

LICENSING SUB – COMMITTEE

Monday 25 November 11:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Carol Stefanczuk

Tel: 01962 848188

Email: licensing@winchester.gov.uk

Application: Review of Premises Licence

Premises: Boomtown Fair, Matterley Bowl, Alresford Road, Winchester

Part A. Report

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Part A.**1. Application**

Applicant: PC Brian Swallow, on behalf of the Chief Officer of Hampshire and Isle of Wight Constabulary

Premises: Boomtown Fair, Matterley Bowl, Alresford Road, Winchester

- 1.1 This report relates to an application to review the premises licence for the above premises, submitted in accordance with section 51 of the Licensing Act 2003.
- 1.2 The application was submitted on 2 October 2024 by PC Brian Swallow on behalf of Hampshire and Isle of Wight Constabulary, a Responsible Authority as defined under section 13 of the Licensing Act 2003.
- 1.3 The applicant served a copy of the application to the other Responsible Authorities and to the Premises Licence Holder on 2 October 2024.
- 1.4 The application relates to the prevention of crime and disorder and public safety licensing objectives following the death of a 22 year old male at this year's event of a suspected overdose of unlawful drugs, as detailed in the redacted application at Appendix 1.
- 1.5 The unredacted full application which is exempt from publication can be found at Appendix 4.
- 1.6 Due to the sensitive nature of the details within the application and on-going coroner's enquiry, the applicant has requested that this review application be considered in exempt session.
- 1.7 Evidence supporting the application provided by PC Swallow can be found at Appendix 5.
- 1.8 The applicant has requested that the following additional conditions are imposed on the premises licence to ensure that the licensing objectives are upheld:
 - a. Any person entering the event and found to be in possession of unlawful drugs, shall be refused entry.
 - b. Any person in the event found in possession of unlawful drugs, shall be ejected (unless there is an immediate medical reason not to).
- 1.9 Boomtown Festival UK Limited have held the premises licence PREM773 since 30 July 2019.

- 1.10 TLT LLP are acting on behalf of Boomtown Festival UK Limited in relation to this review application.
- 1.11 The Premises Licence authorises regulated entertainment, late night refreshment and sale of alcohol, on one occasion per calendar year for six consecutive days as detailed in Appendix 3.
- 1.12 Notice of the application to review the premises licence was displayed at the premises for a period of 28 days until 30 October 2024. It was also published on the Council's website.
- 1.13 No representations have been received from any other Responsible Authority. However, the South Downs National Park Authority commented that they agree with suggested wording for conditions and so wished to support the police in seeking this.
- 1.14 17 valid representations have been received from 'Other Persons'. A copy of the representations can be found at Appendix 2.
- 1.15 Notices of the hearing were sent to all Parties on 7 November 2024.
- 1.16 The premises is situated within the South Downs National Park (SDNP). See paragraphs 4.6 and 4.7 below.

Designated Premises Supervisor

Christopher Rutherford

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:

Environmental Health

No representations received.

Hampshire Constabulary

Applicant for the purposes of this case.

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Building Control

No representations received.

Head of Trading Standards

No representations received.

Public Health Manager

No representations received.

Home Office

No representations received.

Licensing Authority

No representations received.

South Downs National Park Authority

No representations received.

3. Representations from Other Persons

Representations have been received from 17 'Other Persons', all of which are against the application. The main concerns are regarding the prevention of public nuisance licensing objective.

Representations can be seen at Appendix 2.

4. **Observations**

- 4.1 The Sub-Committee is obliged to determine this application 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
- 4.2 In making its decision, the Sub-Committee is also obliged to have regard to the [National Guidance](#) and the Council's [Licensing Policy](#).
- 4.3 The Sub-Committee must have regard to all of the representations.
- 4.4 The Sub-Committee must take the following steps it considers appropriate to promote the Licensing Objectives:
1. Modify the conditions attached to the premises licence either permanently or temporarily for a period not exceeding three months;
 2. Exclude a licensable activity from the premises licence either permanently or temporarily or for a period not exceeding three months;
 3. Remove the designated premises supervisor from the premises licence;
 4. Suspend the premises licence for a period not exceeding three months;
 5. Revoke the premises licence.
- 4.5 In deciding which of these powers to invoke, it is expected that the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 4.6 The Sub-Committee must seek to further the SDNP 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.

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

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 2.22 Part 4, A8, C4)

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, 2.9 - 2.11, 2.17, 2.19 – 2.21 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, B2, B3)

Public Nuisance

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

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 this Act.

5. Conditions

Existing Conditions

A copy of the Premises Licence with existing conditions can be found at Appendix 3.

Proposed Conditions

The following conditions are proposed by PC Brian Swallow and have been provided to the solicitors acting on behalf of the Premises Licence Holder.

1. Any person entering the event and found to be in possession of unlawful drugs, shall be refused entry.
2. Any person in the event found in possession of unlawful drugs, shall be ejected (unless there is an immediate medical reason not to).

6. 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

No fee is applicable for this application. In regulating the activities, it is anticipated that an appropriate level of officer attendance will be covered by the licence annual fee.

Appendices

1. Redacted Application by Hampshire & IOW Constabulary
2. Representations by Other Persons
3. Copy of Premises Licence
4. Un-redacted original Application (Exempt)
5. Supporting information from Applicant (Exempt)