

WELWYN HATFIELD COUNCIL  
LICENSING ALCOHOL AND REGULATED ENTERTAINMENT SUB COMMITTEE  
REPORT OF THE LICENSING OFFICER

Brookmans Park & Little Heath

REPORT TO ALCOHOL AND REGULATED ENTERTAINMENT SUB COMMITTEE

**VARIATION OF A PREMISES LICENCE FOR QUEENSWOOD SCHOOL,  
SHEPHERDS WAY, BROOKMANS PARK, HATFIELD, AL9 6NS.**

**1 Summary of the Application**

<b>Premises Licence Holder(s)</b>
QUEENSWOOD SCHOOL LTD
<b>Address of Premises</b>
QUEENSWOOD SCHOOL, SHEPHERDS WAY, BROOKMANS PARK, HATFIELD, AL9 6NS

This committee report contains an application for the variation of an existing premises licence for Queenswood School, Shepherds Way, Brookmans Park, Hatfield, AL9 6NS. The application is contained in Appendix A to this report. The existing premises licence can be found in Appendix B.

Summary of Application Received

An application has been received from Stephanie Hall, Head of Catering and Lettings at Queenswood School on behalf of the premises licence holder Queenswood School Ltd under the Licensing Act 2003 for a variation to the premises licence. The variation is to remove mandatory condition 1, remove condition 4, amend mandatory condition 3 and remove conditions 1-3 from Annex 2.

The School is seeking the removal and amendment to conditions on the existing premises licence as the premises find the current licence restrictive. The School are seeking removal of mandatory condition 1 as part of a new educational scheme which would include the introduction of a school social event club where students aged 16–18 years old (who are pre-registered with the school as part of the scheme and have their parent/guardian's permission to be part of the scheme) could be served a maximum of 2 glasses of beer, wine or cider (not including spirits) with a meal at a school social event. The sale of alcohol would be with the students parent/guardian so no sale of alcohol to students would take place at social club events. The school are proposing additional added controls as part of the scheme, these can be found within the application document.

The applicant is in line with legislation by displaying Blue Notices at the Premises on the 2<sup>nd</sup> September 2024 and advertised the application in the Welwyn Hatfield Times on the 4<sup>th</sup> September 2024, the Public register was updated and placed on the Councils website and all the Responsible Authorities, Parish Councils and Councillors were notified.

## **1.1 Unresolved representations**

The Licence Hearing is as a result of the Licensing Authority receiving a formal written relevant representation against the application from Hertfordshire Public Health which remains outstanding. The representation to the application has been submitted under the Licensing Act 2003 on the statutory ground of:

- Protection of children from harm

A joint meeting between Queenswood School and Public Health took place on 1<sup>st</sup> October 2024 to try and resolve the concerns expressed by Public Health to the premises licence variation application. Following this meeting Hertfordshire Public Health advised their representation to the variation application remained, as such the premises licence variation application has been brought before the licensing sub – committee for determination.

Part 2 Appendix A - Premises licence variation application form and supporting information from applicant

Part 2 Appendix B – Existing premises licence and summary

Part 2 Appendix C – Written representation against the application from Hertfordshire Public Health

Part 2 Appendix D – Written representation from Hertfordshire Police requesting conditions which were accepted by Queenswood

## **2 Details of Representation Received**

A formal written relevant representation has been submitted to the premises licence variation application from Hertfordshire Public Health. The representation has been judged as appropriate and the application has therefore been brought to the Licensing Sub Committee to be determined. The representation from Hertfordshire Public Health can be found in Appendix C.

The representation from Public Health is made on the ground of the Protection of children from harm licensing objective. The representation expresses concerns around safeguarding, risky behaviours and the impact on children's mental health, which in turn will cause children psychological and physical harm.

Another representation was received from Hertfordshire Police, the representation from Police was made against the Protection of children from harm licensing objective. Hertfordshire Police sought conditions if the variation application was to be granted. The premises accepted the following conditions proposed by Hertfordshire Police and as such the representation from Hertfordshire Police is no longer outstanding.

- If Alcohol is supplied to pupils aged 16 or 17 years of age, it must be with prior parental agreement and the alcohol is beer, wine or cider, and served with a table meal, with staff present.

- No 'off sales' to pupils regardless of age.
- Alcohol only be served or sold by staff.
- No alcohol to be removed from function by pupils.

The representation from Hertfordshire Police can be found in Appendix D.

### **Background**

The application submitted is for the variation of a premise licence by the premises licence holder Queenswood School Ltd for Queenswood School, Shepherds Way, Brookmans Park, Hatfield, AL9 6NS. The premises is located on Shepherds Way in Brookmans Park, with the school boundary extending along Well Road with a number of private entrances and exits along Shepherds Way and Well Road. The premises is a Girls School with both boarding and day students between the ages of 11 – 18.

