

23 November 2023

Our Ref Licensing Sub-Committee 8 December  
2023  
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To: Members of the Committee: Councillors David Barnard, Ruth Brown, Tom Tyson and Alistair Willoughby

**NOTICE IS HEREBY GIVEN OF A  
MEETING OF THE LICENSING SUB-COMMITTEE**

to be held as a Virtual Meeting

**VIA ZOOM**

On

**FRIDAY, 8TH DECEMBER, 2023 AT 10.00 AM**

Yours sincerely,

Jeanette Thompson  
Service Director – Legal and Community

**\*\*MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING\*\***

## **Agenda Part I**

<b>Item</b>		<b>Page</b>
<b>1.</b>	<b>ELECTION OF A CHAIR</b> The Sub-Committee Members will elect a Chair and determine who will be the Reserve Member.	
<b>2.</b>	<b>HEARING PROCEDURE</b> The procedure to be followed by the Chair when conducting the sub-committee hearing.	(Pages 3 - 6)
<b>3.</b>	<b>DETERMINATION OF HEARING</b> To determine the application for the variation of an existing premises licence at UVA Hitchin Wine Bar and Shop, 26 Bucklersbury, Hitchin, Hertfordshire, SG5 1BG.	(Pages 7 - 60)

## **Pre-Hearing Preliminary**

### Sub-committee

The sub-committee will consist of three voting Members with a fourth non-participating Member listening to the hearing. In the event that a voting Member loses connection, the hearing will adjourn until connection can be restored. If the adjournment exceeds ten (10) minutes, or it is apparent sooner that re-connection will not be possible, the fourth Member will replace the absent Member and become a voting member of the sub-committee. If a quorum of three (3) Members that have been present throughout the hearing is not possible, the hearing will be adjourned to a stated date.

### Applicant

In the event that the applicant loses connection, the hearing will adjourn until connection can be restored. If it becomes apparent that re-connection will not be possible, the hearing will be adjourned to a stated date.

### Other persons

In the event that an 'other person' that has indicated their wish to speak loses connection, the hearing will adjourn until connection can be restored. If it becomes apparent that re-connection will not be possible, the hearing will be adjourned to a stated date. If an 'other person' that has indicated that they will not be participating orally in the hearing loses connection, the Chair may decide to continue with the hearing.

### Decision

The sub-committee will undertake their deliberations in private and return to announce their determination on the live stream however they will not wait until all parties are connected. A copy of the decision will be forwarded to all parties electronically as soon as practicable.

## **UVA Hitchin Wine Bar and Shop HEARING PROCEDURE**

### **PRELIMINARIES**

1. Election of sub-committee Chair
2. Election of the reserve (non-voting) Sub-Committee Member

### **CHAIR'S WELCOME**

3. Introduction of:
  - Councillors sitting on the Sub-Committee
  - Legal Advisor
  - Licensing Officer(s)
  - Responsible Authorities (objectors)
  - The Other Persons (objectors)
  - The Applicant (and agent where applicable)
4. The Chair will outline the procedure for the hearing and seek confirmation that all parties are content to proceed on that basis.

### **LEGAL ADVICE**

5. The Chair will ask the Legal Advisor to outline the matters for consideration during the course of the hearing.

### **LICENSING OFFICER REPORT**

6. The Chair will ask the Licensing Officer if:
  - They have anything to add to their report to the Sub-Committee.
  - If there have been any amendments to the hearing bundle and, if so, if all parties to the hearing have been made aware of the amendments
7. The Chair will ask if there are any questions of fact or clarification of the licensing officer from:
  - The Other Persons
  - Police
  - Environmental Protection Officer
  - The Applicant
8. The Sub-Committee may ask questions of fact or clarification of the Licensing Officer.

### **THE APPLICANT'S SUBMISSION**

9. The Chair will ask the applicant (and/or the applicant's agent) to present their submission to the sub-committee explaining why the application should be granted.
10. The Chair will ask if there are any questions of fact or clarification of the Applicant from:
  - Police
  - Environmental Protection Officer
  - The Other Persons
11. The Sub-Committee may ask questions of fact or clarification of the Applicant.

### **THE POLICE SUBMISSION**

12. The Chair will ask the police to present their submission to the Sub-Committee explaining why the application will have, or is likely to have, an adverse impact on the licensing objectives.
13. The Chair will ask if there are any questions of fact or clarification of the Police from:
  - The Applicant
  - Environmental Protection Officer
  - The Other Persons
14. The Sub-Committee may ask questions of fact or clarification of the Police.

### **ENVIROMENTAL PROTECTION SUBMISSION**

15. The Chair will ask Environmental Protection Officer to present their submission to the Sub-Committee explaining why the application will have, or is likely to have, an adverse impact on the licensing objectives.
16. The Chair will ask if there are any questions of fact or clarification of the Environmental Health from:
  - The Applicant
  - Police
  - The Other Persons
17. The Sub-Committee may ask questions of fact or clarification of the Environmental Protection Officer.

### **THE OTHER PERSONS' SUBMISSION**

18. The Chair will ask the Other Persons (in turn unless they have identified a lead presenter) to present their submission to the Sub-Committee explaining why the application will have, or is likely to have, an adverse impact on the licensing objectives.

19. The Chair will ask if there are any questions of fact or clarification of the Other Persons from:

- The Applicant
- Police
- Environmental Protection Officer

20. The Sub-Committee may ask questions of fact or clarification of the Other Persons.

### **CLOSING STATEMENTS**

21. The Chair will ask the Licensing Officer if they have any final submissions to the Sub-Committee

22. The Chair will ask if the Police have any final submissions to the Sub-Committee.

23. The Chair will ask if Environmental Protection Officer have any final submissions to the Sub-Committee.

24. The Chair will ask if the Other Persons have any final submissions to the Sub-Committee.

25. The Chair will ask if the Applicant has any final submissions to the Sub-Committee.

### **LEGAL SUBMISSIONS**

26. The Chair will ask the Legal Advisor to summarise any points of law that have arisen during the hearing.

27. The Sub-Committee may ask legal questions of the Legal Advisor.

### **ADJOURNMENT**

28. The Chair will adjourn the hearing for the Sub-Committee to retire to make a decision in closed session.

### **DECISION**

29. The sub-committee will return to open session and the Chair will announce the Sub-Committee's decision, including their reasonings.

30. The Chair will close the meeting.

<b>LICENSING AND APPEALS SUB-COMMITTEE</b> <b>8 December 2023</b>
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<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>
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## LICENSING ACT 2003

### APPLICATION BY ANTONIO MICELI FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF UVA HITCHIN WINE BAR AND SHOP (ALSO KNOWN AS LET'S PARTY) 26 BUCKLESBURY, HITCHIN, HERTS, SG5 1BG.

<b>REPORT OF THE LICENSING OFFICER</b>
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#### 1. BACKGROUND

- 1.1 There is a licence granted under the Licensing Act 2003 (“the Act”) currently in place for the premises, it was granted to the property on 28 November 2018.
- 1.2 A copy of the current premises licence is attached as **Appendix A**.

#### 2. APPLICATION

- 2.1 The application is for the variation of a premises licence under Section 34 of the Act.
- 2.2 The licensable activities and hours originally applied for, including operating schedule conditions, are as attached as **Appendix B**.

#### 3. APPLICATION PROCESS

- 3.1 On 17 October 2023, Antonio Miceli made an application to North Hertfordshire District Council for the Variation of a premises licence. The application was amended on 23 October 2023, the amendment is to live music times to be in line with the request for recorded music, that being 01:30 on Friday & Saturday nights. The consultation period did not change, so the last date for representation was still 14 November 2023.
- 3.2 The prescribed consultation period was from 18 October 2023 until 14 November 2023 inclusive.
- 3.3 The application was received via email, so copies were served by the Council to all the responsible authorities.
- 3.4 A public notice was displayed on the premises for a period of not less than twenty-eight (28) consecutive days in accordance with the requirements of the Act.
- 3.4 On two (2) occasions through the consultation period, the notice was checked to be on site for all persons to see.
- 3.5 A newspaper advertisement was placed in The Comet in accordance with the requirements of the Act.

#### **4. REPRESENTATIONS**

- 4.1 A representation was received from Hertfordshire Constabulary. Shown in **Appendix C**.
- 4.2 A representation was received from NHDC Environmental Protection. Shown in **Appendix D**.
- 4.3 Six (6) representations were received from other persons against the application. One (1) was withdrawn. The accepted objections are attached as **Appendix E**.
- 4.4 An objection was received from the Planning Team after the consultation had closed, which cannot be considered.
- 4.5 The Council's Scheme of Delegation requires the licensing officer to determine whether a representation is relevant as specified within the Act.
- 4.6 Where representations include comments that are not relevant to the Act, these comments have been clearly redacted by the licensing officer and should not be considered as part of the determination process. **Other persons must not refer to these paragraphs in any oral presentation at the hearing (see sections 8.6 – 8.8).**
- 4.7 Where the licensing officer has determined that the representations are relevant, it is for the sub-committee to determine what weight to apportion to each representation.
- 4.8 The applicant has been served with a copy of all representations by way of this report.
- 4.9 The applicant and the other persons making relevant representations have been invited to attend the hearing to present their cases respectively. They have been advised that they may be legally represented and of the hearing procedure.

