

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

MONDAY, 6TH JULY, 2020

A MEETING of the LICENSING SUB-COMMITTEE was held via VIRTUAL MEETING VIA MICROSOFT TEAMS on MONDAY, 6TH JULY, 2020, at 10.00 am.

PRESENT:

Chair - Councillor Iris Beech

Councillors Duncan Anderson, Bev Chapman and Charlie Hogarth.

- 1 To consider the extent , if any, to which the public and press are to be excluded from the meeting

RESOLVED that as there was restricted information protected by the Data Protection Legislation, any discussions relating to Appendix I to the report, could be held in private session.

- 2 Declarations of interest, if any

There were no declarations of interest made at the meeting.

- 3 Minutes of the Meeting Held on 1st April, 2020

RESOLVED that the minutes of the meeting held on 1st April, 2020 be approved as a correct record and signed by the Chair.

- 4 Application for a premises licence - Yorkshire Wildlife Park, Hurst Lane, Auckley, Doncaster, DN9 3HQ (Appendix I to the report is not for publication as it contains personal information protected by Data Protection Legislation, not required to be published in accordance with the Licensing Act 2003).

At the commencement of the hearing, the Sub-Committee heard applications from 3 of those who had made representations asking for an adjournment. These were centred around the fact that large amounts of material had been submitted in the few days before the hearing. What the Sub-Committee was able to ascertain was that most of the material had largely been submitted and that the additional material was in fact largely a collation of the material already submitted. The Sub-Committee therefore determined to proceed.

The Sub-Committee considered an application for a new Premises Licence in respect of Yorkshire Wildlife Park (YWP), Hurst Lane, Auckley, Doncaster, DN3 3HQ.

The Sub-Committee Members, the Barrister acting on behalf of the Applicant, the persons making representations and Responsible Authorities, had received the agenda prior to the meeting. Copies of the representations were attached at Appendix I to the report.

Subsequent to the despatch of the agenda papers, additional information from Yorkshire Wildlife Park and persons making representations, had been circulated to Members of the Sub-Committee and all relevant parties prior to the meeting.

At the commencement of the hearing, the Chair welcomed all parties to the meeting, made introductions and outlined the procedure to be followed.

As the hearing was being held via a Teleconferencing Facility, Members of the Sub-Committee and other parties, were informed by the Chair that she would indicate who would speak next in order to ensure that the meeting ran as smoothly as possible.

The Licensing Officer introduced the report and outlined the salient points in relation to the application.

The Barrister acting on behalf of the Applicant and the Company Director, made representations and answered questions.

Those attending who had made written representations in respect of the application, made their representations in respect of their objections to the application.

RESOLVED that in accordance with Council Procedure Rule 33.1, the Sub-Committee, having sat continuously for 3 hours, continue to consider the item of business on the agenda.

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 1.00 p.m. to be reconvened on this day at 1.10 p.m.

The meeting reconvened at 1.10 p.m.

All parties were then asked to leave the teleconference whilst the Sub-Committee deliberated on the Application and reached a decision.

RESOLVED that the Sub-Committee, having considered the application for a Premises Licence for Yorkshire Wildlife Park, Hurst Lane, Doncaster and have taken into account the written representations made and the evidence presented today, the steps that are appropriate to promote the Licensing Objectives, the Home Office Guidance and our Statement of Licensing Policy, have decided to grant the Application in the terms as set out in Appendix B, together with the following conditions:-

- All licensable activities and regulated entertainment covered by this premises licence shall be undertaken in accordance with the Noise Management Strategy dated January 2020 version 1.3. The Noise Management Strategy shall be reviewed annually and submitted to the Licensing Authority for agreement each year.
- That all CCTV should be recorded and such recordings shall be kept for at least 28 days and made available to the Police and other enforcing Authorities.

The Sub-Committee made the decision for the following reasons:-

The Sub-Committee heard that the YWP is a big success story for Doncaster and accept that it is a big attraction. That being said, the Sub-Committee has carefully considered all those who have concerns about the impact on the community in relation to this application, and has considered all the representations made. The Sub-Committee was told that events in the area covered by this licence, would be much smaller than those in other areas in the Park and the Sub-Committee was satisfied that this would be the case.