The variation application submitted is seeking to:

- Remove mandatory condition 1 *"Alcohol shall not be sold to any pupil of the school including those 18 or more years"* and replace with *"Staff shall supply, sell and supervise the provisions of alcohol. Pre-arranged parents permissions will be available to staff prior to any events involving under 18's but over 16 years old"*
- Amend mandatory condition 3 from *"There shall be no more than two sales of alcohol in any two school areas at the same time"* and replace with *"the sale of alcohol can be within the school site boundaries"*
- Remove condition 4 *"The sale of alcohol shall be limited to the following areas:*
  - a) - *Hartley Staff Wing Common Room and Servery,*
  - b) - *Dining Room,*
  - c) - *Trew Staff Dining Room and Common Room and adjacent Patio,*
  - d) - *Club Room of the Tennis Pavilion and adjacent patio overlooking tennis courts,*
  - e) - *The Great Hall*
  - f) - *Kennedy Hall,*
  - g) - *Old Pool Hall,*
  - h) - *Chapel,*
  - i) - *Palaestra,*
  - j) - *Gymnasium,*
  - k) - *Swimming Pool,*
  - l) – *School external areas formed by the boundaries of: -*
    - *Shepherds Way,*
    - *Well Road From the Ridgeway to the school South Lodge,*
    - *School boundary to Leggatts Wood,*
    - *School boundary to farmland fronting Great North Road."*
- Remove condition 1 from Annex 2 *"Provision of alcohol shall be restricted to staff and bona fide guests and will not be available to the general public"*

- Remove condition 2 from Annex 2 *“Regulated entertainment shall only be provided to staff and bona fide guests and organised groups”*
- Remove conditions 3 from Annex 2 *“Organised groups will not be given facilities for the provision of alcohol”*

The School is proposing to introduce a school social event club where students aged 16–18 years old (who are pre-registered with the school and have their parent/guardians permission) could be served a maximum of 2 glasses of beer, wine or cider (not to include spirits) with a meal at school social events. No sale of alcohol to students will take place at social club events as such the consumption of alcohol by students is not licensable but the premises licence has current conditions which would prohibit the School from implementing the proposed scheme as it stands. The school are proposing additional added controls as part of the scheme, these can be found within the application document.

### **3 Explanation**

The committee is obliged to determine this application for the variation of the existing premises licence for Queenswood School. In determining the application the sub - committee must take account of the council’s duty to promote the statutory licensing objectives namely:

- A) The prevention of Crime and Disorder
- B) Public Safety
- C) The Prevention of Public Nuisance
- D) The Protection of children from harm.

In making its decision, the committee is also obliged to have regard to the National Guidance and the Councils own Licensing Policy (Previously circulated).

### **4 Licensing Policy**

- 5.1 The sub committee will also wish to be aware of the Guidance issued under section 182 of the licensing Act 2003.

#### Guidance 9.37

As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

#### Guidance 9.42

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from

responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

#### Guidance 9.43

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

#### Guidance 9.44

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

#### Guidance 10.10

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

#### Guidance 10.13

The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy

statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

- 5.2 The sub-committee will also wish to be aware of Welwyn Hatfield Council Statement of Licensing Policy, which includes

### **Licensing Hours**

- 27.1 Licensing hours should not inhibit the development of a thriving safe night-time local economy which is important for investment and employment locally and attractive to domestic and international tourists. We will expect applicants to consider whether conditions are necessary for applications in areas which have denser residential accommodation.
- 27.2 We will consider individual applications on their own merits. Fixed predetermined closing times for particular areas will not form part of the policy. Restriction on trading hours will be considered only where necessary to meet the licensing objectives. There will be a presumption to grant the hours requested unless there are objections to those hours raised by responsible authorities or the public on the basis of the licensing objectives.
- 27.3 The commercial demand for additional premises licences (as distinct from cumulative impact) will not be a matter for us as the licensing authority. These are matters for the local planning authority and market demand.
- 27.6 The Council operates an out of hours noise service based on the assessment of need. The nature and number of complaints are recorded and may be used when compiling reports for our licensing committee and sub committees.
- 27.7 Where relevant representations are made, the Council will consider the proposed hours on their individual merits. Notwithstanding this, the Council may require stricter conditions in areas that have denser residential accommodation to prevent public nuisance. The Council will endeavour to work with all parties concerned in such instances to ensure that adequate conditions are in place.

## **6 Recommendation**

- 6.1 The committee must have regard to the application made and the evidence it hears. The sub-committee is therefore asked to determine the application.
- 6.2 In determining the application, the sub-committee may on behalf of the licensing authority, and having regard to the promotion of the licensing objectives, statute, guidance and policy decide on the following courses of action:
- a) To grant the variation of the licence as proposed.

- b) To modify the conditions of the licence by altering or omitting or adding to them (and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added).
- c) To exclude any of the licensable activities to which the application relates.
- d) To refuse to specify a person in the licence as the designated premises supervisor.
- e) To reject the whole of the application or part of it.

The licensing authority may grant an application subject to different conditions in respect of

- a) different parts of the premises concerned
- b) different licensable activities

## **7 Appendices**

- A. Premises licence variation application form and additional information
- B. Existing premises licence and summary
- C. Written representation against the application from Hertfordshire Public Health

Nicol Tupling Licensing Technical Officer  
Date – 17/10/2024