

DECISION NOTICE
LICENSING ACT 2003
DECISION ON APPLICATION TO VARY PREMISES LICENSE BY STEVENAGE
BOROUGH COUNCIL LICENSING COMMITTEE
LICENSE HOLDER: McMullen & Sons Ltd
DATE OF HEARING: 9 December 2025
DATE OF DECISION NOTICE: 10 December 2025
DECISION: To direct service of Counter Notices

Present:

Councillors:


 Chair)

Council Officers:

 – Licensing

 – Democratic Services


Responsible Authority:

 – Environmental Health


Premises– The Royal Oak

 – representative for 

Background

1. The Royal Oak ('the Premises') is a public house located at 24 Walkern Road, Stevenage. It has a Premises License in place which authorises licensable activities including: the performance of live music, playing recorded music, late night refreshment and the sale of alcohol.
2. The Premises License Holder is McMullen & Sons. The tenant and Designated Premises Supervisor at the Premises is Mr .

The matter for determination

3. The Licensing Committee convened following the service of four Temporary Event Notices ('TENs') by , the Designated Premises Supervisor for the Premises. The TENs related to events commencing on 12 December, 19 December, 26 December and 31 December 2025.
4. The TENs would allow for live music in the main and sports bar area of the Premises on each of the relevant dates. The TENs provided for the authorisation of the sale of alcohol on and off the premises, regulated entertainment in the form

of live music and late night refreshment. The TENs were accepted as validly notified on 26 November 2025.

5. The Council received objections from Environmental Health in relation to all four TENs. In summary the concern of Environmental health was that permitting the TENs to proceed would disapply the conditions of the Premises License thereby removing terms which had only recently been agreed with the Premises License Holder. This would weaken and/or remove protections in the Premises License aimed at preventing public nuisance and ensuring public safety. This would not promote the Licensing Objectives.
6. While there was provision for the TENs to be modified through negotiations between the Environmental Health Officer and [REDACTED], as the person serving the notices, this did not result in a resolution. The matter thereby fell to be determined by the Licensing Committee.

The Hearing

7. The Licensing Committee heard a report from the Licensing Officer setting out the need for the hearing, the objections received to the TENs and the matters to be determined.
8. There were no questions to the Licensing Officer from the Committee or the parties.
9. The Committee heard from [REDACTED] on behalf of Environmental Health who had objected to the TENs and provided information and evidence to support that objection.
10. [REDACTED] referred the Committee to key points of his evidence. [REDACTED] noted that the Premises is one with a long history of complaints. He stated that there has been at least one complaint in each of the preceding 14 years. Mr [REDACTED] noted that this was a "high risk" premises due to its location close to residential premises and it being an old building which was never designed for amplified music and entertainment.
11. Mr [REDACTED] noted that his involvement commenced from January 2025 so matters prior to that period could only be dealt with on the Council's records. [REDACTED] stated that he believed this was a premises that could support licensable activities but only with restrictions on hours and control measures in place. [REDACTED] advised the Committee that he had been in negotiations with the Premises License Holder, McMullen & Sons Ltd, which went on for approximately 5 months and resulted in the application by the Premises License Holder for a variation to the Premises License which added tighter controls. Those conditions were designed to address issues of noise which had been repeatedly reported by residents.
12. It was noted by [REDACTED] that arriving at the variation application had involved a lot of time and engagement. The varied Premises License was issued on 17 November 2025. It did not feature all of the conditions that [REDACTED] might have liked but was all the Premises License Holder were prepared to agree. It was considered to be a pragmatic resolution and an indication that matters were

moving in the right direction.