#### **5. OBSERVATIONS**

- 5.1 In determining this application, the sub-committee must have regard to the representations and take such steps as it considers appropriate for the promotion of the licensing objectives.
- 5.2 In making its decision, the sub-committee must act with a view to promoting the licensing objectives. It must also have regard to the licensing authority's Statement of Licensing Policy and National Guidance.
- 5.3 The sub-committee has the following options when issuing the Decision Notice:
- i) Grant the application as made
  - ii) Grant the application with conditions and/or amendments to the licensable activities and/or timings (conditions should only be added where they are appropriate to promote the licensing objectives).
  - iii) Refuse the application.
- 5.4 Whilst the representations refer to issues relating to the existing hours, the sub-committee can only consider the application to vary. No amendments can be made to the existing timings, activities, or conditions.

#### **6. LICENSING POLICY CONSIDERATIONS**



- 6.1 The following paragraphs from the Council's Statement of Licensing Policy 2021 – 2026 may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Statement of Licensing Policy where they deem it appropriate:

*B6*

*Our vision is:*

*“To ensure that North Hertfordshire continues to offer a diverse range of well managed licensed venues and community and cultural activities within a safe and enjoyable environment, in both the daytime and night-time economy.”*

*B8*

*The Council is committed to the continued promotion of the diverse cultural and community activities within the district and providing a safe and sustainable night-time economy for residents and visitors alike. Licensing policy will be approached with a view to encouraging new and innovative forms of entertainment that promote this vision and are consistent with the four licensing objectives.*

*The Council encourages greater live music, dance, theatre and other forms of entertainment for the benefit of the community. Where activities require a licence, the Council will seek to balance the potential for disturbance of local residents and businesses against the wider community and cultural benefits.*

*B9*

*In making a balanced decision, the Council accepts that those living in town centre environments are likely to experience a degree of disturbance associated with a vibrant night-time economy, but this must be managed in such a way to limit its impact beyond that which is reasonable. The Council will at all times consider the wider benefits to, and impacts on, the community as a whole and will take a proportionate view on the weight to apply to representations.*

*D1.4*

*When determining applications, the Council will have regard to this Statement of Licensing policy, relevant legislation and any Guidance issued by the Home Office pursuant to section 182 of the Act. If relevant representations are made, the Licensing and Appeals Committee or its sub-committee, will balance its decision against all other factors for and against the application.*

*D1.5*

*The Council expects applicants to address the licensing objectives in their operating schedule and have due regard to this policy. To achieve this, the Council supports the principles set out in sections 8.41 – 8.44 of the Statutory Guidance which state:*

*8.41*

*In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about*

*these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.*

#### *8.42*

*Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:*

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to local residential premises and proximity to areas where children may congregate;*
- any risk posed to the local area by the applicants' proposed licensable activities; and*
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

#### *8.43*

*Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.*

#### *8.44*

*It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.*

#### *D1.6*

*Applicants should be aware that if they fail to have due regard to this policy it is more likely that the licensing authority or responsible authorities may deem it appropriate to make a representation. If representations are made as a result of the applicants' failure to address this policy in its operating schedule, the sub-committee may take this into consideration when determining the application.*

#### *D1.8*

*Whilst there is no requirement for applicants to consult with the responsible authorities prior to submitting an application the Council encourages pre-application dialogue to take place.*

#### *D2.1*

*Each licence application will be decided by reference to this policy, the National Guidance issued by the Secretary of State, relevant legislation and to the individual circumstances of the particular application. The Council may depart from the policy where the individual circumstances of any application merit such a decision in the interests of the promotion of the Licensing Objectives. Full reasons will be given for decisions taken by the Council when undertaking its licensing functions.*

#### *D2.4*

*In determining applications, the Council will focus primarily on the direct impact of the proposed activities on persons that may be adversely affected in relation to the licensing objectives. The scope of those persons that may be affected will be determined on a case by case basis taking into account all relevant factors.*

#### *D2.5*

*The Council acknowledges that the licensing process can only seek to impose conditions that are within the direct control of the licence holder. The Council does not consider that the term 'direct control' can be generically defined and will consider its definition relative to the specific circumstances of each application. For example, licensed premises at the end of road leading to a car park may be able to control its patrons leaving the premises and using the car park. In general terms, to be considered to be under the 'direct control' of a licence holder, there will need to be a direct causal link between the problems or likely problems and the specific premises.*

#### *D2.6*

*Where problems with a direct causal link to premises exist in relation to the promotion of the licensing objectives but they cannot be mitigated by the imposition of appropriate conditions, a licensing sub-committee will seriously consider refusal of the application. For example, patrons from a licensed premise that are causing disorder in a town centre after leaving the premises cannot be controlled by conditions, however the problem may be resolved by the refusal of the application or revocation of the licence.*

#### *D2.8*

*The Council recognises that the exercise of its licensing function is only one of a number of means of securing the promotion of the licensing objectives. The exercise, by the Council, of its licensing function should not be seen as a panacea for all problems within the community. The Council will encourage co-operation between its licensing function, planning function and environmental health functions to ensure that any problems are addressed using the most appropriate means and that its licensing function does not duplicate any other statutory responsibilities.*

#### *D2.9*

*The Council will carry out its licensing functions in the promotion of the licensing objectives and, in addition, will support the stated aims of the Act which are as follows:*

- (i) protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*
- (ii) giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;*
- (iii) recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;*
- (iv) providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and*
- (v) encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.*

#### *D3.4*

*The Council also recognises that licensing hours should not inhibit the development of a thriving and safe evening and night-time economy, which is important for local investment, employment and tourism. The Council will not seek to restrict the trading hours of any particular premises unless this is necessary to promote one or more of the licensing objectives.*

#### *D6.2*

*The Council recognises that each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style characteristics of the premises and activities concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. A standardised approach to imposing conditions must be avoided and conditions will only be lawful where they are deemed appropriate to promote the licensing objectives in response to relevant representations.*

#### *D6.3*

*Conditions will only be imposed when they are appropriate for the promotion of the licensing objectives and will focus upon matters within the control of the individual licensee such as the premises, places or events being used for licensable activities or the surrounding areas of the premises, places or events. Conditions are likely to be focused towards the direct impact of those activities on persons living in, working in or visiting areas affected by, or likely to be affected by, those activities.*

#### *D6.6*

*The Council interprets Section L of the application form, "Hours premises are open to the public", as an integral part of the operating schedule. In assessing an application, responsible authorities and other persons are likely to read those hours as though they were part of the operating schedule and tailor their representations based on that interpretation. These hours, therefore, form conditions of the licence operating schedule and restrict the hours during which members of the public can be on the licensed premises at the conclusion of trading irrespective of whether licensable activities are taking place. Applicants are advised to consider any necessary 'drinking-up time' or wind-down period at the end of normal licensable activities when completing this section of the application.*

#### *D6.7*

*The Council strongly believes that a carefully considered operating schedule that fully considers the impact of the proposed activities in relation to the promotion of the licensing objectives, having regard to this policy and the Guidance, is less likely to result in the imposition of conditions by a licensing sub-committee following representations.*

#### *D6.8*

*It is the Council's view that the imposition of conditions should be restricted to those that are proportionate in addressing any concerns in relation to the promotion of the licensing objectives. Conditions should not be used as a tool to attempt to mitigate every possible scenario; this will serve only to place undue burden on applicants and is not consistent with the general principles of the Guidance.*

#### *D6.9*

*Operating schedules and licence conditions should be drafted in such a way that it is clear to licence holders exactly what is required of them and these requirements should be concise and well-worded to assist the licence holder in managing their premises. The Council is strongly of the view that the imposition of a substantial list of conditions in order to grant an application calls into question the suitability of the applicant to hold a licence.*

*Where a licensing sub-committee determines that it is appropriate to impose a substantial list of conditions to the extent that they are effectively determining the day-to-day management of the premises, they will give serious consideration to refusing the application.*

#### *D8.1*

*The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.*

#### *D8.2*

*Only appropriate, proportionate and reasonable licensing conditions will be imposed on licences so as not to discourage the promotion of entertainment. Conditions will relate to the minimum needed to ensure the promotion of the licensing objectives.*

#### *D8.3*

*The Council will ordinarily avoid any measure which deters live music, dancing and theatre by imposing indirect costs of a substantial nature (for example, noise limiting devices for smaller or community premises). The Council acknowledges, however, that on occasions the imposition of appropriate conditions with cost implications may be the only alternative to refusing an application where there is sufficient evidence in relation to the effect, or likely effect on the licensing objectives.*

