

18 September 2024

Our Ref Licensing Sub-Committee 3 October
2024
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To: Members of the Committee: Councillors Tim Johnson, Steven Patmore, Emma Rowe and Stewart Willoughby

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

to be held in the

REMOTE MEETING VIA ZOOM

On

THURSDAY, 3RD OCTOBER, 2024 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

Item		Page
1.	ELECTION OF A CHAIR The Sub-Committee Members will elect a Chair and determine who will be the Reserve Member.	
2.	HEARING PROCEDURE The procedure to be followed by the Chair when conducting the sub-committee hearing.	(Pages 3 - 6)
3.	DETERMINATION OF APPLICATION To determine the application for a variation to the premises licence at UVA Hitchin Wine Bar and Shop (Let's Party), 26 Bucklersbury, Hitchin, SG5 1BG.	(Pages 7 - 64)

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 (t/a Let's Party)
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
 - environmental protection
 - 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:
 - environmental protection
 - the other persons
11. The sub-committee may ask questions of fact or clarification of the applicant.

ENVIRONMENTAL PROTECTION SUBMISSION

12. The Chair will ask environmental protection 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 environmental protection from:
 - the applicant
 - the other persons
14. The sub-committee may ask questions of fact or clarification of the Environmental Protection Officer.

HEARING TO MOVE INTO PRIVATE SESSION

15. Video evidence has been provided by the other persons that contains personal information i.e. persons contained within the footage can be identified.

Pursuant to Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the sub-committee resolve to exclude members of the public for the purpose of viewing the video footage.

HEARING TO RETURN TO PUBLIC SESSION

THE OTHER PERSONS' SUBMISSION

16. 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.
17. The Chair will ask if there are any questions of fact or clarification of the Other Persons from:
 - the applicant
 - environmental protection

18. The sub-committee may ask questions of fact or clarification of the other persons.

CLOSING STATEMENTS

19. The Chair will ask the licensing officer if they have any final submissions to the sub-committee
20. The Chair will ask if environmental protection have any final submissions to the sub-committee.
21. The Chair will ask if the other persons have any final submissions to the sub-committee.
22. The Chair will ask if the applicant has any final submissions to the sub-committee.

LEGAL SUBMISSIONS

23. The Chair will ask the legal advisor to summarise any points of law that have arisen during the hearing.
24. The sub-committee may ask legal questions of the legal advisor.

ADJOURNMENT

25. The Chair will adjourn the hearing for the sub-committee to retire to make a decision in closed session.

DECISION

26. The sub-committee will return to open session and the Chair will announce the sub-committee's decision, including their reasonings.
27. The Chair will close the meeting.

LICENSING AND APPEALS SUB-COMMITTEE
4 October 2024

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

LICENSING ACT 2003

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

REPORT OF THE LICENSING OFFICER

1. BACKGROUND

- 1.1 The existing premises licence was granted by North Hertfordshire District Council, under the Licensing Act 2003 (“the Act”) which is currently in place for the premises, it was granted and issued to Antonio Miceli 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 application form showing the licensable activities and hours originally applied for, including operating schedule conditions, are as attached as **Appendix B**.
- 2.3 A Noise Management Plan was also submitted by the applicant. **Appendix C**.

3. APPLICATION PROCESS

- 3.1 On Friday 9 August 2024, Tony Miceli made an application to North Hertfordshire District Council for the variation of a Premises Licence.
- 3.2 The application was received electronically so copies of this application were served by the Council to Hertfordshire Constabulary and the other Responsible Authorities.
- 3.3 The prescribed consultation period was from 9 August 2024 6 September 2024 inclusive.
- 3.4 A public notice was displayed on the premises in accordance with the requirements of the Act and was exhibited for a period of not less than twenty-eight (28) consecutive days. A newspaper advertisement was placed in The Comet on 15 August 2024 in accordance with the requirements of the Act.
- 3.5 The Council’s website published the notice for 28 consecutive days.

4. REPRESENTATIONS

- 4.1 Hertfordshire Constabulary agreed conditions with the applicant attached as **Appendix D**
- 4.2 A representation was received from NHDC Environmental Protection and is attached as **Appendix E**
- 4.3 No representations were received from any other Responsible Authority.
- 4.3 Three representations were received from Other Persons against the application and are attached as **Appendix F**
- 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 8.8 – 8.13).**
- 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's representative requested and was served with a copy of all representations prior to 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 in whole or in part
 - 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.

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.

C1.3

Where premises have caused problems to local residents, the police, trading standards and NHDC environmental health have successfully address issues relating to anti-social behaviour, noise and underage alcohol sales through the review process.

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 Licensing and Appeals Sub-Committee may take this into consideration when determining the application.

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.*

D2.11

The Council is aware that applicants sometimes request longer hours or more licensable activities than they would ordinarily want in order to provide some room for negotiation to obtain their actual requirements. Whilst the Council cannot, nor would seek to, limit the content of an application, this approach is counter-productive in that it may attract more representations. Additionally, it is unnecessary as each application is assessed on its own merits with the option of appearing before a sub-committee if negotiations with a responsible authority are unsuccessful.

D3.1

The Council recognises that fixed and artificially early closing times previously established under the Licensing Act 1964 were one of the main causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large numbers of customers were required to leave premises simultaneously. These concentrations of people leaving can result in friction at places such as late night food outlets, taxi ranks and other sources of transport. The aim through the promotion of the licensing objectives will be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times where appropriate.

D3.2

The Council recognises that arbitrary restrictions would undermine the principle of flexibility and should be avoided; the licensing objectives will be the paramount consideration at all times. That said, if there is a proliferation of disorder and/or disturbance related to licensed premises in a specific location, for example a town centre, the Council may determine that a fixed terminal hour to mitigate the problems may be appropriate if no other control method has resolved the problem.

D3.3

Generally, when the Council's discretion is engaged, the presumption will be to grant the hours requested unless there are representations raised by responsible authorities and/or other persons that demonstrate an adverse effect or likely effect on the licensing objectives

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 and 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.

