

OPEN ALL HOURS - SCHOOL 'SOCIAL CLUB' APPLICATION

The notice below has recently been advertised in local newspapers and posted on some boundary locations of KWS.

Notice of an application under the Licensing Act 2003

Notice is hereby given that **HARPENDEN SECONDARY EDUCATION TRUST** in respect of premises known as **KATHERINE WARINGTON SCHOOL, LOWER LUTON ROAD, HARPENDEN, HERTS, AL5 5FH** applied to St Albans City and District Council for a grant of a premises licence.

The proposed application is: Plays, Films, Indoor Sporting Events, and Performance of Dance 08:00 – 23:30 – Monday to Sunday.

Live Music and Recorded Music 08:00 – 22:30 Monday to Thursday and 08:00 – 00:00 Friday and Saturday.

Late Night Refreshment – 23:00 – 01:30 Friday and Saturday.

Supply of Alcohol – 12:00 – 22:30 Sunday to Thursday and 12:00 – 01:30 Friday and Saturday.

Any representation by an interested party or responsible authority regarding the above mentioned application must be received in writing by Licensing Section, St Albans City and District Council, Civic Centre, St Peters Street, St Albans, Herts AL1 3JE no later than [date representations must be received by **8th March 2021** stating the grounds for objection.

The register of St Albans City and District Council and the record of the application may be inspected at the address of the Council, given above, Mondays-Thursdays 8.45am-5.00pm and Fridays 8.45am-4.30pm. Alternatively it can be viewed on the internet www.stalbans.gov.uk.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is £5,000.

At face value it appears that the Harpenden Secondary Education Trust (HSET), which is effectively the Katherine Warington School (KWS) management company, is applying for a Premises Licence which, if granted, would allow it to operate as it pleases up to 11.30pm seven days per week, with extensions to 1.30 am on weekend nights.

The application includes a number of forms of entertainment, including Music, for up 14 hours per day (16 Friday/Saturday).

It also includes provision to supply alcohol from noon (including school days) to 10.30pm weekdays/ 1.30am Fri/Sat.

The application appears totally incompatible with the prime purpose of an Educational establishment, and HSET/KWS has not to our knowledge published its intentions in its Newsletters nor has it advised its neighbours. In practice the external notifications are in the form of site notices – some of which require crossing ‘school’ land to read – and a single press notice in the St Albans District Council (SADC) announcements. If you feel you want to object to this application (make a representation), SADC provides guidance on how it reviews such applications on its website www.stalbans.gov.uk/licences-and-permits The drop-down menus for ‘Alcohol and Entertainment’ and ‘Making Representations’ provide guidance. A key aspect taken into account by the Licencing Authority (SADC) is whether representations come from persons who are genuinely affected by the proposed licence – the guidance indicates this would be considered as someone ‘in the vicinity’ of the premises. It is therefore a requirement to provide name, address and contact details in a representation as the authority will consider relevance as well as whether representations are frivolous or vexatious before agreeing a Hearing.

If you would like to make an objection to this application you can consider the following options and reasons:

Full Rejection Option:

Ask the Council to reject the application completely. Reasons to support this option:

- The application is likely to give rise to significant levels of public nuisance, particularly focused on those living in the vicinity of the premises. Nuisance is likely to arise from noise (the premises are in a valley which focuses and amplifies noise, from event noise, attendees noise, attendee arrival and departure).
- The application poses a significant risk to public safety. The entrance / exit to the school are located on known busy road and addition of traffic crossing lanes is likely to increase accident risk particularly out-of-expected school operating hours (for premises whose purpose is a secondary school), and with heightened risk during darkness (lit and unlit periods). Use of the secondary service car park (to the Sports Centre building) is directly on to a residential road and operating hours are incompatible with neighbour amenity. Parking and general surges in traffic associated with events will add to local road safety issues which were identified during the planning application for the site HCC reference PL/0866/17.
- There is an increased risk of crime, disorder and public safety arising from alcohol consumption accentuated by extended drinking hours at a location which is not served by public transport in evenings and is therefore likely to be encouraging of use of private vehicles and the associated risk of drink-driving.
- The site is a secondary school, regularised alcohol consumption, particularly during the normal operating hours of the school is in direct conflict with the key objective of the Licensing Act 2003 for the protection of children from harm.
- The site is a new build school. Planning permission required the grant of exceptional circumstances to develop the school building on Green Belt land. Permission was only granted for educational use. The planning application made in 2017, granted in 2018, specified hours of use of Mon-Fri 08.30-15.45 i.e. 36.25 Hours per week of education use. The current application seeks to add 76.25 Hours of operation per week, as well as to have both 'premises' licence activity and educational activity permissible throughout the entire educational week. With more than treble the possible hours for other use this new activity is clearly dominant and is in conflict with the planning grant. The different use which this constitutes appears commercial and as such planning permission would be unlikely for Green Belt use. In any event the variation in use should first be formally applied for through the planning process.