It was submitted to the Sub-Committee that it is only able to take into consideration matters that relate to the 4 Licensing Objectives. The Sub-Committee agrees this is correct and therefore, some of the comments made by those who made representations fall outside of the remit of this hearing, such as the nature and mission of the Park moving from animal welfare, matters that related to the Zoo licence and matters such as the storage of drugs and as such, this Sub-Committee is unable to consider these issues. It should be noted that these are generally dealt with under other legal regimes. The Sub-Committee also notes the large number of comments about animal welfare. As was explained at the commencement of the meeting, this is an important consideration for the Council, but it is outside the remit of this Sub-Committee. The Sub-Committee notes that a Zoo inspection was due in September which would take into account the new licence and licensable activities.

A theme in the objections was the fact the Applicant stated that a letter had been sent to the community, yet some of those who had made representations had not received the letter. The Sub-Committee is satisfied that the required consultation, as set out in the relevant legislation, was met which does not include a requirement to write to those who may be affected by the application.

The Sub-Committee was reminded that the expansion plans that formed the basis of the licensing application, had been granted planning permission and that some of the issues raised by those who had made representations, had already been discussed at length in the planning regime. The Sub-Committee accepts this is the case, but does not accept this means that this Sub-Committee is not able to review matters such as noise and traffic.

The Sub-Committee also notes that the terminal hour for the sale of alcohol off the premises and regulated entertainment outside, will cease at 10.30 pm, and note that this deals with some of the issues raised by those who have made representations who seem to believe that events would go on outside until 2.00 am.

The Sub-Committee is aware that there are other licences at the Park and accept what the Applicant says about the number of complaints. It was submitted these were low compared to the size of the events that take place and the Sub-Committee agrees. It is also noted that no responsible authorities made representations about the application and the Sub-Committee regards this as significant. Some of the objectors seem to suggest that having off sales at the premises, will encourage visitors to come to the Park just to buy alcohol. The Sub-Committee heard that this does not currently happen and consider it unlikely that anti-social drinkers will seek to purchase alcohol from a gift shop when there are other more available outlets.

The Sub-Committee heard that a Liaison Committee was established as part of the expansion plans and noted the work it carried out. The Sub-Committee would like the Applicant to consider its continuation to ensure communication with the community is not lost.

Whilst the number of recorded noise complaints does seem low, the Sub-Committee also took into account the fact that noise was a common issue raised by many of those who made representations. The Sub-Committee entirely understands why such comments were made, but was also reminded that the issue of noise was dealt with in the planning regime. The Sub-Committee accepts this was therefore widely discussed and determined this does not mean that this Sub-Committee should not take noise into account. The Sub-Committee has therefore accepted the condition raised by Environmental Health in relation to noise that they have placed as a condition of the licence. The Sub-Committee also took into account that as part of the Noise Management Strategy that is now a condition on the licence, each event will be risk managed and is therefore satisfied this should mitigate any noise issues. The Sub-Committee was disappointed to hear that some of those who had made representations considered the complaints process by the Applicant as poor. The Sub-Committee was reminded by the Applicant that the Environmental Health Authority is an independent body where complaints about noise issues could be made.

Another common theme was the increase in traffic and the fact that it was intended that the expansion plans will attract more visitors. The Sub-Committee again noted the detail in which the planning regime considered these issues, noting that this process resulted in highway changes and required works to be carried out on the highway following the traffic assessments. The Sub-Committee agrees as was submitted that the traffic cannot be a Licensing Objective and further that any potential issues that flow from any traffic issues that could amount to a Licensing Objective, have been dealt with by the planning regime.

The Sub-Committee noted the comprehensive Operating Schedule, but was surprised that the conditions in relation to CCTV did not confirm that records would be kept and made available to the Police, and other enforcing Authorities. This Sub-Committee regards the use of CCTV as an important tool to deal with crime and disorder to include anti-social behaviour and any other illegal activity that may occur in the licenced area. The Sub-Committee heard from the Applicant that in fact, recordings are kept for at least 28 days and have therefore made this a condition on the licence to reinforce this Licensing Objective.

The Sub-Committee is therefore satisfied that the application together with the conditions it has imposed ensures the Licence Objectives are promoted.

CHAIR: _____

DATE: _____