

NEWARK & SHERWOOD DISTRICT COUNCIL
LICENSING SUB-COMMITTEE

RECORD OF HEARING HELD ON

17 JUNE 2020

10:00 HOURS

BROADCAST FROM

CASTLE HOUSE, GREAT NORTH ROAD, NEWARK NG24 1BY

*(Attendance at this Hearing and public access to it were by remote means
due to the Covid-19 Pandemic)*

HEARING TO CONSIDER AN APPLICATION FOR THE GRANT OF A
PREMISES LICENCE

RSPB, SHERWOOD FOREST VISITORS' CENTRE, EDWINSTOWE NG21 9RN

SUB – COMMITTEE: Councillor Mrs R. Crowe (Chairman)
Councillor Ms R. White
Councillor I. Walker

ALSO IN ATTENDANCE: Caroline O'Hare (Senior Legal Advisor - NSDC)
Nicola Kellas (Licensing Officer - NSDC)
Alan Batty (Business Manager – Public Protection - NSDC)

Applicant: Gemma Howarth (RSPB Sales Limited)
Martin Randall (RSPB Sales Limited)
Sally Granger (RSPB Sales Limited)
Representors: Andrew Freeman (Edwinstowe PC)
Elizabeth Smith
David Warsop

In opening proceedings, the Chairman advised all participants that the meeting was being held remotely using MS Teams due to the Covid-19 Pandemic and that the proceedings would be livestreamed on social media e.g. YouTube.

Prior to the commencement of the Hearing, the Panel's Legal Advisor advised all parties of the key considerations for determining the application to grant the premises licence. She acknowledged the already agreed conditions between the applicant and the Police and reminded those present that any decision must promote the four licensing objectives. She advised that any decision must be justified and proportionate to the full circumstances relevant to the application and any applied conditions, should the licence be granted, must be reasonable.

Presentation by Licensing Officer

The Licensing Officer presented to the Panel details of the application made by RSPB Sales Ltd. The report before the Panel presented Members with a summary of the application. It also noted other licensed premises in the area and that representations had been received in relation to the application.

The report set out the legislation in relation to the powers that licensing authorities had to grant the premises licence, the options available to the Panel and the relevant policies and guidance.

Questions to the Licensing Officer

The Chairman of Edwinstowe Parish Council's Planning Committee, Andrew Freeman, queried whether the Council was considering any amendments to their Licensing Policy in light of the Covid-19 Pandemic and the response thereon. The Chairman of the Panel advised that Government Guidance was constantly under consideration and how this impacted on the Council and the district. The Business Manager – Public Protection, Alan Batty advised that the application site was not yet open to the public but would need to ensure that all Covid-19 restrictions on distancing, together with all standard health and safety regulations were met when opened.

Presentation by the Applicant

The Senior Site Manager for the RSPB's Sherwood Forest Site, Gemma Howarth, provided participants with information as to the background to the submission of the application. She advised that consideration had been given to the future for the site with the application consisting of three key areas: licensing the provision of alcohol from the café or the gift shop together with the provision of alcohol from an external bar during daytime events held on site; licensing of performances for events with an audience of over 500 people during standard opening hours with alcohol provision; and the licensing of evening performances for events with an audience of over 500 people with alcohol provision. It was noted that the site had previously been managed by Nottinghamshire County Council with the RSPB inheriting the events they had previously hosted. She advised that the purpose of the application was to future proof the development of the site and the licence.

Ms Howarth advised that any larger evening events would be held in conjunction with local stakeholders and that a close working relationship would be maintained with Natural England and the safety advisory group. She stated that any profits from events held would be put back into conservation. She added that provision for external lighting and CCTV would be assessed for all external events. All staff would be trained to ensure that they were fully aware and compliant with health and safety regulations. Staff would also be trained for basic first aid with external organisations provided if the event warranted an enhanced provision. An assessment would also be undertaken in relation to noise and how this could be controlled. Preparations would be made for large scale events some 6 to 12 months in advance of the event. Staff would be trained in the Challenge 25 scheme and necessary aspects of safeguarding. She stated that it was hoped that a diverse audience would be attracted to the possible various events on site and that the RSPB had readily accepted the conditions proposed by the Police.