D6.4

Where appropriate the Council will draw upon the pool of model conditions attached at Appendix A. The pool of model conditions relates specifically to the four licensing objectives (see section F7) and are indicative of condition wording that may address identifiable issues. Licensing sub-committees are reminded that they should ensure that the wording of any condition is appropriate and proportionate to address any concerns raised in respect of the specific issues at the premises.

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.

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.

E1.3.3

If it is deemed appropriate to restrict or manage capacity to promote the prevention of crime and disorder objective, it may be appropriate to impose a condition specifying the ratio of tables and chairs to patrons and for areas to be allocated as permanent seating areas in order to prevent overcrowding which in turn could lead to violence and disorder.

E2.5.1

Where venues providing entertainment use equipment or special effects that may affect public safety, such as strobe lighting, smoke machines, etc., the Council will expect the premises licence holder to have carried out risk assessments and taken the necessary Statement of Licensing Policy 2021 - 2026 Page 29 of 92 v1 07/01/2021 actions to safeguard patrons at the premises.

E2.7.1

The Council expects premises licence holders and applicants to undertake a public safety risk assessment to ensure the safety of persons using their premises. The assessment should consider issues such as, but not limited to:

- *safe capacities in identifiable areas of the premises that can be evacuated quickly in the case of an emergency*
- *policies in relation to persons wishing to smoke at the premises, including provision of identified areas and separation from admission queues*
- *policies in relation to admission and readmission particularly control of capacity and queuing*
- *policies in relation to the safe dispersal of patrons from the premises and locality*
- *sufficient basic first aid provision and responsibilities for contacting the emergency services.*

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.*

E3.1.4

The Council recognises that conditions relating to noise nuisance may not be appropriate in certain circumstances where the provisions of other legislation (for example, the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005) adequately protect those living in the areas surrounding the premises. That said, the approach of the Council will be one of prevention and it will consider each application on its own merits, having due regard to the avoidance of duplication balanced against the effectiveness or otherwise of the other legislative provisions.

E3.1.5

Where there is the potential for public nuisance and the applicant's operating schedule does not fully address the concerns, NHDC's Environmental Protection & Housing Team may request the applicant to volunteer additional conditions to avoid the need for a representation. Example conditions are included in the attached appendix of Model Conditions to assist applicants with the wording of suitable conditions. The applicant is under no obligation to agree to the suggested conditions if they believe they are not appropriate or proportionate. If the applicant does not wish to volunteer the suggested conditions then a representation may be made which will result in the matter being referred to a licensing sub-committee for determination.

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.

E3.2.4

The Council is aware that entertainment has been deregulated between the hours of 08:00hrs and 23:00hrs on licensed premises under certain circumstances (see section 16 of the National Guidance). There is a safeguard that, at a review hearing, the deregulation can be removed by a licensing sub-committee if they deem it appropriate in order that entertainment can then be controlled through restrictions of hours or addition of licence conditions.

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.

E3.7.1

This can include external lighting, security lighting and lighting displays. Measures to prevent a public nuisance may include: Statement of Licensing Policy 2021 - 2026 Page 34 of 92 v1 07/01/2021

- suitably selected lighting installations (i.e. luminaires without excessive power output and with appropriate shielding);
- suitably located and directed lighting installations.

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.

E3.9.3

Should disturbance from licensed premises become unreasonable, any review proceedings will seek to impose suitable control measures in the first instance. Should control measures prove ineffective or are deemed inappropriate then the restriction of licensable activity timings, removal of licensable activities, suspension or revocation of the licence will be seriously considered.

F3.4

The Council acknowledges that a minority of customers will behave badly and unlawfully once away from well-managed licensed premises. Whilst the Council cannot use its licensing function to directly control the behaviour of customers once they are away from licensed premises, it can place control measures on customers in the immediate surrounding areas of the premises where they remain within the licence holder's control. Where customers move beyond the control of the licence holder, other control measures outside the licensing function include:

- planning policy and controls;*
- the power to ban alcohol consumption in designated areas and police powers to confiscate alcohol within these areas;*
- police enforcement of the law relating to anti-social behaviour and disorder, including the use of dispersal powers, fixed penalty notices and the new powers introduced under the Anti-social Behaviour, Crime and Policing Act 2014 (such as Statement of Licensing Policy 2021 - 2026 Page 39 of 92 v1 07/01/2021 Community Protection Notices, Public Space Protection Orders and Criminal Behaviour Orders); and*
- positive measures to create and maintain a safe night-time economy in partnership with local businesses, transport providers and trade bodies (such as Business Improvement District Companies).*

F3.5

The Council will work with partner agencies to integrate its licensing function with other local strategies by establishing best working practices and utilising some of the controls available to the Council under the licensing function such as:

- powers to close down licensed premises immediately for up to twenty-four hours on the grounds of disorder, the likelihood of disorder or excessive noise associated with the premises;*
- powers for responsible authorities or residents to request a review of an existing authorisation under the Act;*
- targeted joint agency enforcement against premises failing to promote the licensing objectives or contravening legislation;*
- promoting Challenge 25 (or equivalent) proof of age schemes; and*
- supporting an information sharing agreement between responsible authorities to ensure timely targeted action against problem premises.*

F6.1.1

The Council is aware that businesses often wish to encourage a 'café culture' within towns and villages and provide tables and chairs outside of their premises for the consumption of food and drink. If these areas are within the control of the applicant they should be clearly marked on the plan accompanying an application and the management of these areas should be fully considered within the operating schedule.

F6.1.2

If the area used for the provision of tables and chairs is not part of the curtilage of the premises and falls within the definition of the 'highway', permission must be sought from Hertfordshire County Council pursuant to Part VIIA of the Highways Act 1980. The Council recommends that applicants seek advice from Hertfordshire County Council as to what constitutes the highway.

