

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.