Questions to the Applicant

The Chairman queried whether there was any scope for amending the timings of the events inherited from the County Council. Ms Howarth advised that it was the intention to consider moving events to other regional assets on a rotational basis.

Councillor White queried how the applicant would seek to mitigate the concerns in relation to noise nuisance at the north exit of the site. Ms Howarth advised that traffic signage would be in place and that it would also be included and circulated in any published pre-event information. She also confirmed that, if necessary, stewards would be on duty.

The Senior Legal Advisor queried what measures would be put in place to ensure that visitors did not buy large quantities of alcohol from the souvenir shop to drink on site. Ms Howarth advised that staff would receive appropriate training and that alcohol would be gift boxed. She added that the shop was too small to hold large quantities of alcohol.

Andrew Freeman queried whether a Wildlife Impact Assessment had been carried out on the site. Ms Howarth advised that the RSPB were working with Natural England to ascertain whether events could be held without negative impact on wildlife and habitat. She added that an Environmental Impact Assessment had been done in the pre-project stage and would have been submitted to the Council. Ms Howarth was unable to say whether the EIA had included any impact the proposed events might have on the site. Martin Randall advised that any impact was difficult to assess at this stage. He noted that the site was a Special Area of Conservation and there was a constant assessment of possible impact of activities, which was a legal requirement. He added that an EIA or a Statement of Environmental Impact would be provided for larger events. Sally Granger advised that the Robin Hood Festival benefited from a Natural England consent licence and had had the necessary assessments carried out.

David Warsop referred to the existing noise nuisance from events held at Sherwood Pines, adding that if the RSPB visitors' centre had been located on the same spot as the previous visitors' centre that possible noise nuisance would not be as great. He also referred to the current impact on residential amenities in the area, querying how the RSPB could justify the application and that it appeared to be far removed from their core values with little consideration given to neighbouring properties. Ms Howarth stated that it was hoped that the RSPB would maintain the asset but that it came at a financial cost. She added that local stakeholders would be consulted in the planning of events and that no current planning conditions would be breached. Mr. Randall stated that conservation was a core value and that one of the organisation's aim was to inspire people to become engaged with nature but acknowledged that the application seemed unattached to that.

Elizabeth Smith raised concerns about how the application was at odds with the current planning conditions and queried how and when they would be addressed. Ms Howarth reiterated that the application was for future proofing and they would not breach planning conditions. It was intended to work with local stakeholders, but events would not be taking place at present. The Senior Legal Advisor stated that should the applicant seek to amend their current planning consents then residents could have the opportunity to object at that time, however, licensing applications were entirely separate to those of planning.

Presentation by Representors

Mr. Freeman acknowledged the legal advice in relation to planning consent. He stated that the parish council were concerned about the impact on wildlife and that they found it difficult to comprehend the application which appeared to be at odds with the organisation's core values, adding that it was their belief that they would be detrimental to the wildlife.

Mr. Freeman stated that the parish council were not objecting to the whole of the application but to the number of proposed events throughout the year, anticipating that all external events would be held during the summer months rather than being spread out over a 12 month period. The parish council were seeking to reduce the number of permitted events to mitigate the possible impact on the environment. He mooted whether it was possible to defer the decision pending the outcome of the effects of the Coronavirus Pandemic.

To clarify the situation, the Senior Legal Advisor stated that the effects of the pandemic could not be taken into account during consideration of the application. She added that the Council had some additional powers in relation to Covid-19 together with enforcement powers to act if an event was held and there were breaches of current Covid-19 related legislation.

Mr. Warsop endorsed the comments of Mr. Freeman, adding that he respected the core values of the RSPB but doubted that all the monies raised would be used in the conservation of wildlife, suggesting that some would be used for the upkeep of the building and café. He added that he had known about the Robin Hood Festival when moving to the area but the impact of that generally stopped at 5pm. The proposed increase in events would impact beyond that time.