F7.4

To assist applicants and licensing sub-committees with this process the Council has included an appendix to this policy detailing model licence conditions. The conditions Statement of Licensing Policy 2021 - 2026 Page 42 of 92 v1 07/01/2021 included in Appendix A have been developed since the introduction of the Act and represent best practice and effective existing conditions. F7.4 Appendix A is not intended as a 'wish list' for licensing sub-committees to select conditions or as a list of requirements for applicants to replicate in order to obtain a licence. The pool of model conditions is provided in order to assist with the drafting of conditions that are proportionate, reasonable and enforceable where it has been deemed appropriate to impose a condition. Any conditions drawn from the pool of model conditions will

be tailored to the individual premises and activities specific to each application and will still be subject to the need to promote the licensing objectives and be appropriate and proportionate to address concerns raised through representations.

F7.5

The Council acknowledges that this pool of model conditions must not fetter the discretion of the decision maker but must instead be used solely to ensure consistency of approach where the particular circumstances of an application merit the imposition of a condition.

F8.1

The Council acknowledges that conditions cannot be imposed on an authorisation where it would be either impracticable or impossible for the licence holder to comply with such conditions when customers have left the premises and are beyond the control of the licence holder.

F8.2

That said, if behaviour of customers beyond the control of the licence holder can be causally linked to a specific premises and it is causing crime and disorder or a nuisance it is wrong to assume that the Act cannot address this; section 4 of the Act gives the Council a positive duty to deal with it proportionately. Whilst conditions would be inappropriate in these scenarios, the Council is strongly of the view that activities and/or operating times of an authorisation should be restricted, or an authorisation refused or revoked, where appropriate for the promotion of the licensing objectives.

Examples of behaviour falling within this paragraph include, but are not limited to:

- *noise associated with customers once they have left the premises*
- *anti-social behaviour of customers such as unlawful parking, criminal damage, intimidatory behaviour, or any alcohol-related criminality*

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.

O4.2.1

In order for a representation to be relevant it must be:

- (i) made during the prescribed consultation period;*
- (ii) relate to the effect or likely effect on the licensing objectives;*
- (iii) not be frivolous or vexatious [other persons only]; and*
- (iv) in the case of reviews, not be repetitious [other persons only]*

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 (December 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.

1.7

This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

1.8

The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

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;*
- *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

Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

2.21

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.

2.22

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.

2.23

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

2.24

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.

2.25

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 Revised Guidance issued under section 182 of the Licensing Act 2003 I 11 emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.27

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 62 | Revised Guidance issued under section 182 of the Licensing Act 2003 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*

8.44

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 Revised Guidance issued under section 182 of the Licensing Act 2003 | 63 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.

9.15

It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.

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 any 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 82 | Revised Guidance issued under section 182 of the Licensing Act 2003 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.

10.9

It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

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 may also wish to consider placing additional conditions on licences to safeguard patrons against spiking, if deemed appropriate and proportionate for a specific venue where there is evidence to justify such action (a definition of spiking can be found in para 2.7). 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.

10.61

Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 ("the 2001 Act")), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority ("the SIA") under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.

10.62

A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain employees benefit from an exemption when carrying out conduct in connection with a certified sports ground (section 4(6) to (12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA's Approved Contractor Scheme (section 15).

10.63

Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.

10.64

Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:

- premises in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;*
- casinos or bingo halls licensed under the Gambling Act 2005;*
- premises where a club certificate is in force when activities are being carried on under the authority of that certificate. See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.*

10.65

It should be noted, however, that the 2001 Act will require contractors and a small number of employees (those managing/supervising and those supplied under contract) to be licensed as manned guards (rather than door supervisors) when undertaking licensable conduct on premises to which paragraph 8(3) of Schedule 2 to the 2001 Act applies.

10.66

It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be

explicit, as should the mandatory condition for those individuals to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public), no mandatory condition Revised Guidance issued under section 182 of the Licensing Act 2003 I 95 should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act.

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 any 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 82 | Revised Guidance issued under section 182 of the Licensing Act 2003 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 It is anticipated that, in due course, case law will provide clarity on the meaning of ‘appropriate’ as referred to in paragraphs 9.43 and 9.44 of the Guidance. The sub-committee is therefore advised to give ‘appropriate’ its ordinary meaning, as expanded upon by paragraph 9.43 of the Guidance, subject to the over-riding requirement on all local authority decisions of reasonableness.

- 8.5 This approach, of allowing the courts to provide clarity, is reflected in the following paragraphs of the Guidance:
- 1.9 *Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.*
- 1.10 *Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.*
- 8.6 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'.

Review of a premises licence

- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 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.

Deregulation of regulated entertainment

- 8.11 Since 6 April 2015, regulated entertainment has been deregulated between the hours of 08:00hrs and 23:00hrs for audiences of 500 or less on premises licensed for the sale of alcohol.

Focus of determination

- 8.12 The sub-committee can only consider the effect or likely effect of the variation applied for. It cannot consider amending the existing licence as that would be a matter for a review.
- 8.13 If the application is rejected, the existing licence will continue in its current format.

Video evidence

- 8.14 Video evidence has been provided as part of the objections and the applicant has been shown the videos.
- 8.15 As these videos contain personal data, identifiable images of persons in the street outside the premises, the sub-committee cannot view them in Part 1.
- 8.16 As it is likely that the objectors will wish to discuss the videos during the hearing, and the applicant may wish to comment on them too, it will be helpful for them to be played during the hearing.
- 8.17 In order to view the videos, the sub-committee should resolve to move into Part 2 where the public streaming is suspended, and the videos can be played.
- 8.18 The content of the videos can be discussed generally in Part 1 provided no person is personally identified.

Allegations of problems with the existing licence

- 8.19 There have been allegations made against the existing use of the premises in terms of condition breaches, activities beyond licenced hours, etc however they are not a matter for the sub-committee today.
- 8.20 There is an ongoing investigation into these allegations that will be dealt with as a separate matter and, if necessary, through a licence review hearing.
- 8.21 The sub-committee can consider evidence of non-compliance in their consideration of the likelihood of future compliance with any extended hours granted as part of this application, in particular the proposed conditions and noise management plan.