#### *E1.1.2*

*Conditions may be imposed on licensed premises requiring supervision by door supervisors in order to reduce crime and disorder and/or public nuisance in order to address the licensing objectives. The conditions may provide that door supervisors must be employed at the premises at all times, at specific times, or at such times when certain licensable activities are being carried out.*

#### *E1.3.1*

*The Council understands that the setting of capacity limits for the purposes of fire safety is not permitted, however, it may be appropriate to restrict capacity in premises in order to help control overcrowding and disorder.*

#### *E1.3.2*

*Where a condition is imposed restricting capacity to promote the prevention of crime and disorder objective, it is likely that a condition requiring door supervisors will also be appropriate to manage capacity.*

#### *E1.4.1*

*The Council encourages the use of CCTV recordings, with appropriate warning signage, where they would assist with the promotion of the licensing objectives.*

#### *E1.4.2*

*Equally, the Council is mindful that a blanket CCTV requirement without assessing its appropriateness and proportionality to the individual premises would be an unnecessary financial burden on the premises.*

#### *E2.5.2*

*Venues that provide facilities for music and dancing, in particular nightclubs, should consider additional measures that may be appropriate such as, but not limited to:*

- air conditioning and ventilation*
- cloakroom facilities (any charges kept to a reasonable amount)*

- quiet areas away from the music and dancing
- prevention of overcrowding, particularly on the dance floor
- regular collection of used drinking vessels

#### E3.1.1

Licensed premises may have significant potential to impact adversely on communities through public nuisances that arise from their operation. The Council interprets 'public nuisance' in its widest sense and takes it to include such things as noise, light, odour, litter and anti-social behaviour, where matters arising at licensed premises impact on those living, working or otherwise engaged in activities in the locality. Ordinarily, the Council's Environmental Protection & Housing Team, in their role as a responsible authority, would take the lead in respect of nuisance issues.

#### E3.1.3

The Council encourages applicants to seek early engagement with the Environmental Protection & Housing Team when preparing an operating schedule, ideally before submitting an application. The following examples of control measures is not an exhaustive or exclusive list but is given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or licensable activities:

- (i) appropriate instruction, training and supervision of those employed or engaged in the business (such as external DJs, performers, etc.) to prevent incidences of public nuisance; and
- (ii) adoption of best practice guidance such as, but not limited to:
  - the Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics;
  - Safer Clubbing: The National Alcohol Harm Reduction Strategy Toolkit;
  - the British Beer and Pub Association's Guide on Effective Management of Noise from Licensed Premises; and
  - the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council.

#### E3.2.1

This may include noise from live or recorded music, human voices (both amplified and unamplified) and other forms of entertainment (i.e. indoor sporting events). Measures to prevent a public nuisance may include, but are not limited to:

- installation of soundproofing;
- installation of noise-limiting devices;
- provision of acoustic lobbies;
- no externally played music;
- restrictions on the times and types of entertainment;
- keeping windows and doors closed (i.e. with self-closing devices).

#### E3.2.2

Soundproofing and other structural modifications may be identified as a requirement following an acoustic survey of the premises. Such a survey may be requested if the building is old and/or insufficiently insulated, very close or adjacent to neighbouring properties and/or the type of entertainment could be considered unsuitable for the premises without additional noise mitigation measures being implemented.

### *E3.2.3*

*Noise-limiting devices may be requested, in particular, where the entertainment takes place with sound systems not provided in-house (i.e. brought in by a hired DJ), where the premises is in a residential area or where the premises has a history of noise issues. Before imposing conditions requiring a noise-limiting device, the Council will give consideration to paragraph 2.16 of the Guidance which states:*

#### *2.17*

*Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.*

### *E3.3.1*

*This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of premises smoking and/or drinking and customers arriving at, leaving or queuing outside premises. Measures to prevent a public nuisance may include, but are not limited to:*

*use of time restrictions on specified areas of the premises (different times can apply to different areas);*

- cessation of the use of certain areas of the premises;*
- supervision of outdoor areas, entrances and exits;*
- suitably worded, clear and prominent signage;*
- restriction of seating in outdoor areas of the premises;*
- restriction of times that drinks can be taken in specified outdoor areas of the premises;*
- restriction of the number of customers permitted in specified outdoor areas of the premises, including time-specific restrictions (different numbers and times can apply to different areas)*

### *E3.9.1*

*The Council is fully aware of the nuisance that can be caused by poorly managed or inappropriately located premises, however, will seek to strike an appropriate balance with its vision of promoting a diverse and vibrant daytime and night-time economy.*

### *E3.9.2*

*The provision of well-managed and controlled entertainment will be encouraged to promote the vision, however the potential disturbance to residents and businesses will need to have been adequately considered by applicants as part of their operating schedule*

### *O1.1*

*The Council accepts that it can only consider matters in relation to the four licensing*

objectives when determining licensing applications, however as a public body it also has a statutory duty to consider the following legislative requirements:

- i. Crime and Disorder Act 1998  
*Local authorities are required to have due regard to the crime and disorder implications of any decision it makes.*
- ii. Human Rights Act 1998  
*Local authorities are required to implement the Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the European Convention on Human Rights and Fundamental Freedoms.*
- iii. Equality Act 2010  
*Local authorities are required to implement the Act in a manner consistent with its responsibilities to consider the equality implications of any decision it makes.*

## **7. RELEVANT EXTRACTS OF STATUTORY GUIDANCE**

7.1 *The following paragraphs from the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 (July 2023 version) may be relevant to this application. This section does not prevent the sub-committee from considering other paragraphs of the Guidance where they deem it appropriate, and the determination should be based upon consideration of the full document:*

### **1.3**

*The licensing objectives are:*

- *The prevention of crime and disorder;*
- *Public safety;*
- *The prevention of public nuisance; and*
- *The protection of children from harm.*

### **1.4**

*Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.*

### **1.5**

*However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:*

- *protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*
- *giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;*
- *recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;*
- *providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and*
- *encouraging greater community involvement in licensing decisions and giving local*



- residents the opportunity to have their say regarding licensing decisions that may affect them.

#### 1.16

*Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:*

- *must be appropriate for the promotion of the licensing objectives;*
- *must be precise and enforceable;*
- *must be unambiguous and clear in what they intend to achieve;*
- *should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;*
- *must be tailored to the individual type, location and characteristics of the premises and events concerned;*
- *should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;*
- *should not replicate offences set out in the 2003 Act or other legislation;*
- *should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);*
- *cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and*
- *should be written in a prescriptive format.*

#### 1.17

*The licensing authority should only impose conditions on a premises licence or club premises certificate which are appropriate and proportionate for the promotion of the licensing objectives. If other existing law already places certain statutory responsibilities on an employer at or operator of a premises, it cannot be appropriate to impose the same or similar duties on the premises licence holder, or club. It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.*

#### 2.20

*The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*

#### 2.21

*Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.*

#### 2.22

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

#### 2.23

As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

#### 2.24

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

#### 2.25

Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

#### 2.26

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night

#### 8.41

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge

*of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.*

#### **8.42**

*Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:*

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

#### **8.43**

*Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.*

#### **8.44**

*It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.*

#### **8.47**

*Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.*

#### **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.*

#### **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.*

#### *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. While 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.*

#### *10.8*

*The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.*

#### *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 evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online 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.*

#### *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 about the hours during which premises can*

*conduct licensable activities as part of the implementation of its licensing policy statement. 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.*

10.14

*Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested*

## **8. LICENSING OFFICER COMMENTS**

- 8.1 The comments within this section of the report are provided by the licensing officer to assist the sub-committee with the interpretation of the Act, the Guidance and existing case law. It is for the sub-committee to determine what weight they attach to this advice.

### **Definition of ‘appropriate’**

- 8.2 When determining applications, licensing authorities must ensure that their decision is based on what is ‘appropriate’ for the promotion of the licensing objectives.
- 8.3 The Guidance explains ‘appropriate’ as:

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.*

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. While 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.*

- 8.4 The sub-committee should also be aware that their decision must be proportionate to the evidence received in respect of the application and representation. Proportionality is a key factor in assisting with the definition of ‘appropriate’.

### **Evidence not to consider.**

- 8.5 Several points made in the representations have been deemed not relevant by the licensing officer. The points have been redacted and cannot be seen. The following paragraphs 8.6 to 8.8 are a summary of the redacted points which, for clarity, should not be discussed during the hearing.
- 8.6 One representation refers to a breach of the peace. A breach of the peace is covered by other existing legislation and predominately relates to crime and disorder matters. It is not relevant to the consideration of public nuisance from noise emanating from, or arising outside, the premises which is permitted as part of this determination.
- 8.7 Reference is made to criminal damage at the top of Bucklersbury but does not link it causally to the premises. Speculation that extended opening hours will cause further damage is not relevant given the lack of evidence associated with the existing opening hours.
- 8.8 Reference is made to not having to complain about other nearby premises. This is not relevant as each individual premises should be considered on their own merits and evidence.

