, no later than the end of the third working day after the

police is given a copy of the notice. The objection can be seen in Appendix 3.

- 1.10 Environmental Health made no objection to this TEN.
- 1.11 The MXGP event organiser, Mr Steve Dixon, has applied to Winchester City Council for a New Premises Licence, the consultation period for this application ends on 18 June 2025. If this TEN is authorised by the Sub-Committee and then the Premises Licence is granted in time for the event, the TEN would subsequently be withdrawn and the Premises Licence used for licensable activities.
- 1.12 Notices of the Hearing were sent to all Parties on 29 May 2025.

Objections

2. Relevant Persons

Both the Police (Hampshire and Isle of Wight Constabulary) and Environmental Health, being the “Relevant Persons” for TEN applications, were served with a copy of the notice on 23 May 2025. No other Responsible Authorities are required to be notified of applications under a TEN. The objections received are as follows:

Environmental Health

No objection received.

Hampshire and Isle of Wight Constabulary

Objection was made by PC Peter-James Vincent of Hampshire and Isle of Wight Constabulary, who has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003. The objection has been made regarding the prevention of crime and disorder and public safety licensing objectives. The full objection can be seen in Appendix 3.

3. **Observations**

3.1 The Sub-Committee is obliged to determine this application for an event under a Temporary Event Notice with a view to promoting the Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

3.2 In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

3.3 The Sub-Committee must have regard to all of the objections.

3.4 The Sub-Committee must take such of the following steps it considers appropriate to promote the Licensing Objectives:

1. Acknowledge the Temporary Event Notice in accordance with the application; or
2. Issue a counter notice, which would prevent the event from going ahead under the Temporary Event Notice.

3.5 The Sub-Committee must seek to further the South Downs National Park purposes when considering applications to ensure they are respected. The purposes are:-

- (a) Purpose 1 – to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- (b) Purpose 2 – to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

3.6 If there is a conflict between the SDNP purposes, Purpose 1 must have priority.

3.7 Section 11A(1A) of the National Parks and Access to the Countryside Act 1949 (as amended by Section 245 of the Levelling-Up and Regeneration Act 2023) states the following:

11A Duty of certain bodies and persons in relation to the purposes for which National Parks are designated

(1A) In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a relevant authority other than a devolved Welsh authority must seek to further the purposes specified in section 5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving

and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.

3.8 On 16 December 2024, [Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes](#) was published. This guidance states that ‘the duty is an active duty, not passive’. The following are applicable excerpts of what this means to relevant authorities:

- *a relevant authority should take appropriate, reasonable, and proportionate steps to explore measures which further the statutory purposes of Protected Landscapes*
- *as far as is reasonably practical, relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes*

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 the potential for crime and public disorder relating to the premises having regard to the notice and the objections.

(Licensing Policy 1.9, 2.11, 2.17 and Part 4 Section A)

Public Safety

The Sub-Committee should consider any concerns over public safety relating to the premises having regard to the notice and the objections.

(Licensing Policy Part 4, B2, B3)

Public Nuisance

The Sub-Committee should consider the potential for public nuisance caused by noise pollution from the premises having regard to the notice and the objections.

(Licensing Policy Part 4, Section C)

Protection of Children

The Sub-Committee should consider any concerns relating to the protection of children on the premises having regard to the notice and the objections.

(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. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

Public Sector Equality Duty

The Public Sector equality duty must be taken in to consideration with all decision making. The duty is stated in section 149 of The Equality Act 2010. This application raises no considerations under the Act.

4. Other Considerations

Council Strategy Outcome (Relevance To:)

This report relates to the 'Vibrant Local Economy' priority by working with partners and using powers available to us to make Winchester a safe and pleasant place to live, work and visit.

Resource Implications

A statutory fee of £21.00 has been received. The fee covers the administration of the TEN and does not include the costs of holding a Sub-Committee hearing and associated administration.

Appendices

1. Temporary Event Notice given by Mr Alan Dove
2. TEN supporting document
3. Objection from police