Police agreed conditions

- 8.22 The sub-committee should be aware that, if they are minded to grant the application, the conditions agreed with the police form part of the amended application.
- 8.23 Without these conditions the police would have lodged an objection therefore the sub-committee should have regard to this if it is minded to amend said conditions.

9. APPENDICES

- 9.1 Appendix A Current premises licence
- 9.2 Appendix B Application
- 9.3 Appendix C Noise Management Plan
- 9.4 Appendix D Hertfordshire Constabulary consultation and agreed conditions
- 9.5 Appendix E Representation from Environmental Protection Authority – Objection
- 9.6 Appendix F Representations from Other Persons

10. CONTACT OFFICER

Sharon Bartram
Licensing Officer
sharon.bartram@north-herts.gov.uk

**UVA HITCHIN WINE BAR AND SHOP/LET'S PARTY
26 BUCKLESBURY, HITCHIN SG5 1BG**

CURRENT ACTIVITIES/OPERATING HOURS

DAY	SALE OR SUPPLY OF ALCOHOL	REGULATED ENTERTAINMENT	LATE NIGHT REFRESHMENT	OPENING HOURS OF PREMISES
MONDAY	10:00 – 23:30	Deregulated: 08:00 – 23:00	N/A	10:00 – 00:00
TUESDAY	10:00 – 23:30	Deregulated: 08:00 – 23:00	N/A	10:00 – 00:00
WEDNESDAY	10:00 – 23:30	Deregulated: 08:00 – 23:00	N/A	10:00 – 00:00
THURSDAY	10:00 – 23:30	Deregulated: 08:00 – 23:00	N/A	10:00 – 00:00
FRIDAY	10:00 – 23:30	Deregulated: 08:00 – 23:00	N/A	10:00 – 00:00
SATURDAY	10:00 – 23:30	Deregulated: 08:00 – 23:00	N/A	10:00 – 00:00
SUNDAY	10:00 – 23:30	Deregulated: 08:00 – 23:00	N/A	10:00 – 00:00

PROPOSED ACTIVITIES/OPERATING HOURS UNDER THIS PREMISES LICENCE VARIATION:

DAY	SALE OR SUPPLY OF ALCOHOL	REGULATED ENTERTAINMENT LIVE & RECORDED MUSIC	LATE NIGHT REFRESHMENT	OPENING HOURS OF PREMISES
MONDAY	No Change	Deregulated: 08:00 – 23:00	N/A	10:00 – 00:00
TUESDAY	No Change	Deregulated: 08:00 – 23:00	N/A	10:00 – 00:00
WEDNESDAY	No Change	Deregulated: 08:00 – 23:00	N/A	10:00 – 00:00
THURSDAY	No Change	Deregulated: 08:00 – 23:00	N/A	10:00 – 00:00
FRIDAY	10:00 – 01:00	Deregulated: 10:00 – 01:00	23:00 – 01:00	10:00 – 01:30
SATURDAY	10:00 – 01:00	Deregulated: 10:00 – 01:00	23:00 – 01:00	10:00 – 01:30
SUNDAY	No Change	Deregulated: 08:00 – 23:00	N/A	10:00 – 00:00
LICENSABLE ACTIVITIES UNTIL 01:00 ON CHRISTMAS EVE AND NEW YEAR'S EVE				

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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

Day	Start Time	End Time
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

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
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
40 Ickleford Road, Hitchin, Hertfordshire, SG5 1TR

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)

- (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.

Annex 2 – Conditions consistent with the operating schedule

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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* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

- System reference This is the unique reference for this application generated by the system.
- Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
- Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
- Yes No

Applicant Details

- * First name
- * Family name
- * E-mail
- Main telephone number Include country code.
- Other telephone number
- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual
- A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 18

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

- Yes
- No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

- Yes
- No

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 to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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 for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

To extend the terminal hour for the sale of alcohol on a Friday and Saturday until 01.00hrs the following day

To add the provision of regulated entertainment (live and recorded music only) on a Friday and Saturday from 10.00hrs to 01.00hrs the following day

To add the provision of late-night refreshment on a Friday and Saturday from 23.00hrs to 01.00hrs the following day.

To extend the hours for the opening of the premises on a Friday and Saturday until 01.30hrs the following day

Non-Standard Timings – All licensable activities from the end of permitted hours until 01.00hrs the following day, on Christmas Eve and New Year’s Eve, where those days fall other than on a Friday or Saturday.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes
- No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Provide 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.

Continued from previous page...

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of live music take place indoors or outdoors or both?

- Indoors
 Outdoors
 Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From 10.00hrs to 01.00hrs the following day, on Christmas Eve and New Year's Eve, where those days fall other than on a Friday or a Saturday

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes
 No

Standard Days And Timings

MONDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

Provide 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.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From 10.00hrs to 01.00hrs the following day, on Christmas Eve and New Year's Eve, where those days fall other than on a Friday or a Saturday

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Provide 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.

Continued from previous page...

THURSDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From 23.00hrs to 01.00hrs the following day, on Christmas Eve and New Year's Eve, where those days fall other than on a Friday or a Saturday

Continued from previous page...

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will be held on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From 10.00hrs to 01.00hrs the following day, on Christmas Eve and New Year's Eve, where those days fall other than on a Friday or a Saturday

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

None

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From 10.00hrs to 01.30hrs the following day, on Christmas Eve and New Year's Eve, where those days fall other than on a Friday or a Saturday

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

The condition relating to deliveries and waste collections can be removed and replaced with the tighter restriction as proposed within the Noise Management plan.
The condition relating to the emptying of glass bottles can also be removed and replaced with the tighter restriction as proposed within the noise management plan.
All other conditions to remain appended to the premises licence along with a new proposed condition relating to the adoption of a noise management plan.