### **Consumption of alcohol**

- 8.9 The sub-committee are reminded that the consumption of alcohol is not a licensable activity, it is the sale that is licensable.
- 8.10 The current premises licence has the supply of alcohol on and off the premises.
- 8.11 The representation from Hertfordshire Constabulary refers to drinks being taken from the premises to a barber shop. There is a condition on the current licence that states:

*"The premises licence holder and/or designated premises supervisor (DPS) will ensure that patrons are not allowed to leave the premises with any open vessels."*

If the sub-committee are satisfied, on the balance of probabilities, that this condition has been breached it can be considered as evidence relating to the applicant's ability to responsibly manage his premises.

### **Usage of first floor function room conditions**

- 8.12 The sub-committee are reminded that the current premises licence has the following conditions in relation to the first-floor function room:
- *The premises licence holder and/or designated premises supervisor (DPS) will ensure that adequate sound proofing must be installed to the party wall separating the upstairs function room on the 1st floor, as indicated on the plan, and the neighbouring property at 27a Bucklersbury.*
  - *The premises licence holder and/or designated premises supervisor (DPS) will ensure that the upstairs function room on the 1st floor, as indicated on the plan, shall only be licensed until 22:00hrs and open to the public until 22:30hrs.*
  - *The premises licence holder and/or designated premises supervisor (DPS) will ensure that the function room on the first floor, as indicated on the plan shall not be used for licensable activities unless two (2) customer toilets are available on the premises for use by customers.*

- *The premises licence holder and/or designated premises supervisor (DPS) will ensure that the first floor should not be used until an emergency lighting system has been installed to meet the requirements of BS5266.*

8.13 If the sub-committee are satisfied that, on the balance of probabilities, that these conditions are not being complied with they can consider this as evidence of the applicant's ability to responsibly manage the premises.

8.14 Whilst the representation from Hertfordshire Fire & Rescue Service was out of time, it is relevant to the sub-committee's deliberations that they have required the applicant to remove some unsuitable cladding fixed to internal walls that was intended as sound insulation.

### **Compliance with conditions**

8.15 There are allegations that the applicant is not complying with existing licence conditions and that entertainment is currently being provided unlawfully outside the deregulated hours.

8.16 These matters are currently being investigated and could be subject to formal enforcement action including, but not limited to, a licence review or prosecution.

8.17 Whilst the sub-committee cannot amend the existing licence, they are entitled to consider any such evidence when determining whether they believe the applicant will comply with any further conditions should the application for variation be granted.

### **Review of a premises licence**

8.18 Should the sub-committee be minded to grant the variation the revised licence will exist in perpetuity however there is a safeguard within the Act.

8.19 Any responsible authority or other person may apply to the licensing authority for the review of a premises licence if they can demonstrate that the premises are not adequately promoting the licensing objectives. In the case of other persons, they would need to demonstrate the direct impact on their household of licensable activities at the premises in terms of one or more of the licensing objectives.

8.20 If accepted by the licensing authority, an application for review would result in a twenty-eight (28) day consultation period advertised at the premises and on the licensing authority website where any responsible authority or other person could submit a representation.

8.21 A licensing sub-committee would hold a hearing to assess the representations and the oral submissions of the licence holder before considering what, if any, action was appropriate. The options available to the sub-committee would be:

- i) to take no action;
- ii) to modify the conditions of the premises licence (modify includes adding new conditions, altering or omitting existing conditions, or altering permitted timings of licensable activities);
- iii) to exclude a licensable activity from the premises licence;
- iv) to remove the designated premises supervisor from the premises licence;
- v) to suspend the premises licence for a period not exceeding three months; or
- vi) to revoke the premises licence.

## **9. APPENDICES**

- 9.1 Appendix A Current premises licence
- 9.2 Appendix B Application to vary an existing licence
- 9.3 Appendix C Representation from Hertfordshire Constabulary
- 9.4 Appendix D Representation from NHC Environmental Protection
- 9.5 Appendix E Representations from Other Persons

## **10. CONTACT OFFICER**

- 10.1 Melanie Gillespie  
Assistant Licensing Officer  
[melanie.gillespie@north-herts.gov.uk](mailto:melanie.gillespie@north-herts.gov.uk)



**Licensing Act 2003**

**Part A**  
**Format of premises licence**

**North Hertfordshire District Council**  
**Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF**

**Original grant date: 28 November 2018**  
**Current issue date: 06 January 2020**

.....  
Authorised signatory

**Premises licence number: 8057**

**Part 1 – premises details**

Postal address of premises, or if none, ordinance survey map reference or description

**Uva Hitchin Wine Bar and Shop**  
**26 Bucklersbury, Hitchin, Hertfordshire, SG5 1BG**

Where the licence is time limited the dates

**This licence is granted in perpetuity**

Licensable activities authorised by the licence

**Section J: Sale or Supply of Alcohol**

The times the licence authorises the carrying out of licensable activities

**Section J: Sale or Supply of Alcohol**

<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	10:00	23:30
Tuesday	10:00	23:30
Wednesday	10:00	23:30
Thursday	10:00	23:30
Friday	10:00	23:30
Saturday	10:00	23:30
Sunday	10:00	23:30

**The opening hours of the premises**

<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	10:00	midnight
Tuesday	10:00	midnight
Wednesday	10:00	midnight

Thursday	10:00	midnight
Friday	10:00	midnight
Saturday	10:00	midnight
Sunday	10:00	midnight

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

**For consumption on and off the premises**

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of the premises licence

**Mr Antonio Miceli**

Registered number of holder, for example company number, charity number (where applicable)

n/a

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mr Antonio Miceli**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

**Licence Number: 8317**

**Issuing authority: North Hertfordshire District Council**

**Annex 1 – Mandatory conditions**

No supply of alcohol may be made under this licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The admission of children, that is persons under eighteen (18) years of age, to the exhibition of any film shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or by the Licensing Authority.

Any one or more individuals at the premises for the purposes of carrying out a security activity (an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies and which is licensable conduct for the purposes of that Act) must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

**"Responsible person" means the holder of the premises licence, the designated premises supervisor, or any other person over the age of eighteen (18) years who has been authorised to sell alcohol at the licensed premises.**

The responsible person must ensure that staff on relevant premises do not carry out, arrange, or participate in any irresponsible promotions in relation to the premises. In this condition, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise).
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
- (c) provision of free or discounted alcohol, or any other thing, as a prize to encourage or reward the purchase and consumption of alcohol over a period of twenty-four (24) hours or less in a manner which carries a significant risk of undermining a licensing objective
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than when that other person is unable to drink without assistance by reason of a disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under eighteen (18) years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either:

- (i) a holographic mark; or
- (ii) an ultraviolet feature.

The responsible person must ensure that:

(a) where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcohol drinks sold or supplied having been made up in advance ready for sale or supply in securely closed containers) it is available to customers in the following measures:

- (i) beer or cider: half pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not, in relation to a sale of alcohol, specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. In this condition:

(a) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where:

- (i) "P" is the permitted price;
- (ii) "D" is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and
- (iii) "V" is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

- (i) the holder of the premises licence;
  - (ii) the designated premises supervisor (if any) in respect of such a licence; or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enable the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of fourteen (14) days beginning on the second day.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that deliveries and waste collections relating to premises shall only take place between 08:00hrs and 22:00hrs Monday to Saturday and 10:00hrs and 20:00hrs on Sundays.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that no glass bottles shall be emptied into waste bins outside at the premises between 22:00hrs and 08:00hrs.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that adequate sound proofing must be installed to the party wall separating the upstairs function room on the 1st floor, as indicated on the plan, and the neighbouring property at 27a Bucklersbury.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that the upstairs function room on the 1st floor, as indicated on the plan, shall only be licensed until 22:00hrs and open to the public until 22:30hrs.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that closed circuit television (CCTV) is installed, in working order and shall continually record whilst the premises is open to the public.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that closed circuit television (CCTV) cameras are installed and in working order.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that viewable and un-edited copies of recordings from the closed circuit television (CCTV) system will be provided to Police no later than twenty-four (24) hours after request.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that all closed circuit television (CCTV) recordings will be kept for a minimum of twenty-eight (28) days.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that the closed circuit television (CCTV) cameras cover key and vulnerable parts of the premises, including the entry and exit points at the front.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that a minimum of two (2) persons, namely the owner/DPS and duty manager are fully trained to access and operate the closed circuit television (CCTV) system and download copies of any footage, upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers. One of these persons will be at the premises at all times when the premises are open to the public.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that a refusals book is maintained and kept at the premises at all times.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that the refusals book will be made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that an incident book is maintained and kept at the premises at all times.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that the incident book will be made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Support Officers, Local Authority Licensing Officers and Trading Standards Officers.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that patrons are not allowed to leave the premises with any open vessels.

The premises licence holder and/or designated premises supervisor (DPS) will ensure "Challenge 25" policy is implemented.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that the function room on the first floor, as indicated on the plan shall not be used for licensable activities unless two (2) customer toilets are available on the premises for use by customers.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that the first floor should not be used until an emergency lighting system has been installed to meet the requirements of BS5266.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that all staff involved in the sale or supply of alcohol are provided with appropriate training in relation to the licensing objectives; training records will be kept in written or electronic format for all staff.