13. Mr [REDACTED] advised that he subsequently received complaints from a resident that the conditions were not being honoured. He visited the premises on 25 November 2025 and spoke to who he believed to be the manager, [REDACTED]. He stated that [REDACTED] was oblivious to the terms of the new license and unaware of the grant. He noted that by the Friday evening some efforts were made to give effect to the conditions. [REDACTED] stated that he then received notice of the TENs which would effectively “decouple” the Premises License controls. It was noted that if a TEN was in place any authorised activities would take place under the terms of the TEN and not the Premises License. Effectively the Premises License conditions, including those just agreed with the Premises License Holder, would be disapplied.
14. [REDACTED] noted that the first TEN was late and gave permission for things already permitted under the terms of the Premises License, not additional activities. [REDACTED] view was this had been done deliberately to disapply the new license conditions. He made objections as he felt that was necessary to be consistent in his approach to the Premises. In his view the conditions should always apply, particularly given the history of the Premises.
15. The Committee heard that the grounds of the objection were public nuisance and public safety. It was noted that the Premises License limited the permitted number of people in the Premises to 130, which would not apply under the TENs. It would have the effect of potentially allowing the Premises to exceed the capacity deemed appropriate by the Fire Safety Officer.
16. In response to questions from the Committee [REDACTED] confirmed:
 - 1) The fact that the TENs disapplied the Premises License conditions was simply the way the legislation worked. A TEN is designed to be a “light touch” to licensing and intended more for one off events, such as in a village hall.
 - 2) That the number stated on the TENs for the number of people attending the event is indicative rather than an enforceable figure.
 - 3) That the limit on the TEN applied to the licensed area which was stated to be inside the Premises and did not include outside space.
 - 4) That if patrons spilled out of the Premises into outside areas there would be nothing to control that as the Premises License conditions would not apply.
 - 5) Noises limiters can be useful but are not a solution in themselves. The purpose of a noise limiter is to try and control noise but only on electronically amplified sound, it would not affect a drum. He had visited when bands hadn’t plugged into the limiter, if not plugged in it does not work. A limiter can be circumvented in a number of ways. A noise limiter can be a useful control measure but, if not used or not used properly, does no good. In September he was told it wasn’t in use because it was broken, but it worked when tested. The limiter is in a control unit, and has been calibrated and set, so that he was satisfied that if used in conjunction with other controls the Premises could maintain regulated entertainment. He expressed a concern for “manager override”, in other words that the Premises would choose not to use the limiter.

- 6) That in normal circumstances the Premises would be unlikely to approach the limit on attendance imposed by the Fire Service but for a live music event more people would be attracted.
 - 7) That the Committee had the power to apply the Premises License conditions to the TENs but that would rely on the Premises actually complying.
 - 8) That the TENs as served actually provided for the event to commence at 7pm, well within the current license terms, and he questioned why that was necessary. It appeared that the TENs could easily just have provided for an extension of time on the licensable activities.
 - 9) That a discussion had been had with [REDACTED] suggesting that he withdrew the TENs and resubmitted them with conditions, but this option was declined.
 - 10) That a seasonal variation to the license could have been sought in the usual manner.
17. [REDACTED] declined to ask questions of the Environment Health Officer.
 18. The Committee then heard from [REDACTED] on behalf of the Applicant.
 19. [REDACTED] stated that over the last fifteen years they had not had any trouble with TENs being submitted. He noted that they were originally unaware of how TENs worked and had understood that they only overrode specific parts of the license, not the license as a whole, during the period of the TEN. Initially they would just be used to extend hours on a short term basis. It was only in the last six months that they had noticed an influx of objections to TENs.
 20. [REDACTED] advised that they had never had an issue with the sound limiter. He noted it had been set up by a previous SBC Officer [REDACTED]. He stated that Mr [REDACTED] and [REDACTED], another Council Officer, had gone into neighbouring houses to test volumes. They advised that if the music stayed below 60db it wouldn't be considered nuisance. That position had been reiterated to the Premises over the years, but they are now being told it is not accurate. [REDACTED] requested videos be sent in to show the level of noise recorded with a decibel meter. Figures were usually in the forty to fifty decibel range which they did not believe was a nuisance.
 21. [REDACTED] stated that they have had differing viewpoints from different Environmental Health and Licensing Officers over the years. He stated the Premises License conditions were open to interpretation. Compliance or breach was a matter of opinion and it was hard to say what constituted a nuisance. Mr [REDACTED] and [REDACTED] thought their actions were enough to stop nuisance, other officers took a different view. The Premises had "taken it on the chin" and dealt with it. The Premises did not want to upset its neighbours. He noted that in just over 12 years they had around 13 different officers dealing with them. Everyone has a different view and they've ended up confused.
 22. [REDACTED] stated that some Environmental Health Officers have stated they are doing a good job, only for them to receive a warning letter the following week despite nothing being done differently. The conditions are enforced to the best of their ability. He stated that every time they have a meeting new benchmarks are applied. The smoking shelter has been moved three times to mitigate noise. They cannot close the outside area or customers won't return and it will end up another

pub that becomes a house.

23. [REDACTED] noted that an application for a minor variation had been made after a long process of getting DJ equipment in and setting a new noise limiter. Though they believed everything was agreed the Environmental Health Officer objected.

24. It was noted the Premises has received a noise abatement notice for something which occurred at 9:45pm. The advice they have received suggests this should not have been done before 11pm.