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

The premises licence cannot be found.

Continued from previous page...

Section 16 of 18

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Existing licence conditions to remain on the premises licence with the exception of conditions relating to deliveries / waste collections, and relating to the emptying of glass bottles.
A further condition is proposed in box (d) below, to the effect that the premises will operate in accordance with a noise management plan which accompanies this variation application.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

The premises licence holder shall operate the premises in accordance with the noise management plan which is submitted as part of this application. The noise management plan will be kept under review and any changes will be notified to the Licensing Authority and Environmental Health Department at North Hertfordshire District Council

e) The protection of children from harm

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

- 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:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o 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;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o 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.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises. If the licence only covers a part of a bigger premises, the rateable value for the whole of the premises will apply unless the licence area has been issued with its own rateable value.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number of persons in attendance at any one time. This attendance number includes all staff and performers.

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

I/we understand 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..

Continued from previous page...



Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/north-hertfordshire/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

Noise Management Plan – Let’s Party, 26 Bucklersbury, Hitchin SG5 1BG

Introduction

The venue is committed to develop and maintain good relations with local residents, neighbours and the Local Authority. The objective of this policy is to minimise disturbance to local residents and to ensure that any licensing objectives or other controls at the venue are being upheld. This policy sets out the measures which have been considered and upheld.

General

The venue will be open to the public as per the hours contained in the premises licence.

No refreshments of any description shall be permitted to be taken outside the premises at any time, with the exception of drinks in sealed containers and sold as an ‘off sale’.

The premises licence holder shall make available and regularly promote a contact number for local residents to contact the premises to discuss any specific incidents or concerns either during or after events. The number will be manned at all times and any action taken as a result of the complaint should be recorded in the incident log maintained at the premises.

Provision of Live and Amplified Music

The provision of background music shall be permitted at any time the premises is open to the public. By definition this is music or other audio played whose main function is to create an atmosphere suitable to a specific occasion rather than to be listened to and is incidental to speech, conversation and the other main activities performed at the premises.

Where amplified music is planned to form part of regulated entertainment, it will be demonstrated either subjectively or otherwise, that noise levels will be reasonable at the boundary of the event, or be barely audible at the nearest residential receptors.

During the provision of regulated entertainment, all windows and doors shall remain closed other than for provision of ingress and egress to the premises.

During the provision of regulated entertainment, acoustic pads will be located just outside the entrance to the premises to assist in reducing the noise levels when persons enter and egress from the premises.

During the provision of regulated entertainment, a member of staff will be situated at the entrance / exit to the premises. The member of staff shall advise customers entering and leaving the premises to be quiet and to move away from the premises quickly.

During the last 15 minutes when regulated entertainment is taking place, the music tempo shall be restricted to quieter, slower tracks in order to moderate the mood of customers for when they leave the premises.

During the last 15 minutes when regulated entertainment is taking place, the lighting in the premises shall be increased gradually, as a means of letting customers know that the evening is coming to an end.

No music shall be relayed outside of the building at any time.

Dispersal of Customers

The management of the premises will actively encourage the gradual dispersal of customers to minimise nuisance.

A member of staff shall be positioned close to the exit to oversee the end of the night departure period. Customers will be encouraged to be considerate upon leaving the premises and notices will be displayed to this effect.

Staff will ask customers not to stand around in the street outside the premises.

Communication will be made with taxi companies regarding the use of horns and slamming of doors.

Monitoring

Routine monitoring will be regularly conducted outside of the premises when regulated entertainment is taking place. Details of checks, observations and any actions taken as a result of such shall be recorded in the premises incident log maintained at the premises.

Training

Staff at the premises shall be trained in respect of the premises licence and all conditions contained therein. This will include training in respect of this noise management policy and procedures.

Training will be conducted at regular intervals and during induction training for new staff.

Provision of Information

Notices will inform customers of our commitment to local concerns.

Prominent, clear and legible notices will be displayed at the exit, requesting customers to respect residents, to use the areas quietly and to leave the premises and area quietly. These notices shall be reinforced verbally by staff

Waste Management

The removal of bottles to external areas shall not be permitted between 20.00hrs and 08.00hrs on any given day.

Deliveries and waste collections relating to the premises shall only take place between 08.00hrs and 20.00hrs Monday to Saturday and from 10.00hrs to 20.00hrs on Sundays.

Procedural

The noise management plan will be reviewed regularly (at least every three months) or as agreed, to ensure that it is streamlined and effective, and that it achieves its aim of ensuring there is no noise nuisance as a result of the entertainment taking place.

New and innovative approaches to problem solving or incidents and any lessons learned will be incorporated accordingly.

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Steven Cobb

From: Sharon Bartram
Sent: 17 September 2024 23:44
To: Sharon Bartram
Subject: APPENDIX D

From: Frank Fender
Sent: Thursday, September 5, 2024 2:32 PM
To: SANGHA, Kuljit 8250; Licensing <licensing@north-herts.gov.uk>
Subject: Re: Let's Party (UVA), Bucklersbury, Hltchin - Premises Licence Variation Application

Hi Kuljit

I have discussed the three proposed conditions below, with my client. He agrees to all three conditions being added to the premises licence should the variation be granted.

I have copied licensing into this email also, as requested.

Kind regards

Frank

Frank Fender
FJF Licensing Consultants

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FJF Licensing Consultants

On 2024-09-05 13:28, SANGHA, Kuljit 8250 wrote:

Hi Frank,

Thank you for taking my call yesterday. As discussed I'm proposing some conditions around doorstaff (see below). If your client (Tony) is happy to accept the proposed conditions, then can you please send an email to myself and NHDC licensing, confirming that Tony is happy to accept the proposed conditions. For convenience I have included their email address: licensing@north-herts.gov.uk. Would really appreciate if this can be done asap.