Ms Smith stated that noise pollution; odour pollution; and light pollution were all of great concern and would have a negative impact on the area. She noted that it was not necessary to be provided with alcohol and entertainment when visiting the site in order to benefit from the experience and to engage with nature. She suggested that the visitors' and local residents' mental health and wellbeing should be considered when determining the application which she felt had little to do with the RSPB's core values.

Questions to the Representors

None

Summaries

Representor(s)

Mr. Freeman advised that Edwinstowe Parish Council had unanimously agreed that the application was too much. He acknowledged that it was necessary to raise funds but not to the detriment of their core values, adding that the parish council would seek to reduce the number of events possible.

Applicant

Ms Howarth reiterated that the application was to future proof the development of the site but that no detailed plans were in place for future events. Ultimately the application was to assist them to encourage people to connect with nature but acknowledged that not everyone would want to engage in this way. It was not the intention to hold events daily throughout the summer months and that the safety and wellbeing of staff was paramount to the organisation.

Mr. Randall acknowledged the passion with which local residents viewed the area but that the reality was that RSPB needed to expand their offer, whilst considering the impact on neighbouring properties.

Decision

The virtual licensing hearing terminated at 11.25am. The Panel reconvened in a private virtual meeting to consider the application. Details of their decision were emailed and posted out to all parties on Monday, 22 June 2020.

Panel's Decision:

The decision of the Panel was to grant the Licence with revisions to the times and number of events per year sought by the Applicant and with the addition of the following clauses and limitations:

1. The Mandatory Conditions which apply to licences granted under the Licensing Act 2003 shall apply to the licence.
2. The Conditions agreed by the Applicant and Nottinghamshire Police (set out in the papers before the Panel) shall apply to the licence.
3. The hours and number of days be reduced from the original application to the following:

Non-Standard Timings	No. of Events per annum	Hours
Plays	Up to 10 days	10:00 -20:00
Films	Up to 5 days	10:00 -22:00
Live music	Up to 10 days	10:00 -22:00
Recorded music	Up to 10 days	10:00 -22:00
Anything similar	Up to 10 days	10:00 -22:00
Alcohol	Up to 20 days	10:00 -22:00
Non-standard opening times		10:00 – 22:30

Reasons for Decision

On the evidence, the Panel found that:

- a) there was no evidence of the licensing objectives being undermined by the application once the mandatory conditions and agreed conditions (including those varied by the panel or otherwise) were imposed. Such conditions were appropriate to the site and were proportionate to the aims of the RSPB whilst also taking into account the concerns of local residents.
- b) the panel believed that some of the objections raised had been considered by the RSPB who had expressed a willingness to take actions to alleviate some concerns eg several objectors raised concern for wildlife disruption and habitat endangerment. The RSPB said it would work with Natural England and that appropriate risk assessment/impact assessments would be carried out as each event was developed.
- c) objections relating to crime and disorder and public safety had been addressed as much as was in the power of the RSPB. They would ensure only the safe sale of alcohol, Challenge 25 and no sales to persons already appearing intoxicated. They advised stewards and signage would be available in the car parks to ensure arrival/ departure from the site would be done with as little disturbance to others as possible.
- d) the RSPB gave assurances that they had applied in a way that would “future proof” the licence and did not intend to run events to the maximum dates permitted and would abide by current planning restrictions with any events.
- e) the nature and type of events proposed would involve choirs, historical period musicians and plays would be of a similar historic, more “classical”. There was no intention to hold rock/pop concerts with famous bands or singers. This would mean there would be less equipment being brought onto site, smaller audiences, less loud noise and less disturbance from light pollution or other noises, smells or issues with the events.
- f) the reduction in number of events and slight reduction in late hours on the licence would enable the RSPB to plan and run events whilst aiming to minimise impact on residents in the locality.