25. In response to questions from the Committee [REDACTED] stated:

- 1) That [REDACTED] had left the Premises, but nothing had really changed. [REDACTED] was managing the pub currently until [REDACTED] returns next Thursday. There is stable management in place.
- 2) [REDACTED] described his role as Operations Manager for [REDACTED] group of pubs.
- 3) [REDACTED] confirmed that all of the pubs in the group have their own managers. They are very experienced and they do not expect there to be issues over the festive period.
- 4) That until [REDACTED] return he was the day to day manager at the Premises. It was noted that [REDACTED] was a tenant at this particular Premises.
- 5) That the Premises benefits from the same level of management as it had prior to [REDACTED] leaving. [REDACTED] has 12 years of experience whereas [REDACTED] had 4. He advised he had been through a lot with the company. He advised that he understands the conditions more than she did, has been in a lot of the meetings about them, and has read them multiple times to ensure understanding and compliance.

26. In response to questions from Environmental Health [REDACTED] stated:

- 1) He had attended the meeting in the capacity of [REDACTED] representative, both for him personally and for the company.
- 2) That [REDACTED] was currently on holiday in Thailand and is regularly out of the country.
- 3) That in his chronology [REDACTED] was stating that the Premises License Holder has made the application for a minor variation without consulting him. [REDACTED] indicated that he was aware the application was being made but not sure of specific terms.

27. In the course of questions put to [REDACTED] additional information was provided by the Licensing Officer who advised:

- 1) Mr [REDACTED] is the DPS for the Royal Oak. He is the tenant of McMullen & Sons Ltd who is the Premises License Holder.
- 2) [REDACTED] company is responsible for the other pubs in the group but they have their own Designated Premises Supervisors.
- 3) That the TENs had been served by [REDACTED].
- 4) That [REDACTED] had submitted another TEN, which was void, offering to apply all of the conditions of the Premises License with the exception of 'f' and 'n' in annex 2. Condition 'f' relates to use of the sound limiter, condition 'n' relates to a member of staff supervising the outdoor area.

Summing up

28. Opportunity was given for the parties to sum up their case.
29. Environmental Health noted that a detailed history and evidence base had been provided. The Premises was in a difficult location due to the proximity of residential accommodation and it being an old structure. The Premises required comprehensive management. It was suggested that there was not a coherent management chain. It was submitted that the Premises License is a legal document which is supposed to be applied proactively to promote the Licensing Objectives, not ignored. It needs to be thoroughly understood by those in management. It was reiterated that the apparent manager of the Premises had not been aware of amended conditions some days after they had been agreed and she was therefore not working to them.
30. [REDACTED] noted that the Committee had options on how to deal with this. The Committee could allow the TENs to stand even knowing there would be a disconnect from the Premises License, disapplying terms to prevent public nuisance and promote public safety in the case of the venue limits. [REDACTED] stated he would discourage this. The Committee could also impose some or all of the existing conditions, including those negotiated and agreed by the Premises License Holder. He suggested for those conditions to be imposed the Committee should be satisfied that there was the wherewithal to manage them. He questioned whether the Committee could be satisfied of this, that the Premises would be properly managed, and whether that would be the case during a period of what he stated was elevated risk. [REDACTED] submitted that in his view a refusal seemed most appropriate.
31. [REDACTED] declined to provide a summary.

Decision

32. In reaching its decision the Committee took account of all of the material before it, including the written representations received and oral representations made. The Committee had regard to the Licensing Objectives set out in the Licensing Act 2003, the Council's statement of Licensing Policy and the Guidance issued under s.182 of the Licensing Act 2003.
33. The Committee noted the concerns of Environmental Health in their role as a relevant person. The Committee noted particularly the long history of complaints in relation to the Premises, including complaints which were sufficiently serious and well evidenced for service of an abatement notice.
34. The Committee noted [REDACTED] submissions that the Premises had, on more than one occasion, not utilised the noise limiter. This included occasions where the band had not plugged into it and another where it was stated, erroneously, to not be working. The Committee was also concerned that the Premises manager was apparently unaware of changes to the license conditions and was not operating in accordance with them.
35. The Committee noted the concern that the disapplication of the Premises License would remove the attendance limit placed on the Premises by the Fire Safety Officer.