1. DPS / Premises Licence Holder will ensure that on Friday and Saturdays there will be a minimum of one (1) approved Security Industry Authority (SIA) door supervisor on duty at the premises between the hours of 21:00hrs and the time of closing to the public.
2. DPS / Premises Licence Holder will ensure that on Christmas Eve and New Yrs Eve there will be a minimum of one (1) approved Security Industry Authority (SIA) door supervisor on duty at the premises between the hours of 21:00hrs and the time of closing to the public.
3. DPS / Premises Licence Holder will ensure that all door supervisors will comply with Security Industry Authority (SIA) requirements relating to the wearing/displaying of SIA registration badges/licences and availability of registration documents and/or identification for inspection.

Regards

Kuljit

Kuljit Sangha

Mrs Kuljit Sangha

Police Senior Licensing Officer for North Herts

Hitchin Police Station, College Road, Hitchin, SG5 1JX



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Dear Licensing,

I write on behalf of the Environmental Protection & Housing Team (EP&H) 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 mid-terrace, timber framed Grade II listed building with an open plan ground floor consisting of two areas for karaoke, and a further karaoke room upstairs. Either side of the premises at ground floor level there are commercial premises unaffected by the noise levels, however the premises shares party walls with residential premises both to the rear at ground floor and to the north at first floor. When the application was first granted, it was subject to a number of conditions including:

'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.'

It is EP&H's understanding that these conditions were placed on the licence as there were concerns about noise and disturbance from the use of the upstairs function room affecting the neighbours. EP&H can find no evidence that sound proofing works were carried out and whether and to what standard. The front façade is single glazing with no lobby entrance resulting in noise escape when people leave and enter when arriving or departing or going out to smoke/get some fresh air.

There are currently 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.

A variation application was submitted in late 2023 and a hearing was held in November 2023.

This variation application resulted in the occupants of two residential premises contacting the Council, firstly to object to the variation application but also to complain about the existing noise from the premises. This resulted in an investigation by the EP&H Team into noise from the premises that found significant noise disturbance to the neighbouring residents both through the party walls and the front and rear facades affecting habitable rooms of a number of residential premises. I witnessed noise levels from the premises I considered intrusive and significant in both properties.

This investigation informed my objection representation to the hearing held in November last year which resulted in the Licensing sub-committee not granting the variation requested.

The premises continued to trade into the new year and further investigations led to the service of a noise abatement notice pursuant to the Environmental Protection Act 1990 on 2nd February 2024. The service of this notice led to discussions around how to mitigate noise from the premises which involved significant time resource on my part.

A number of measures have been adopted in the premises which have resulted in improvements in relation to noise propagation. These include:

- Insulation works to the party wall at the rear of the premises;
- Moving the bar to the rear of the premises on the ground floor and all speakers used to play music to the front of the premises;
- Fitting 'self-closers' to the door of the premises;
- Employing a doorman at the premises to control patrons when entering and leaving;
- The use of acoustic coverings at the exit (although this is of limited use).

The Current Situation:

Following implementation of these measures, complaints appeared to stop which indicated that these measures had solved the matter. However, it has now become apparent that one nearby resident ceased complaining for fear of reprisals, and another left the vicinity and stayed elsewhere due to the noise. The variation application has since resulted in further complaint.

The current licence allows the opening hours of the premises between 10.00 hours to 00.00 hours Monday to Sunday and the supply of alcohol from 10.00 hours to 23.30 hours Monday to Sunday. It has no regulated entertainment on the license but operates under deregulation i.e. up to 23.00 hours.

The variation application seeks to add the provision of regulated entertainment (live and recorded music only) on a Friday and Saturday from 10.00 hours to 01.00 hours the following day, to add the provision of late night refreshment on a Friday and Saturday from 23.00 hours to 01.00 hours the following day and to extend the opening hours on a Friday and Saturday until 01.30 hours the following day.

On 30th August 2024 (between the hours of 21.00 hours and 23.00 hours) an EP&H Officer sat in the home of the complainant and witnessed noise from the premises that was clearly audible in the front habitable room of the resident's home. The noise on this occasion was predominately low frequency noise, although this was exacerbated when the door to the premises was opened for ingress/egress. The window to the upstairs karaoke room was open during the visit. A table positioned across the street (i.e. a tall table in position on the pavement on the opposite side of the road to the licensed premises) was also attracting customers to smoke on that side of the road, but also other pedestrians took the opportunity of using it to eat take away food etc. The people using this table often appeared intoxicated and made noise noticeable in the complainant's home (singing/shouting/talking loudly etc). External 'disco lights' (rotating and moving coloured lights which shine on to the road outside and the buildings opposite, where the table is situated) are attached to the premises and it is my belief that these lights blurs the line between the internal and external areas of the bar and invites patrons to spread out across the area, 'bringing the party' outside.

Additionally, a series of recordings made and submitted to North Herts Council by a nearby resident in their living room and bedroom during July and August 2024 from 5pm to 11pm, demonstrate that music and singing from inside the premises are clearly audible. This is the same residence where the visit was undertaken. These recordings have been made with the additional measures mentioned above in place, demonstrating that the noise from the premises is often above which is deemed acceptable.

The premises has a large number of microphones for patrons to use. Mr Miceli has told EP&H+ that there are commonly 4-6 microphones available for people to use where groups of people can sing collectively. This invites group singing, which generates noise which is difficult to control (i.e. the noise of the actual singing/chanting/shouting exceeds that of the amplified voice).

