



# Doncaster Council

## Report

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To the Chair and Members of the

Date: 1 April 2020

## LICENSING COMMITTEE

**Yorkshire Wildlife Park, Hurst Lane, Auckley, Doncaster, DN9 3HQ –**  
Extension of Hearing time limits due to Covid 19 restrictions

### EXECUTIVE SUMMARY

1. The committee is requested to consider whether it would be in the public interest as per section 11 of the Licensing Act 2003 (Hearing) Regulations 2003 to extend the time limit for the hearing of the Yorkshire Wildlife Park application for a premises licences.

### RECOMMENDATIONS

2. That the Committee extends the time limits set out in the Licensing Act 2003 and associated legislation, for holding a hearing.

### WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. It is hoped that this will enable all parties to attend a full public hearing and enable the licensing subcommittee to have all available evidence to make an informed decision on the licence application.

### BACKGROUND

4. The Licensing Authority has received an application for a Premises Licence for the Yorkshire Wildlife Park, Doncaster
5. A summary of the application is attached as Appendix A to this report.
6. Under the Licensing Act 2003, statutory guidance issued under section 182 of the Act and the Licensing Authority's Statement of Licensing Policy, any licensing application under the Act in respect of which representations have been made to the Licensing Authority and which have not been withdrawn or resolved by mediation fall to be determined by the Licensing Sub-Committee having regard to the evidence before it.
7. A copy of the application has been sent to each of the Responsible

Authorities. Details of the application have been published on the Council website.

8. The Licensing Authority has received 41 objections.
9. The Licensing Authority is now required to hold a hearing within statutory time limits. On 23<sup>rd</sup> March 2020 the Government imposed restrictions on the movement and gathering of people. The Licensing Authority has considered options to ensure the hearing is carried out in accordance with the Government guidelines but given the number of people involved there is a concern that this is not possible. It is expected the current restrictions will lapse but the social distancing, the need to remain at least 2 metres apart from those not in the same household, will be in place for some time
10. The Licensing Authority have the power to amend the procedure at Hearings which can include holding a hearing remotely. Given the number of people involved this is not technically an option
11. The Licensing Act (Hearing) Regulations 2005 contain a power to extend time limits if it is necessary in the public's interest.

### **OPTIONS CONSIDERED**

12. The Licensing Act 2003 requires the Licensing Authority to exercise its obligations on licence applications, which are the subject of representations and therefore no other option other than to hold a hearing can be considered. Holding a virtual or remote hearing has been considered but given the number of people involved this is not an option However in light of recent events it is in the public's best interest as per section 11 of the Licensing Act 2003 (Hearing) Regulations 2003 to extend the limit provided for in these regulations for a specified period.

### **REASONS FOR RECOMMENDED OPTION**

13. This will enable all parties to attend a full public hearing and enable the licensing sub-committee to have all available evidence to make an informed decision on the licence application without the potential for putting the parties and the public at risk.

### **IMPACT ON THE COUNCIL'S KEY OUTCOMES**

- 14.

	<b>Outcomes</b>	<b>Implications</b>
	<p><b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> <li>• Inward Investment</li> </ul>	<p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives, will have regard to this priority when making licensing decisions.</p>

	<p><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</li> </ul>	<p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the licensing objectives, will have regard to this priority when making licensing decisions.</p>
	<p><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> <li>• Learning in Doncaster prepares young people for the world of work</li> </ul>	<p>None</p>
	<p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own homes</li> </ul>	<p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives (see above), will have regard to this priority when making licensing decisions.</p>
	<p><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> </ul>	<p>None</p>

	<ul style="list-style-type: none"> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	
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## **RISKS AND ASSUMPTIONS**

15. Failure to allow for a full transparent process would mean that the authority may not have all the information required to make an informed decision on the license

## **LEGAL IMPLICATIONS [Officer Initials HW Date 27/3/2020]**

16. The Licensing Authority must ensure it complies with its obligations under the Licensing Act 2003 and associated Regulations which includes, but is not limited to the following:-

The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation make provision for the Procedure at the Hearing to be changed and contains the power to extend a time limit provided for in these Regulations for a specified period where it considers this to be necessary in the public interest. Where the authority has extended a time limit, it must forthwith give a notice to the parties stating the period of the extension and the reasons for it.

## **FINANCIAL IMPLICATIONS**

17. No specific implications have been sought.

## **HUMAN RESOURCES IMPLICATIONS**

18. No specific implications have been sought

## **TECHNOLOGY IMPLICATIONS**

19. No specific implications have been sought.

## **HEALTH IMPLICATIONS**

20. No specific implications have been sought.

## **EQUALITY IMPLICATIONS [Officer Initials: HO 27/3/2020]**

21. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and

those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

## **CONSULTATION**

22. In addition to the advertising requirements, copies of the application form have been served on all relevant Responsible Authorities referred to in Section 13 of the Licensing Act 2003. These are:

Doncaster Council – Environmental Protection - Enforcement  
Doncaster Council - Health & Safety Enforcement  
Doncaster Council – Licensing Authority  
Doncaster Council - Planning Services  
Doncaster Council - Trading Standards  
Doncaster Safeguarding Children Board  
Doncaster Council - Public Health  
Home Office - Immigration Enforcement  
South Yorkshire Fire and Rescue Authority  
South Yorkshire Police

## **BACKGROUND PAPERS**

23. Copy of the Licensing Act 2003 (Hearing) Regulations 2003  
Minutes of the Licensing Committee on 19<sup>th</sup> March 2020

## **REPORT AUTHOR & CONTRIBUTORS**

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## APPENDIX A

**Name of Applicant:** Yorkshire Wildlife Park Limited

**Name of Premises:**

**Address:** Yorkshire Wildlife Park, Hurst Lane, Auckley, Doncaster, DN9 3HQ

**Summary of Application:**

	Perform Play. Exhibit Film. Live Music. Performance of Dance. Similar to Regulated Ent.	Indoor Sports.	Recorded Music.	Late Night Refreshment.	Sale of Alcohol (On/Off).	Opening Hours.
	<b>Indoors/outdoors</b>	<b>Indoors</b>	<b>Indoors/Outdoors</b>	<b>Indoors</b>	<b>Licensed Area (see plans)</b>	<b>Whole of premises</b>
<b>Mon</b>	10:00 - 00:00	10:00 - 00:00	10:00 - 02:00	23:00 - 05:00	09:30 - 02:00	09:30 - 02:00
<b>Tues</b>	10:00 - 00:00	10:00 - 00:00	10:00 - 02:00	23:00 - 05:00	09:30 - 02:00	09:30 - 02:00
<b>Wed</b>	10:00 - 00:00	10:00 - 00:00	10:00 - 02:00	23:00 - 05:00	09:30 - 02:00	09:30 - 02:00
<b>Thur</b>	10:00 - 00:00	10:00 - 00:00	10:00 - 02:00	23:00 - 05:00	09:30 - 02:00	09:30 - 02:00
<b>Fri</b>	10:00 - 00:00	10:00 - 00:00	10:00 - 02:00	23:00 - 05:00	09:30 - 02:00	09:30 - 02:00
<b>Sat</b>	10:00 - 00:00	10:00 - 00:00	10:00 - 02:00	23:00 - 05:00	09:30 - 02:00	09:30 - 02:00
<b>Sun</b>	10:00 - 00:00	10:00 - 00:00	10:00 - 02:00	23:00 - 05:00	09:30 - 02:00	09:30 - 02:00

Non Standard Timings:

**Sale of Alcohol (On/Off)**

Alcohol available for hotel guests only 24 hours a day

**Opening Hours**

The hotel will be open 24 hours a day