

WELWYN HATFIELD COUNCIL  
LICENSING SUB COMMITTEE  
REPORT OF THE LICENSING OFFICER  
REPORT TO LICENSING SUB COMMITTEE

BROOKMANS PARK AND LITTLE HEATH WARD

**GRANT OF A PREMISES LICENCE FOR LITTLE HEATH PRIMARY SCHOOL  
SCHOOL ROAD LITTLE HEATH POTTERS BAR HERTS EN6 1JW**

**1 Summary of the Application**

<b>Premises Licence Holder(s)</b>
LITTLE HEATH PTA
<b>Address of Premises</b>
SCHOOL ROAD POTTERS BAR HERTS EN6 1JW

This committee report contains an application for the grant of a licence for Little heath Primary School. A copy of the premises plan is shown in appendix A.

The application is contained in Appendix B to this report

Summary of Variation Received

An application has been received from the Applicant under the Licensing Act 2003 for a licence to show films, and to sell alcohol at events to raise funds for the school. The hours applied for are 12.00- 23.00 Monday to Sunday.

Schedule of Hours at Appendix C

**1.1 Unresolved representations**

There is one representation from a North Mymms Parish Council who felt that a licence that encompasses 11 hours a day for 7 days a week is excessive if the school only require it for a few events. The representation is at appendix D.

**Resolved representations**

The representation has not been successfully mediated prior to this hearing.

Little heath school did respond to the representation but North Mymms Parish Council were not satisfied with their response. Appendix E.

No observations have been received from responsible authorities regarding this application.

## **2**     **Background**

The application submitted is for the grant of a premise licence by Little heath School PTA. The school is situated at the end of a no through road with residential properties nearby. The school is made up of two buildings with playgrounds and playing fields. Alcohol will be sold within the buildings and on the playgrounds during events.

## **3**     **Explanation**

3.1     The committee is obliged to determine this application for the grant of a premises licence for Little heath school. In determining the application the subcommittee must take account of the councils 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**

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

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.

As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business.

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 10.13

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.

- 4.2 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.

## **5 Recommendation**

5.1 The committee must have regard to the variation application made and the evidence it hears. The sub-committee is therefore asked to determine the application.

5.2 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 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 premises supervisor.
- b) To reject the whole of the application or part of it.

## **7 Appendices**

- a. Plan
- b. Premises Licence Application,
- c. Schedule of times and activities
- d. Representation received.
- e. Response to representation.

Kate Payne, Licensing Team Leader

Date – 28<sup>th</sup> October 2019