Good Practice Guide on the Control of Noise from Pubs and Clubs March 2003

In 2003 a good practice guide was produced on the Control of Noise from Pubs and Clubs by the 'Noise Council' – a working party consisting of Environmental Health Officers, Acoustic Consultants and, for a time, members of the pub, club and entertainment industries to look into such issues as noise. This document, which has been included as part of this submission, sets out a number of limits and measures that should be considered good practice. In relation to noise it states the following (I have pasted an excerpt below):

- 2.4 Music, singing and speech, both amplified and non-amplified, are common sources of noise disturbance arising from the premises listed in 2.1 above. As far as these sources are concerned, the purpose of developing the objective noise criteria mentioned in 2.3, should be to attempt to ensure that:
- for premises where entertainment takes place on a regular basis, music and associated sources should not be audible inside noise-sensitive property at any time. In the absence of the objective criteria mentioned in 2.3, what is 'regular' should be determined on a local basis to reflect local expectations and should be incorporated by local authorities in their planning and enforcement policies (see section 4); and
 - for premises where entertainment takes place less frequently, music and associated sources should not be audible inside noise-sensitive property between 23:00 and 07:00 hours. For other times, appropriate criteria need to be developed which balance the rights of those seeking and providing entertainment, with those who may be disturbed by the noise.

For the purposes of this document, noise may be considered not audible or inaudible when it is at a low enough level such that it is not recognisable as emanating from the source in question and it does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question. A more simplistic explanation of the term 'inaudible' is given in Appendix B.

Further the Noise Management Plan submitted by the applicant with this variation application states:

Where amplified music is planned to form part of regulated entertainment, it will be demonstrated either subjectively or otherwise, that noise levels will be reasonable at the boundary of the event, or be barely audible at the nearest residential receptors.

Clearly, these levels are not currently being achieved. Any extension to the license will only exacerbate the noise nuisance currently being experienced. It is questionable whether it is possible to achieve the levels specified in the Good Practice Guide on the Control of Noise from Pubs and Clubs and the Noise Management Plan submitted by the applicant, or whether the reduction in noise level required will make regulated entertainment unviable.

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, some improvements that may be possible (e.g. lobby entrance) will require planning permission, as indicated by the Planning Conservation Team.

Indeed, given the recent activity witnessed during the evening visit, 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.

If you have any queries, then please do not hesitate to contact me.

UVA HITCHIN WINE BAR AND SHOP/LET'S PARTY

Representations by Other Persons

Christine Evans-Pughe
24 Bucklersbury
Hitchin
SG5 1BG

I am writing to object to the Variation of the Premises License for UVA Wine Bar (Let's Party karaoke) 26 Bucklersbury, Hitchin, run by Mr Miceli (License no. 8057), on the basis of Public Nuisance, and Disorder.

Summary:

My house is two doors down from #26 and has a shared party wall with the venue.

I've enjoyed living and working in this vibrant, friendly, mixed, and community-spirited end of Bucklersbury for over 11 years. I'm a freelance in the creative economy (writer and illustrator). I also contribute regularly to Hitchin's cultural and live music scenes as an amateur musician.

However, for the last year, this unique corner of Hitchin – next to residential Tilehouse Street and including the Los Reyes tapas bar (a large, well-managed former pub) – has been blighted by noise and disorder associated with Let's Party. This has had a hugely detrimental impact on my ability to live and work in my own home, compounded by personal safety concerns around the venue's 'anti-resident' social media posts.

Let's Party hosts groups of 40 or more people who sing / shout into as many as ten microphones to amplified backing tracks in a tiny listed building. Unlike the welcoming vibrancy of background music and happy customer chatter from Los Reyes, what emanates from Let's Party is similar to a shouting / singing football crowd. The volume of this penetrating and often aggressive noise rises through an evening as customers sing / shout louder and louder, revved up by favourite songs, alcohol or both.

Customers spill out onto the street in front of #26, where they smoke, talk, swear, shout, run around the road etc. Recently, Mr Miceli has also encouraged customers to occupy the front of the motorbike shop Del Basso's across from my house around a table, creating a new source of noise and anti-social behaviour.

Because of the location and fabric of the building, # 26 was already deemed "not suitable for such an activity," in a written objection by the NHDC's senior council noise officer for a sub-licensing hearing on 8th December 2023, during which extended hours were refused for Let's Party.

A series of late-night temporary event notices TENS from 11th May to 13th July 2024, closing at similar times as proposed variation, have had such an impact I am considering a review of the venue's license under section 182 of the Licensing Act. High volume noise into my bedroom continued right up to and beyond closing times. Licensing hours were breached. The cumulative stress, disturbed sleep, safety concerns from living near this business, means I've needed prescription medication. My work and ability to make a living has suffered.

Any permanent extension of hours would be immeasurably more damaging for the well-being of those living near this business, and for those who enjoy socialising safely in this lively residentially-dense area.

Details/background:

Mr Miceli first rented #26 (a former hairdressing salon) six years ago as a craft shop. Other ventures followed including a bar that had a noise abatement notice for 'silent discos' in 2020. Miceli started the karaoke business in late spring/summer 2023, without addressing the causes of the 2020 abatement notice.

Noise nuisance from Let's Party (which is still under a council noise investigation) meant that in February 2024 NHDC issued another abatement notice. Mr Miceli then had no choice but to install professional noise-proofing to the party wall on the other side of my kitchen/diner (a room that for nearly TEN MONTHS had been unusable when the bar was in full swing because of noise – you could every single word of every song and it was too loud to hold a conversation). This long overdue measure, however, made no difference to the noise from the bar coming from the front of the building into my bedroom and upstairs living room.

Evidence from the recent TENS from 11th May to 13th July 2024 show this venue cannot be trusted to manage later night hours or noise from karaoke or from customers in the street:

- Two-day TENS on Saturday 11th May/12th May (finishing time 00.30), karaoke singing and customer noise continued in breach of license from 00.43 and beyond, with customers shouting in the street at 01.17 and singing karaoke at 01.18. I estimate that the license was breached by at least 1 hour and 18 minutes.
- Three-day weekend TENS from 14th to 16th June (01.00 finishing). The noise-intensity of the karaoke coming into my house after midnight on 15th and 16th was loud enough to drown out standard conversation, and to terrify my dog which was whining with fear.
- Two-day TENS Sat/Sunday 22nd/ 23rd June (01.00 finishing). Noise-intensity of karaoke still loud at 01.01 (breach of license).
- Three-day weekend TENS 28th to 30th June (01.00 finishing). Noise-intensity of the karaoke loud enough to drown out standard conversation on 30 June at 01.05 (in breach of license). At 01.19, voices in the street noise also close to that level of loudness.