The premises licence holder and/or designated premises supervisor (DPS) will ensure that there are notices prominently displayed at all exit points from the premises requesting patrons to respect the needs of local residents and to leave the area quietly.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

**Annex 4 – Plans**

See attached

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**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ANTONIO MICELI  
*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> 8057
--

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
26 BUCKLESBURY HITCHIN HERTS SG5 1BG			
Post town	HITCHIN	Postcode	SG5 1BG

Telephone number at premises (if any)	01462 434162
Non-domestic rateable value of premises	£7,100

**Part 2 – Applicant details**

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post town	[REDACTED]	Postcode	[REDACTED]

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?    Yes    XYES    No

If not, from what date do you want the variation to take effect?    DD    MM    YYYY  

--	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see guidance note 1)    Yes    No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

I WOULD LIKE TO EXTEND MY HOURS TO 1.30AM FRIDAYS AND SATURDAYS  
OPENING HOURS TO 6AM EVERYDAY HOWEVER NO ALCHOL SALES UNTIL 10AM  
THESE ARE FOR BREAKFAST NETWORKING MEETINGS

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment (Please see guidance note 3)    Please tick all that apply**

- a)    plays (if ticking yes, fill in box A)
- b)    films (if ticking yes, fill in box B)
- c)    indoor sporting events (if ticking yes, fill in box C)
- d)    boxing or wrestling entertainment (if ticking yes, fill in box D)
- e)    live music (if ticking yes, fill in box E)
- f)    recorded music (if ticking yes, fill in box F)
- g)    performances of dance (if ticking yes, fill in box G)
- h)    anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)



**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 5)	Both
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)		
Day	Start	Finish			
Mon					
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)		
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	X
				Outdoors	
				Both	
Day	Start	Finish			
Mon	12PM	1130	Please give further details here (please read guidance note 5) LIVE MUSIC MAYBE ON ODD OCCASSIONS SMALL VENUE THEREFORE MINIMAL MUSICIANS		
Tue	12PM	1130			
Wed	12PM	1130	State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur	12PM	1130			
Fri	12PM	1:30AM	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the		

			column on the left, please list (please read guidance note 7)
Sat	12PM	01:30AM	
Sun	12PM	1130	

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	X
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 5) RECORDED MUSIC TO INCLUDE MAINLY KARAOKE		
Mon	12PM	1130			
Tue	12PM	1130	State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed	12PM	1130			
Thur	12PM	1130	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	12PM	130AM			
Sat	12PM	130AM			
Sun	12PM	1130			

G

Performances of dance	Will the performance of dance take place	Indoors	
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Standard days and timings (please read guidance note 8)			<b><u>indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Outdoors	
Day	Start	Finish		Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	
Mon				Outdoors	
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 4) FRONT OF DOORS		Indoors	
					Outdoors	
					Both	X
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5)			
Mon	10PM	2330				
Tue	10PM	2330				
Wed	10PM	2330	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)			
Thur	10PM	2330				
			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)			
Fri	10PM	130AM				
Sat	10PM	130AM				
Sun	10PM	2330				

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)		On the premises	
					Off the premises	
					Both	X
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)			
Mon	10am	2330				
Tue	10am	2330				
Wed	10am	2330				
Thur	10am	2330	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)			
Fri	10am	0130				

Sat	10am	0130	
Sun	10am	2330	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).**

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon	6am	midnight	
Tue	6am	midnight	
Wed	6am	midnight	

			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)
Thur	6am	midnight	
Fri	6am	.1.30	
Sat	6am	1.30	
Sun	6am	midnight	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence enclosed
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.



**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General -- all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Management training of all staff will ensure they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

- a/ no selling of alcohol to underage people
- b/ no drunk and disorderly behaviour on the premises area
- c/ vigilance in preventing the use and sale of illegal drugs at the retail area
- d/ no violent and anti-social behaviour
- e/ no any harm to children -

Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorise each sale

Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.  
CCTV system installed with recording option available

As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives.

**b) The prevention of crime and disorder**

Along with CCTV systems to monitor all main area of the premise, clear notices will be displayed showing both warnings against criminal activity and indicating normal hours under the arms of the premise licence.

Staff will be training to understand responsible sale of alcohol and will not sell to drunk or intoxicated people.

Staff will also be vigilant in prevention of illegal drug use

Staff will also be trained to ensure customers use the premise in respectful and orderly fashion.

**c) Public safety**

Training and implementation of ID Checks and environmental health requirements from all staff. Internal and external lighting fixed to promote public safety. Log books for inspections made: both made by statute and information compiled to comply with any public safety conditions attached to the premise licence. This log book will be available for inspection when required by persons authorised by the licensing Act 2003.

**d) The prevention of public nuisance**

Prominent, Clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and area quietly. Deliveries to the premise will be carried out at hours that will not be nuisance or disturb nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises. Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Checklist:


**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or £190 please call 07860 378982
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. yes
- I understand that I must now advertise my application.yes
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	17th October 16, 2023
Capacity	owner

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15)			
<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>			

## Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

- You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
- Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the

- audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
  - Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

- For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- For example (but not exclusively), where the activity will occur on additional days during the summer months.
- For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- Please list here steps you will take to promote all four licensing objectives together.
- The application form must be signed.
- An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
- This is the address which we shall use to correspond with you about this application.

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**POLICE REPRESENTATION – PREMISES LICENCE VARIATION**

**UVA, 26 BUCKLERSBURY, HITCHIN**

*Report from Mrs Kuljit Sangha, Licensing Officer for Hertfordshire Constabulary*

Mr Antonio Miceli has submitted a premises licence variation application to extend his operating hours for UVA, 26 Bucklersbury, Hitchin.

The current operating hours for these premises are as follows:

<b>DAYS</b>	<b>SALE OR SUPPLY OF ALCOHOL</b>	<b>REGULATED ENTERTAINMENT</b>	<b>LATE NIGHT REFRESHMENT</b>	<b>OPENING HOURS OF PREMISES</b>
<b>MONDAY</b>	10:00hrs – 23:30hrs	Deregulated: 08:00hrs – 23:00hrs	N/A	10:00hrs – 00:00hrs
<b>TUESDAY</b>	10:00hrs – 23:30hrs	Deregulated: 08:00hrs – 23:00hrs	N/A	10:00hrs – 00:00hrs
<b>WENESDAY</b>	10:00hrs – 23:30hrs	Deregulated: 08:00hrs – 23:00hrs	N/A	10:00hrs – 00:00hrs
<b>THURSDAY</b>	10:00hrs – 23:30hrs	Deregulated: 08:00hrs – 23:00hrs	N/A	10:00hrs – 00:00hrs
<b>FRIDAY</b>	10:00hrs – 23:30hrs	Deregulated: 08:00hrs – 23:00hrs	N/A	10:00hrs – 00:00hrs
<b>SATURDAY</b>	10:00hrs – 23:30hrs	Deregulated: 08:00hrs – 23:00hrs	N/A	10:00hrs – 00:00hrs
<b>SUNDAY</b>	10:00hrs – 23:30hrs	Deregulated: 08:00hrs – 23:00hrs	N/A	10:00hrs – 00:00hrs

The proposed premises licence variation is as follows:

<b>DAYS</b>	<b>SALE OR SUPPLY OF ALCOHOL</b>	<b>REGULATED ENTERTAINMENT: LIVE &amp; RECORDED MUSIC (INDOORS)</b>	<b>LATE NIGHT REFRESHMENT (INDOORS &amp; OUTDOORS)</b>	<b>OPENING HOURS OF PREMISES</b>
<b>MONDAY</b>	No Change	12:00hrs – 23:30hrs	22:00hrs – 23:30hrs	06:00hrs – 00:00hrs
<b>TUESDAY</b>	No Change	12:00hrs – 23:30hrs	22:00hrs – 23:30hrs	06:00hrs – 00:00hrs
<b>WENESDAY</b>	No Change	12:00hrs – 23:30hrs	22:00hrs – 23:30hrs	06:00hrs – 00:00hrs
<b>THURSDAY</b>	No Change	12:00hrs – 23:30hrs	22:00hrs – 23:30hrs	06:00hrs – 00:00hrs
<b>FRIDAY</b>	10:00hrs – 01:30hrs	12:00hrs – 01:30hrs	22:00hrs – 01:30hrs	06:00hrs – 01:30hrs
<b>SATURDAY</b>	10:00hrs – 01:30hrs	12:00hrs – 01:30hrs	22:00hrs – 01:30hrs	06:00hrs – 01:30hrs
<b>SUNDAY</b>	No Change	12:00hrs – 23:30hrs	22:00hrs – 23:30hrs	06:00hrs – 00:00hrs

I've submitted the following as I believe it is relevant to demonstrate Mr Miceli's knowledge of the licensing legislation. On Sunday 17/09/23 at approx 1am whilst officers were patrolling in Bucklersbury, Hitchin, the intervention Sergeant noted whilst passing a barbers, which I now know to be True Gents was holding a karaoke event. The Sergeant did think it was odd that there was a karaoke



**HERTFORDSHIRE  
CONSTABULARY**

## **POLICE REPRESENTATION – PREMISES LICENCE VARIATION**

### **UVA, 26 BUCKLESBURY, HITCHIN**

in a barbers shop. I explained to the Sergeant that the barbers didn't have a premises licence and there was no Temporary Event Notice (TEN) in place to hold this event. After further investigation I was able to establish that the barbers was also owned by Mr Miceli. I then spoke with Senior Licensing Officer James Vaughan about this. James visited and spoke with Mr Miceli who confirmed that he did have a party in the barbers and his customers were purchasing drinks from UVA (as the premises does have off sales) and then taking their drinks to the barbers shop. I've included this to show that Mr Miceli was holding unlicensable activity (music) in a premises that had no TEN, therefore his understanding of the licensing legislation appears to be limited.

