

**North Hertfordshire District Council
Licensing Act 2003
Decision Notice**

Date of Hearing	8 December 2023
Members of Panel	Councillors Tyson (Chair), Willoughby; Brown; Reserve Member: Barnard
Applicant(s) Name	Antonio Miceli
Premises Address	UVA Hitchin Wine Bar and Shop t/a Let's Party, 26 Bucklersbury, Hitchin, Herts, SG5 1BG
Date of Application	17 October 2023
APPLICATION FOR VARIATION	<p>This is an application for variation of a Premises Licence under section 34 of the Licensing Act 2003.</p> <p>The Sub-Committee has read the material presented to it and has listened to all the evidence and submissions. The Sub-Committee has considered the National Guidance and the Statement of Licensing Policy and has come to the following decision:</p> <p>The application is rejected.</p>
CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES	<p>The Sub-Committee recognises that conditions will <u>only</u> be imposed on a licence where conditions are appropriate for the promotion of one of the four licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and it considers that it is appropriate to impose conditions as a result of these representations.</p> <p>The Sub-Committee considers that on the admissible evidence received, the conditions that would be required to be imposed would be so disproportionate so as to defeat the promotion of the licensing objectives.</p>
CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES	N/A
CONDITIONS PROPOSED BY APPLICANT	The Sub-Committee considers that on the admissible evidence received, no conditions are required from the Applicant for the promotion of the licensing objectives.

EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	No conditions have been imposed, but the applicant is reminded that the current conditions of his premises licence remain in place and that the effect of a failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in an unlimited fine or up to six months imprisonment or both.
STATUTORY GUIDANCE CONSIDERATIONS	<p>The Sub-Committee has taken into account the Guidance issued under Section 182 of the Licensing Act 2003 (August 2023 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>1.3; 1.4; 1.5; 1.16; 1.17; 2.20; 2.21; 2.22; 2.23; 2.24; 2.25; 2.26; 8.41; 8.42; 8.43; 8.44; 8.47; 9.42; 9.43; 9.44; 10.8; 10.10; 10.13; 10.14.</p>
LICENSING POLICY CONSIDERATIONS	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy (2021-2026) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>B6, B8; B9; D1.4; D1.5; D1.6; D1.8; D2.1; D2.4; D2.5; D2.6; D2.8; D2.9; D3.4; D6.2; D6.3; D6.6; D6.7; D6.8; D6.9; D8.1; D8.2; D8.3; E1.1.2; E1.3.1; E1.3.2; E1.4.1; E1.4.2; E2.5.2; E3.1.1; E3.1.3; E3.2.1; E3.2.2; E3.2.3; E3.3.1; E3.9.1; E3.9.2; O1.1.</p>
RATIONALE FOR DECISION	<p>The Sub-Committee considers that the variation application should be rejected as a whole for the following reasons:</p> <ul style="list-style-type: none"> (i) The Sub-Committee considers that there are too many conditions that would need to be imposed in order for the variations to be granted, so as to effectively change the nature of the application that it was being asked to consider; (ii) The Sub-Committee accepts the evidence from the responsible authorities and other representatives that the applicant has not been complying with the current conditions of his premises licence with respect to opening time; the time that live/recorded music is being played, the adequacy of soundproofing, the number of toilets needed, the number of trained staff on CCTV, amongst other things. These failings are relevant to the licensing objectives of public nuisance and crime and disorder, and the applicant demonstrated a lack of awareness of his current premises licence and of the licensing rules. In light of this, a variation, would not promote the licensing objectives; (iii) The applicant demonstrated a lack of awareness of the potential for crime and disorder if the premises were to remain open until 1.30am and he was vague as to his staffing arrangements and how any crime and disorder if it occurred would be managed; (iv) Although the applicant sought professional advice from a soundproofer, the Sub-Committee did not receive any documentary evidence of any assessments carried out or

	<p>work completed by the applicant to reduce the noise nuisance complained of. The applicant also failed to provide information/evidence as to the financial commitment that would be involved so as to allow the Sub-Committee to assess the proportionality of conditions which would involve further work being carried out to the premises.</p>
COMMENCEMENT DATE	N.A
RIGHTS OF REVIEW	<p>At any stage, following the grant of a premises licence, a responsible authority, such as the Police or any other person, likely to be affected by the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.</p>