(Time-stamped noise recordings available – NHDC noise app, and mobile phone.)

Examples of disorder and anti-social behaviour over the last five months, show that this venue is already incapable of managing customer behaviour in the street. See below:

- Customer running up and down the road with a microphone chasing passers-by, while other customers outside the bar watch and shout [Saturday 30th March, around 8pm]
- Customer semi-conscious on my windowsill. I helped moved her to my doorstep for safety, upon which she vomited over the entrance of my house [Saturday 27th April, around 10pm]
- Mr Miceli in the street yelling at my first-floor window on a hot summer evening, asking why the window was open [Friday 21st June, around 10.30pm].
- Customers blocking my front door and trying to peer into my house [Friday 28th June, around 10.30pm]
- Drunk customers singing along to Tina Turner's 'Rollin' on the River', while running around in circles in the road [Friday 19th July 2024 around 10.30pm]
- Group of teenagers singing in Del Basso's forecourt opposite my windows [around 10pm Friday 16th Aug, then again around 8.30pm Friday 23rd Aug], and again at around 9pm Saturday 24th Aug, this time gathered around the table in Del Basso's forecourt.
- Group of customers gathered around the table in Del Basso's, talking, shouting at people in the street, swearing. [Saturday 31st August, around 7.45pm and continuing much of the evening]

(Photo evidence available and audio on NHDC noise app)

Regular later opening would extend these issues into the small hours of the morning. Extended drinking times would lower customers inhibitions further.

In the virtual world, Mr Miceli has for months been stirring up hostility towards residents on Facebook, via posts on the Let's Party and Antonio Miceli sites, which have over 9,000 followers between them. Customers and followers refer to residents with aggressively abusive language ('cxxxts', 'sad fxxxs', 'bunch of c4nts' etc), and have suggested forms of harassment such as meeting up to 'go and yell and shout down' residents' homes. Around the 8/12/23 sub-licensing hearing, a customer on Facebook asks Mr Miceli to 'name and

shame' noise complainants. Mr Miceli obliges by referring to the council report, and adding a smiley-winky-face emoji and a cheery thumbs-up emoji. (Post evidence available).

Hostile social media posts have already put ALL residents' safety at risk, and that of anyone visiting or leaving residents homes. Later night closing and extended drinking, make this even more worrying.

Impact of proposal:

This application's Noise Management plan tells us that the venue is "committed to develop and maintain good relations with local residents, neighbours and the Local Authority", and that it has an objective to "minimise disturbance to local residents". This is blatantly untrue and implausible, based on the venue's track record including over just the last week. The later it gets, the louder it gets. Residents are disregarded.

During just TWO MONTHS of extended hours, a once vibrant, safe and friendly corner of Hitchin felt so threatening that I withdrew from much loved orchestra rehearsals and from playing in a popular live concert in Hitchin, because I didn't feel safe coming and going from my house at night. I also installed a clearly visible security camera for my safety, and for that of anyone else visiting my home.

My health, my sleep, my enjoyment of my home, my leisure activities and my ability to work and make a living as a creative have already been seriously impacted by this venue. Any permanent extension of hours would be immeasurably more damaging for all other residents' and for this corner of Hitchin.

Helen and Stuart Chilvers
27a Bucklersbury
Hitchin
SG5 1BG

1. Background

We Have lived in this rented flat (27a) for over 25 years and have never had a reason to complain about noise or town centre activities. (This included sharing a party wall with a pub / restaurant The Red Hart - now The Kite @ The Red Hart.) We did object about 5 years ago when Mr Miceli and a business partner Mr Duncan Gammy applied to run a wine bar at No 26. The licence was granted with a number of provisions - mainly professional soundproofing. The business never opened and Mr Gammy went on to run a successful wine bar in the Arcade Hitchin.

The situation changed when Mr Miceli opened the wine bar / karaoke - Let's Party. The problems were two fold -volume and people gathering under our window. We objected when he applied for a licence extension. Our objection was primarily that he had not carried out any of the sound proofing or other measures demanded by NHDC and the Police.

2. Current Situation

Although Mr Miceli has installed a limited sound proofing system he also upgraded the sound system so the noise levels are still difficult. We have had several neighbourly conversations with him over the years which he stopped after the tribunal. He also at this point instigated a vicious and intimidating social media campaign among his customers and friends, which blamed his neighbours for the problems he was having regarding his Licence.

We were submitting noise level recording to Alan Stone @ NHDC but as this seemed to aggravate the on line abuse and did not affect the Licence outcomes we stopped.

3 Objection

Mr Miceli continues to encourage his friends and customers to jeer and point at our windows as a response to him having to tell them to be quiet. This is unacceptable.

To have a closing time of 1.30 will, given his past record, mean people in the street under our window until 2 A.M. which seems unacceptable given the aggressive nature of these people. We love living in the town centre, love the "vibe" having been here 25years but

there seems to be a particular problem with Mr Miceli, his friends, customers and attitudes to his neighbours.

You are welcome to come and visit to get a better understanding and make an objective assessment of our difficulty.

Cllr Keith Hoskins

It does seem to me that both the police and Environmental Health are more reactive agencies and so it falls to Licensing to make the decision under what are fairly proscriptive rules.

Anyway this application is worthy of detailed consideration by the committee as the reasons for conditions are not much changed from the last committee discussion. The proximity of neighbours who have lived in the street for many years must give some cause for concern and an extension until 1am or 1.30am at weekends may have serious impact on the health, wellbeing and amenity of those residents. Members will be well aware of the physical constraints of the premises which does limit its potential. The prevention of public nuisance and the prevention of crime and disorder are probably the most relevant licensing objectives that need to be considered in this case given the representations from residents.