On Tuesday 31/10/23 at 11am a pre-arranged visit took place to speak with Mr Miceli regarding his application. Present during the meeting was myself, Kuljit Sangha, North Herts Police Licensing Officer, Alan Stone - Senior Environmental Health Officer - NHDC, Melanie Gillespie - Assistant Licensing Officer NHDC Licensing, James Vaughan - Senior Licensing Officer NHDC Licensing and Antonio MICELI – Applicant. Reason for our visit was establish with from Mr Miceli what his business plan was for the extended operating hours. During the course of the visit the following was ascertained:

- Premises is called UVA but has changed on the door to Lets Party. For the moment, for continuity Mr Miceli has kept the business name as UVA, for the purpose of the application process.
- Mr Miceli's reason for the proposed extension to hours is to operate later into the evening and into the early hours of the morning. Mr Miceli stated that potential customers enquire about bookings, however half of his bookings don't follow through, due to hours he operates. Mr Miceli confirmed that he closes at 11.30pm on a Friday and Saturday. He also admitted music goes onto 11.30pm too.
- Has been at the premises for 5 years and stated he hasn't had one police complaint.
- With regard to noise Mr Miceli stated that he doesn't consider himself as noisy person, but he and his customers love music. He stated that for him the location of his premises is part of the town centre, therefore should be vibrant, even if it is noisy.
- I mentioned about the observations made by a Sergeant on 17/09/23 re karaoke event at his barber shop. Stated he had a party there for one of his customers and admitted he did have karaoke in the barbers. When I mentioned that he was conducting in unlicensable activities, Mr Miceli asked why this was the case and I explained that he didn't have a TEN for regulated entertainment, which is required for an establishment that doesn't have a premises licence. Mr Miceli stated he didn't think he needed a TEN. Stated he only did this the once, therefore appears to be a one off. Advice given to perhaps engage in a bit of research for further guidance around this, for example to look on the government website.





**POLICE REPRESENTATION – PREMISES LICENCE VARIATION**

**UVA, 26 BUCKLERSBURY, HITCHIN**

- Mr Miceli has two karaoke rooms, one on the ground floor at back of the premises and one on the first floor at the front of the premise. Mr Miceli stated that on the first floor he had already installed a 12” false wall with insulation as well as a blue double soundproof plaster board from the ceiling to the floor. This is the wall against a residents property. He also had some soft foam stuck to the wall 2-3 weeks ago, which he states are acoustic tiles. These are also the same ones used on the ground floor at the back of the premises in the karaoke room. He was asked if Fire had inspected these acoustic tiles, but Mr Meceli didn’t confirm but stated the company he purchased it from had fire retardant all over it. Mr Miceli stated the first floor use to be a kitchen after covid but prior to that it was a room. He made the changes from a room to a kitchen after he had been granted the original premises licence back in 28/11/2018. After that he stated that the demand for karaoke was so good that he didn’t have the extra room, therefore changed the kitchen into another karaoke room. I questioned whether if there had been alterations to the premises, should there have been a variation. Melanie confirmed that he should’ve possible varied his premises licence. Mr Mecili then stated that originally when the licence was applied for it was a room and then half way through covid he changed it into a kitchen. He then changed it again back to a room. Mr Micelli then mentioned that the first floor wasn’t a kitchen before covid. Stated in March 2020 when he closed because of covid, it killed the wine bar business. He states he then re-opened as a ‘Hot Rock Wine Bar’, which he states he changed into a kitchen, which ultimately was some benches and a sink. Then stated the hot rock wine bar didn’t do so well, therefore rebranded into a karaoke room.
- The first floor window was open when we went there. I asked if he keeps the window open during karaoke. He confirmed it would be closed and pointed to a fan which was in the room.
- The area at the front on the ground floor is used as a chill out lounge type area with a bar.
- I asked if he does food, to which Mr Miceli confirmed he didn’t. I questioned the reason for proposing Late Night Refreshment (LNR) on the application, first he stated had he. Then he stated so that people can bring food with them. Asked if he was going to use the LNR to cook food, to which Mr Miceli stated he wasn’t. Therefore advised him not quite sure as to why it is included in the application. I’m sure Mr Miceli understands the purpose of LNR.
- Mr Miceli has engaged in communication with a few of the residents who have approached him without the involvement of Environmental Health due to noise complaints, which he says he has attempted to resolve. The front of the premises is installed with single glazed windows. Alan confirmed what he has heard from the recordings submitted to him have been until 11.30pm. It appears Mr Miceli is not promoting the public nuisance objective under the licensing objectives. Mr Miceli seems to believe he can contain the noise issues within the premises, he also acknowledged he needs to do more. Mr Miceli advised that he has received noise complaints from one particular resident, which is why I stated on the basis of the noise



## **POLICE REPRESENTATION – PREMISES LICENCE VARIATION**

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complaint why then submit an application to vary a premises licence, knowing he already has noise complaints. He acknowledged what was being said and stated he should've taken that on board. He has been advised that the complaints, etc, should've been addressed and attempted to resolve them to a high standard before even considering submitting a variation.

- Mr Miceli asked what does he have to do at which point Alan advised that he needs to operate within his premises licence operating hours. To see if he can mitigate the noise during these hours, before even considering extended hours. Mr Miceli advised that he is open in the day time too. Alan mentioned that there were videos on the Facebook page of the singing and dancing. Mr Miceli acknowledged it's loud inside the premises, but doesn't hear it much when outside. Stated when the door is closed you don't hear it.
- I asked whilst having regulated entertainment is the front door closed or open, Mr Miceli confirmed it was open. Advice given to keep the door closed during his current operating hours. Alan confirmed he has noise complaints of music/people noise through the walls, customers leaving the premises, etc. Mr Miceli's on the spot solution was to add an additional door inside the premises to the entry/exit to the premises, bit like a lobby/porch. Advice given that adding additional walls/doors may well limit his capacity for the premises, to which Mr Miceli advised it wasn't a problem.
- We asked Mr Miceli for a demonstration re the noise levels and to set them to levels he would normally have on a Friday and Saturday night. We were on the ground floor, stood at the back of the premises, which is where karaoke events are held. During the demonstration it was apparent that we had to raise our voices to speak to each other and when we placed our hand on the wall, the vibration was pretty strong, even with the acoustic tiles that were attached to the wall. Which in turn suggests that the quality of the these tiles is insufficient to stop the noise from travelling to neighbouring properties on either side of these premises. Mr Miceli went onto say that he has admitted there is any issue with the noise and stated he 'had said it from day one that there was an issue here'.
- Melanie gave advice that perhaps Mr Miceli should consider an independent noise assessment to establish where the noise is travelling to, etc. Alan has offered advice re having a noise management plan to mitigate the noise issues.
- Mr Miceli made references to people leaving the premises and suggested that he will be looking to make the venue a members only club after 11.30pm. He advised that this should resolve this issue and this way it can give him the option to ban customers that are really, really bad.
- Mr Miceli was asked what time does karaoke go on until, what time is his last alcohol sales and what time does he close, he confirmed until 11.30pm. Advice given that under deregulation



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of live/recorded music he can only have music between the hours of 8am and 11pm. Therefore he was advised that he is operating outside operating hours. He stated he holds his hands up as he didn't know! Advice given that the only consistent breach identified is the music beyond 11pm, to which he stated 'yeah it's only half hour'. It was quite concerning to hear that Mr Miceli doesn't know that he mustn't have music past 11pm.