36. The Committee noted an apparent disconnection between the Premises License Holder on the one hand and [REDACTED] on the other. It appeared to the Committee that the Premises License Holder had entered into detailed and lengthy negotiations with Environmental Health to adopt conditions for the Premises which would promote the licensing objectives and prevent public nuisance. It appeared that had potentially not been done in consultation with [REDACTED] as the tenant of the Premises and the Designated Premises Supervisor. It appeared to the Committee that [REDACTED] disagreed with additional conditions imposed, at the very least when it came to the provision of live music events.
37. The Committee also noted the comments of [REDACTED] that the licensing conditions were not clear and were open to interpretation. The Committee noted that the new conditions, agreed in November of this year, were clearer and would hopefully remove any ambiguity to the benefit of the Premises.
38. The Committee went on to consider the powers available to it in regard to this matter, bearing in mind its objective to ensure the promotion of the Licensing Objectives.
39. The Committee considered whether the events should be allowed to proceed as provided for in the TENs. The Committee was satisfied that such inaction would not be appropriate for the promotion of the Licensing Objectives in this case. It was clear to the Committee that the Premises is subject to a long history of complaints in relation to noise nuisance, as such it would not be appropriate for live music events to be allowed to proceed in the absence of safeguards to protect the public from nuisance. The TENs as served, with no real restrictions, did not provide the appropriate level of protection.
40. The Panel were also concerned that the venue could, potentially, exceed what a Fire Safety Officer had deemed a safe capacity.
41. The Committee went on to consider whether it was appropriate for the promotion of the Licensing Objectives that the events be allowed to proceed but only with the imposition of conditions from the Premises License.
42. The Committee considered that applying conditions would alleviate the main concerns expressed in the objection from Environmental Health. The conditions agreed with the Premises License Holder are clearly positive and designed to mitigate to a considerable extent any concerns relating to noise nuisance. This was a key concern expressed in the objection, and one shared by the Committee given the evidence of complaints against the Premises over a prolonged period.
43. The Committee agreed with the submission made by Environmental Health that applying the conditions on the Premises License to the TENs would only be effective in promoting the Licensing Objectives if they would be observed. It was accepted that if the Committee were not satisfied the conditions would be observed nothing would be gained by applying them.
44. The Committee noted evidence provided by Environmental Health that the noise limiters had been circumvented previously during performances. It was noted that on an occasion persons at the Premises had represented to [REDACTED] that the noise limiter was not being used as it wasn't working, only for [REDACTED] to test it and find it was. It was considered relevant that the apparent manager at the

Premises, [REDACTED], was not aware of and was not operating by the amended conditions when [REDACTED] visited shortly after they were approved. While not a criticism of [REDACTED] who made efforts to comply once aware of the conditions, it was concerning to the Committee that she was not aware of the conditions. It is unclear, on the information provided to the Committee, whether this was an issue with communication or management.

45. The Committee also considered that the TENS had been submitted by [REDACTED] a person experienced in running licensed premises, with some level of responsibility for multiple venues. The Committee was willing to give [REDACTED] the benefit of the doubt that, as stated by [REDACTED] they were not initially aware that a TEN would disapply the Premises License conditions for its duration. In such circumstances the Committee could be willing to accept that the apparent avoidance of the Premises License conditions was inadvertent. However, the Committee noted that [REDACTED] had served a further TEN in which he offered to observe the conditions of the Premises License with the express exception of conditions 'f' and 'n'. Those are conditions particularly designed to avoid noise nuisance relating to the use of the noise limiter and the supervision of outside areas.
46. While the Committee might accept a lack of understanding in relation to the TENS subject to its determination it was clear that [REDACTED] had then made a decision to try and avoid the effect of conditions in the Premises License, designed to reduce or avoid noise nuisance, which he apparently does not agree with.
47. Taking all of these matters into consideration the Committee was not satisfied that allowing the events to proceed and applying conditions was appropriate for the promotion of the Licensing Objectives. The Committee was concerned that the Premises had avoided using the noise limiter previously and were not satisfied that would not occur again. The Committee considered that the void TEN submitted indicated that [REDACTED] did not want to be subject to the conditions regarding the noise limiter. Taking those matters into account the Committee was not satisfied the conditions would be complied with if imposed.
48. The Committee had in mind when reaching its decision that there are pressures and difficulties within the hospitality sector currently, particularly for venues similar in nature to the Premises. While the Committee were sympathetic and would wish to promote such businesses, it did not feel it appropriate in the present case given its concerns that the Licensing Objectives would not be promoted and conditions not complied with.
49. In the circumstances the Committee determined to direct Licensing to serve a counternotice, preventing the TENS proceeding.
50. The Committee considered whether some allowance could be made to permit some of the events to proceed, even if that were with conditions applied, but reached the conclusion that there was no justification for such inconsistency. Its concerns applied equally across all of the proposed events. For that reason counter notices would be served in relation to all of the TENS.

Right of Appeal.

51. The premises user in relation to a TENs may appeal against the Licensing Authority's decision to issue a counter notice.
52. An appeal against the Committee's decision must be made to a Magistrates' court within 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.
53. No appeal may be brought later than five working days before the day on which the event period specified in the TEN begins.
54. Any person wishing to appeal is advised to seek their own independent legal advice. Should an appeal be brought against the decision of the Licensing Authority, and that appeal is unsuccessful, the Licensing Authority will ask the court to order the appellant to pay its costs of defending the proceedings.