If you consider that the application is simply excessive then an alternative is to ask the Council to reject it in its current form but indicate that a more limited licence may be appropriate. Think carefully about what you would consider reasonable and specify this carefully, but be prepared that you may eventually consider that it is simply too big a gap to bridge and therefore the Council may be obliged to ask for withdrawal and resubmission of a different proposal. Items to consider are:

- Operating days – do you want the School to use its premises occasionally and be regulated to so. If so you will need to specify what you consider reasonable and why – for example I consider the opportunity to use the premises for commercial entertainment up to 7 days per week to be unreasonable due to likelihood of noise and other public nuisances, but I would consider 1-2 events per month to be reasonable if, say, they were school fund raisers.
- The proposed use of the premises conflicts with educational hours at the school – other uses should be outside these hours – i.e. event traffic should not begin arriving until the school has safely discharged its pupils for the day; commercial events should not extend beyond 23.00 hours due to the school being located in a residential area.
- I do not believe that the school should be granted an alcohol licence as this conflicts with the objective to prevent children from harm and, when the school finally becomes fully

operational (in 5 years) it will only have a very small proportion of its population who are over legal drinking age (18).

- The application notice does not indicate scale of events and routine activities. The licence should restrict the maximum number of attendees for all activities to a maximum of (say) 100 as the school has limited parking facilities and all event and other 'licence' users should be accommodated within the school grounds as local roads are unsuitable for mass parking/ drop-off / collection as recognised in the planning hearing.
- A noise limit should be specified for both indoor and outdoor activities covered by the application to prevent noise nuisance to local residents; the Licencing Authority should take into account the area acoustics associated with the valley location of the school buildings

The above are not meant to be definitive reasons for objection. Unfortunately the applicants – HSET – have not chosen to discuss or even advise local residents of their intentions. It is impossible therefore to form a view of how they intend applying the licence in practice should it be granted. It is therefore necessary to form your view on the evidence available. The application seeks wide and unconstrained operating guidelines for the School, which could essentially do what it wants when it wants within the terms listed. The school's recent newsletters make no mention of the application. The schools recently published first year accounts, available at www.kwschool.co.uk/school-legal-documents (choose Financial Statement 2019-20), shows at page 5 one of the KWS objects and aims is "*working in partnership with all members of local community*" – once again, like with the School's initial Transport Plan, the school has failed to meet its objective. The document goes on in Reserve Funds section (page 8) to state "*[these] funds will continue to build up from self-generated income over the next several years*". This quiet one-liner is the only indication that HSET intends embarking on commercial activities that make sense of the application that subsequently went in.

The keen-eyed readers of this document will notice that the Trust has moved on to a new phase. The document opens by confirming the completion of buildings, and on page 8 (and elsewhere) the expected consequence of that is confirmed – the Trust was gifted the physical asset of the school – valued at £31.2m – which now sits on the Trust's books.

It is thought unlikely that any further information regarding the licence application will come forward. The closing date for sending objections in to SADC is 8 March 2021. The website offers two methods of submission. Either in writing to the following address:

Licencing Team
St Albans Council
Civic Centre
St Peters Street
St Albans AL1 3JE

OR by email to:
licensing@stalbens.gov.uk

If using post please be aware that there may be delays at present.

21 February 2021