



**HERTFORDSHIRE
CONSTABULARY**

POLICE REPRESENTATION – PREMISES LICENCE VARIATION

UVA, 26 BUCKLERSBURY, HITCHIN

Report from Mrs Kuljit Sangha, Licensing Officer for Hertfordshire Constabulary

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

The current operating hours for these premises are as follows:

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

The proposed premises licence variation is as follows:

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

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



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

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

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



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



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

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



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

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



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

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



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

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

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

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

Tuesday 14th November 2023