- I asked if he is always at the premises, which Mr Miceli confirmed was correct. I then asked if there was anyone else that manages the premises should Mr Miceli decide on going on holiday or is poorly, he confirmed he would remain closed. Stated that in the past he did have a manager prior to covid, however after covid she decided not to return as she moved. Mr Miceli stated that he has been in the premises working non-stop, 12-18 hours. Did also state that the present business a 'Karaoke Bar' is version 3. Prior to this he had changed it more into a restaurant than a bar. He believes that the way the current set up is it works.
- I asked if he would consider having SIA doorstaff for the variation hours. Mr Miceli confirmed he's never needed doorstaff as he's not had any trouble. Stated that most of the people that come to his premises know him and he knows them. He doesn't feel it's been an issue and he doesn't intend to have a different customer base. Stated he isn't looking to attract trouble makers and they don't just come to the premises just to drink. I explained that he won't know as currently he only operates until 11.30pm, therefore how will he know there won't be any trouble with the proposed hours as he hasn't been in that situation. I asked if he was to have two karaoke sessions running at the same time (one on the ground floor and one on the first floor), then how does he intend to manage these two areas, as well as the lounge/bar area. Also who would then manage the door, for example to ensure that drunks aren't permitted entry, to ensure that the door remains closed at all times to eliminate any noise travelling outwards, etc. I explained that it would be impossible to be in three places at once albeit the premises is very small. Mr Miceli stated he 'has staff obviously'. He didn't elaborate as to how many staff members he has working for him and also hasn't in my opinion considered whether the staff members would be confident enough to deal with any incidents, including drunk people, therefore putting his staff at risk. Stated he is very rarely behind the bar as he is doing other things. I also questioned that if he is looking to adopt a members club after 11.30pm, then how will this be managed when he would potentially have non-members prior to 11.30pm. If the situation escalates and becomes a volatile situation then what would he do to manage this situation, if he is on his own managing or even staff not willing to deal with these situations. Mr Miceli stated nothing changes only the hours and it's the same customers. I advised that he won't know if he gets the same customers as he will be advertising longer hours, which could attract different customers. My thoughts are that the situation can change to the extent where people are spending more time consuming alcohol and getting drunk, which could potentially mean that the situation of asking people to leave may possibly become unmanageable. Mr Miceli's stated he won't have security but will have a doorman. I explained



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doorman would be someone who is security. Mr Miceli rephrased by saying that someone would have to check the customers membership prior to entry, it would be himself or another member of staff.

- Mr Miceli also mentioned that he is potentially looking at charging customers to come into the premises after a certain time. But also mentioned he's not sure whether he wants to go down that route. Then stated he would charge £10 entry after 10.30pm. He stated that when there is singing and dancing the customers aren't exactly buying alcohol, therefore the amount of people that come to the premises is for the karaoke. He has then thought about how does he continue to make money, hence the £10 entry fee. Also to make it members only, which he states it will make it easier to barr anyone, although he says he's not needed to barr anyone to date. He also mentioned that he was looking to change the premises as a members club 4 years ago and the comments from people were you don't really want to be doing that, Mr Miceli questioned this as to why not as most people know him anyway. He stated he doesn't like certain trouble makers therefore making the premises into a members club would be an easier way of doing this.
- Isn't part of pubwatch and doesn't feel he needs it. Again Mr Miceli stated that most people who come UVA know him. Therefore not had any problems. Stated that there was one or two local issues between individuals about 4 years ago. Asked if he had an incident book to which he stated he does but is empty as he doesn't have any incidents at the premises. Advice given that the incident he made references to should've been recorded in the incident book, which shows that he has taken into account his due diligence. Was not presented to us during our visit, however I don't believe this was done intentionally.
- Asked if he has a refusals book, again stated he does but has never needed it. Was not presented to us during our visit, however I don't believe this was done intentionally.
- Advice was given by both Alan and Melanie that Mr Miceli should not consider carrying out alterations within the premises, for example adding additional walls on the ground floor at the back of the premises where the karaoke takes place. To conduct a full assessment of what is needed to resolve the issues and then consider coming up with a plan. Also to consider contacting planning as to what their requirements would be with regard to planning permission due to the premises being a grade listed building.
- Advice was given that he is operating outside his permitted hours. In the presence of us all Mr Miceli stated "shall we forget about the past". He was strongly advised that this is something that cant be ignored.
- Melanie gave advice that he should possibly consider withdrawing the application. Then think about getting things sorted before considering re submitting. I asked whether he would



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consider a withdrawing his application to which he replied no, I'll just hand in my keys tomorrow. Says it is just not worth while, he's working 12/18 hours already and stated what is the point if he's not making a profit. Stated that the only time he'll make a profit is if he has longer hours to work within.

- Alan advised Mr Miceli that for the next couple of weekends he will be checking noise levels from outside the premises and within the residential properties from the different rooms, to establish for himself the noise levels that are being played within the premises.
- Advice given that it isn't any of the responsible authorities aim of putting him out of business, but he seriously needs to work within the permitted hours of his current premises operating hours, which he clearly has shown he hasn't been. Also advice we want his business to thrive but not at the expense of causing a nuisance to neighbours and breaching his operating hours, etc.

In summary it is apparent that Mr Miceli has demonstrated that he has not thought about promoting two of the four licensing objectives, namely Crime & Disorder and Public Nuisance. Hitchin's night time economy is very much a thriving town with a number of premises open from the evening of Friday and Saturday into the early hours of the morning. Mr Miceli isn't willing to consider provisions for SIA doorstaff and doesn't feel the need to have any and hasn't provided me with much confidence with his ability to demonstrate how certain situations will be handled should the need arise to deal with intoxicated persons attempting to enter the premises or even removing them from the premises. Also, it concerns me that he has to date demonstrated he doesn't have the ability to operate within his current premises operating hours, namely continuing with music beyond 11pm under the deregulation of regulated entertainment. I also don't believe that Mr Miceli understands the consequences of operating outside his permitted hours and has already demonstrated that it is ok to go beyond his hours for music. I have very little or no confidence in his ability to operate with longer hours let alone current hours.

Therefore, Police are requesting that the sub-committee consider refusing this premises licence variation.

Tuesday 14<sup>th</sup> November 2023

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**Uva Hitchin Wine bar and shop**  
**Background & Representations by Responsible Authorities –**  
**Environmental Health**

Alan Stone – Senior Environmental Health Officer, North Herts Council  
Council Offices, Gernon Road, Letchworth, Hertfordshire, SG6 3JF

Dear Licensing,

I write in relation to the variation application for UVA Wine Bar (Let's Party) 26 Bucklersbury, Hitchin by Antonio Miceli (License no. 8057).

**Background:** The premises is a timber framed grade 2 listed building with an open plan ground floor with two areas for karaoke and a further karaoke room upstairs with commercial uses to either side at ground floor but with party walls to resident's homes both to the rear at ground floor and to the north at first floor. When the application was first granted, this was subject to a number of conditions one of which was 'The premises licence holder and/or designated premises supervisor (DPS) will ensure that adequate sound proofing must be installed to the party wall separating the upstairs function room on the 1st floor, as indicated on the plan, and the neighbouring property at 27a Bucklersbury.' And: 'The premises licence holder and/or designated premises supervisor (DPS) will ensure that the upstairs function room on the 1st floor, as indicated on the plan, shall only be licensed until 22:00hrs and open to the public until 22:30hrs.'

It is my understanding that these conditions were placed on the license as there was concern about noise and disturbance from the use of that area affecting the neighbours. I can find no evidence of any information in relation to the sound proofing at the first floor and whether this is adequate. Additional problems encountered are that the front façade is single glazing with no lobby entrance resulting in noise escaping when people ingress and egress when arriving or departing or going out to smoke/get some fresh air. There are no hours for regulated entertainment stipulated on the license. This essentially means that the premises is restricted to having regulated entertainment up to 11pm under de-regulation.

Prior to the Covid lockdowns in 2020 a Noise Abatement Notice was served on the premises following an investigation but North Herts Council. This is the first involvement Environmental Protection have had since this time.

**The current proposal:** The variation application seeks to extend the hours of opening from 6am each day of the week and to close at 1.30 am on Saturday and Sunday mornings and midnight every other day of the week. Music, both live and recorded, is requested from 12 midday each day of the week to 1.30am on Saturday and Sunday mornings and until 11.30pm on every other day. There is no mention of the function room at the first floor in the application.

This variation application has resulted in the occupants of two residential premises contacting the Council, firstly to object to the variation application but also to further complain about the existing noise from this premises.

These objections and complaints resulted in a visit to the premises on 31<sup>st</sup> October 2023 by myself (along with the Licensing department and the police licensing officer) to discuss the proposals with the DPS. At this meeting, the applicant (DPS) agreed that there was a problem with the noise insulation to the rear of the premises and he was looking to address this with some noise mitigation works. I also undertook some noise monitoring of the premises both in person on 3<sup>rd</sup> November 2023 (at night when regulated entertainment was in progress) but also using a mobile phone noise app (this noise app allows the residents to make recordings on their mobile telephones and submit them to the Council for appraisal).

Both the monitoring visit during the evening of 3<sup>rd</sup> November 2023 and Noise app recordings submitted to the Council indicate that there is significant noise disturbance to the neighbouring residents both through the structure (noise can clearly be heard through the walls, the songs are identifiable and the lyrics clear), noise through the facades to the front and rear affecting bedrooms and other habitable rooms on both aspects. At times, the door to the front of the premises was ajar as there are no self-closers on the door. Noise is also significant from patrons outside to the front of the premises (both talking loudly and singing along to the songs being played inside). So, to clarify, I witnessed noise levels from the premises I considered intrusive and significant in both properties.

Compounding this, even though I advised of the hours the premises license allows (i.e. regulated entertainment only from 8am up to 11pm under de-regulation and no later) on the visit on 31<sup>st</sup> October 2023, the premises were operating outside of the terms of the premises license both on the evenings of Friday 3<sup>rd</sup> November and Saturday 4<sup>th</sup> November 2023 i.e. music was being played until 11.30pm and beyond.

Noise from patrons shouting and singing outside was also noisy and intrusive and these people did not appear to be managed in any way. There were no door staff present and no intervention was made during the time I was present by any staff member. In addition, other license conditions were being breached i.e. the requirement to ensure that patrons are not allowed to leave the premises with any open drinking vessels. This further exacerbated the noise problem.

**Recommendation: OBJECTION**

Given the above, as a Responsible Authority, the Environmental Protection & Housing Team of North Herts Council objects to this variation application for 26 Bucklersbury, Hitchin. By granting any extension to the hours this premises can provide regulated entertainment would result in significant additional noise disturbance at a time when the average person may be expected to be sleeping or relaxing in their home. This representation is made to promote the licensing objective, the Prevention of Public Nuisance. I consider that this premises, given the location and the building fabric is not suitable for such activity. Additionally, any improvements that may be possible (e.g. lobby entrance, false walls etc) will probably require planning permission, as indicated by planning enforcement team.

Indeed, given the recent activity witnessed during the evening visits, I have little confidence in the management of this premises in promoting the Prevention of Public Nuisance licensing objective.

If any further information is required, then please advise at our earliest opportunity.



## **Uva Hitchin Wine bar and shop Representations by Other Persons**

**Cllr Keith Hoskins, 17 Wratten Rd East SG52AS**

Good morning,

I have concerns regarding this application following representations from neighbours.

The premises are small and often customers spill out onto the narrow pavement necessitating passers-by having to step into the road. Doors and windows are invariably open with resulting noise leaking out. The operation of karaoke is not conducive to a quiet night!

There are residential units immediately adjacent at 24 and 27 with others nearby at 32, 33, 36 and 37 as well as on the corner with Tilehouse St. This is the residential end of Bucklersbury.

Generally speaking, 1.30am is probably not advisable in this concentrated residential area.

As to opening at 6am, I fail to understand the reasoning but if minded to give some consent, I would suggest no earlier than 7am Monday to Friday only to allow residents to maintain at least some quiet enjoyment of their space.

As for closing times, I would suggest that midnight for end of service with half an hour to closure at 12.30 in this part of town. I do understand that there is a late trading takeaway in the vicinity but that doesn't involve alcohol or loud music.

So, the objection is on Prevention of Public Nuisance and given the location and danger of overspill, Public Safety

**Richard Varley - #4, 61 Wymondley Road, HITCHIN, SG4 9PT**

Thank you for your email dated 30.10.2023. I would like to amend my submission in respect of the noise emanating from 26, Bucklersbury, HITCHIN (premises known as "Let's Party") as being a public nuisance and possibly falling into crime and disorder as described within your licensing objectives.

My reasons are as follows:

I work as a part-time M.O.T. Tester at the motorcycle garage at 14 Bucklersbury, HITCHIN, SG5 1BB and have done so for some 15/16 years now. Immediately opposite is a premises now known as "Let's Party" at 26 Bucklersbury. An intolerable amount of loud music has emanated from those premises on Tuesdays and particularly on Saturdays (although last Saturday and today have been quiet whilst I have been at work). This is loud, presumably recorded and sometimes live karaoke, music being played inside number 26 and being broadcast to the street outside through open front door and upstairs windows. This volume of noise is a nuisance to me, as a member of the public forced to hear it, whilst going about my normal business and I can only describe the noise as "intolerable" because it is so loud as to disturb my concentration whilst I am performing an M.O.T. test on a motorcycle to such an extent that I fear that I may miss something vital during an examination, a situation that may result in danger. I work between 08.00 and 16.00 on Tuesdays and Saturdays. I should add that I now keep the workshop doors closed whilst I am at work but the loud noise from number 26 still is at disturbing volume inside my closed workshop.

Bucklersbury is an ancient street comprising of residential, commercial, and retail properties and the volume of noise emanating from 26 Bucklersbury is such that

it should be included as part of the public nuisance suffered by any other complainants. This judgement I am happy to leave with N.H.D.C.

I, as a member of the public, find the noise from number 26 to be a nuisance and also consider it to be a breach of Common Law and ask that my representation be taken to support any other representatives who are adversely affected by this noise nuisance.

**Sarah Chapman -18 Benslow Lane, Hitchin, SG4 9RE.**

I would say that The Prevention of Crime and Disorder and also The Prevention of Public Nuisance would both apply.

I did go round to let Mr. Miceli know I would be objecting, and he was cross, he asked me what time did I think it reasonable places should shut in a Town Centre, I said 12 would seem fair with a couple of late-night venues - his opinion is that all venues in the Town Centre should stay open until 2am. He told me he had been considering some sound proofing but was angry that his neighbour at number 24 had objected - they share a wall at the back I believe - and was not inclined to do so anymore - hopefully he will still install sound proofing.

I work in a business close to the bar at number 26 Bucklersbury.

I am writing about the notice on the door of number 26 requesting to extend the licensing hours with a 6am start 7 days a week and an extension on Friday and Saturday nights until 1.30am.

The office I work in is within earshot of any loud music coming from the bar throughout the day. During summer months, when windows are more likely to be open, this can create a noise nuisance - I don't think the possibility of Karaoke from 6am, whilst unlikely, is necessary.

Bearing the mind, the types of professional businesses located in this quiet part of Bucklersbury, I feel an extension of daytime hours is antisocial. Extended late-night closing at weekends raises the risks of property damage.

I cannot imagine how miserable the 1.30am weekend extensions, followed by a 6am opening will be for the poor residents in the close vicinity of number 26 - indeed, when are they supposed to sleep at the weekend?

**Stuart and Helen Chilvers, 27A Bucklersbury, Hitchin, SG5 1BG**

Dear Sirs

We wish to register our objection to the above application.

We have been tenants at 27A Bucklersbury for the past 25 years (next door to 26).

The reasons for our objections are:

1. The revised opening hours (6.00 a.m. to 23 30 and 01.30 Friday and Saturday given the current level of noise. Extending the current opening hours would be very unpleasant for us.
2. He does not abide by the existing licence, frequently having customers singing and shouting both indoors and on the pavement until well past midnight. This would mean that given his current activities there will be customers on the street until around 02.30 a.m.
3. The level of noise, despite his soundproofing, is enough to prevent us sleeping.

We have had several amicable conversations with Tony regarding the situation.

As stated we have lived here happily for 25 years. We feel it is important for the town centre to maintain its mixed use character.

Yours faithfully

**Christine Evans-Pughe - 24a/24 Bucklersbury, Hitchin, Herts, SG5 1BG**

Sorry for the RESEND – I didn't edit the last version very well (so please can you ignore the last and use this one).

Hi there,

In 2019 until lockdown in March 2020, the issues with noise were so bad I ended up with council recording equipment in my house (case reference 11377). Natalie Smith at NHDC handled the complaint. She was really helpful and did what she could.

There will be a series of noise recordings from back then (and case notes?). There is also a noise recording pending from 24<sup>th</sup> September 2023, that I sent on the Noise App. Have you received that?

Because the objection to extending the licensing will probably go to a hearing, please can I have access to those noise recordings from 2019/2020 and the most recent one so I can use those in stating my case? I think I will need them within the next 28 days.

Fyi, attached is my most recent correspondence with Tony (who runs the Karaoke bar at 26 Bucklersbury).

Tony and I have ongoing, civilised discussions about measures he can take to sort out the current noise issues. These are a work in progress.

1. The simplest one (which was a big problem in 2019/20) was his inability to shut the front door (which he often wedged open with a large bottle). Yesterday, I showed Tony some stylish hinges for self-closing doors and showed him the example of their use in my own house. He agreed to buy some and replace those on his bar's front door. I'm hoping he will do that ASAP.
2. Because my kitchen (where I often entertain friends and family) shares a party wall with 26, it is almost unusable when the bar is in full swing because of the noise. Tony is trying out some new acoustic materials to dampen the noise.

However, these measures are designed to cope with current opening hours up to 11.30pm. and *people still don't leave until after 12*. But folk hanging around the street to around 12.30 talking loudly etc, is *just about* tolerable in a lively town.

However, if Tony doesn't close the bar until 1.30am on Fridays and Saturdays (as he is asking for in his licensing extension request), none of the measures suggested (and yet to be implemented) will solve the problem of his customers spilling out into the street at 2am and shouting and singing until 3am underneath my bedroom window. I wish that wasn't the case, but I've lived with it for long enough to know it will be. It will be hell.

And, of course, at the other end of the scale, 6am is not a reasonable time to open a karaoke bar in a street full of people living and working there. Who goes to a bar at 6am?

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