



**THE ROYAL OAK PUBLIC HOUSE
24 WALKERN ROAD
STEVENAGE**

**TEMPORARY EVENT NOTICES
FOR**

**22ND MAY 2026 23:00 – 01:00 23RD MAY 2026
24TH MAY 2026 23:00 – 00:00 25TH MAY 2026
1ST AUGUST 2026 23:00 – 01:00 2ND AUGUST 2026
8TH AUGUST 2026 23:00 – 01:00 9TH AUGUST 2026**

**SECTION 104 NOTICE EVIDENCE REPORT
BY THE
RESPONSIBLE AUTHORITY
FOR POLLUTION CONTROL
&
HEALTH & SAFETY**

5TH MAY 2026

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Executive Summary

This document provides an evidence base and rationale for the Section 104 Notice given in connection with a Temporary Event Notices (TENs) received by the Stevenage Borough Council Licensing Authority on 28th April 2026 as regards The Royal Oak PH.

The Royal Oak PH has a long regulatory history concerning noise from a number of activities undertaken at the venue and in connection with it. During the course of 2025, and so far in 2026, complaints from nearby residents have been received by the Council in connection with noise from entertainment, patrons, and to a lesser degree early morning waste collections. The investigation prompted by these complaints upheld the first two and resulted in extensive discussions with the Premises Licence holder during the summer and autumn 2025; this resulted in a revised Premises Licence which strengthened controls regarding entertainment, patron, and waste collection noise.

Six Temporary Event Notices were submitted as regards events scheduled for December 2025 – five resulted in counter notices with one, relating to New Years Eve, was permitted on second consideration by the Licensing Authority, subject to the imposition of a number of conditions.

The events described in the TENs for May and August 2026 are likely, if unrestrained by mitigations measures, result in a significant weakening of the regulation of the venue as regards the Licensing Act 2003 and would likely expose local residents to excessive noise disturbance and its customers to elevated health & safety risks.

The TEN notifier, and also Designated Premises Supervisor for the venue, Mr [REDACTED] has suggested that these risks can be adequately managed by the application of relevant conditions associated with the Premises Licence for the venue. Should the Licensing Committee be in agreement with this approach I would advise it to apply all Operating Schedule conditions proposed save for ANNEX 3 (1) and (2) which I believe would be irrational in the context of some of the events proposed.

Alternatively, If the Committee believes that a Counter Notice is warranted in respect of these TENs the venue may still operate, albeit for slightly less hours, as permitted by its current Premises Licence.

1. Introduction and Background

1.1 The author of this objection is [REDACTED] an *Authorised Person* of the Council as defined by Section 69(2)(d) of the Licensing Act 2003: '*...an officer of a local authority, in whose area the premises are situated, who is authorised by that authority for the purpose of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.*'

1.2 This objection is made in pursuant to Section 104 of the Licensing Act 2003 by the Council acting as a *Responsible Authority* as defined by:

Section 69(4)(e) of the Act: '*... the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.*'

And

Section 69(4)(c) of the Act: '*...the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 (c. 37) for any area in which the premises are situated.*'

1.3 I formally served four Section 104 notices on 30th April 2026 in respect of the Temporary Event Notices (TEN) received by the Licensing Authority on 28th April 2026 having regard to the *prevention of public nuisance* licensing objective as set out in Section 4(2)(c) of the Licensing Act 2003 and the public safety objective contained within Section 4(2)(b).

1.4 I am a Chartered Environmental Health Practitioner and have performed pollution control regulatory duties for local authorities since 1992. I hold a BSc. (Hons) in Environmental Health and a Post Graduate Diploma in Acoustics and Noise Control. I was a guest lecturer at Kings College London (KCL) between 2004 and 2012 where I taught acoustics and noise control on its undergraduate and post-graduate degree programmes. I am a corporate member of both the Chartered Institute of Environmental Health and the Institute of Acoustics. I also provide advice on risk management matters to the Chief Constable and Police and Crime Commissioner of Hertfordshire.

1.5 Description of premises

The Royal Oak public house is a detached building situated off Walkern Road in north-east Stevenage (please see plans overpage). It is understood that the main structure of the pub was erected around 1899 with subsequent alternations taking place, such as



Royal Oak, 1932

regards the northeastern façade. There are no development control applications or decisions recorded on the Council’s public access system for the site.

1.5.1 Location plan

The satellite image below shows the location of The Royal Oak PH (see red pin) in the context of other development in area



1.5.2 Land boundaries

The red line on the plan, below, shows the demise of land parcel (Title reference HD416261) on which The Royal Oak PH is situated (source: HM Land Registry, 2025)



1.5.3 Spatial arrangement of the premises

The Geographic Information System (GIS) plan, below, sets out distances between The Royal Oak PH and nearby dwelling houses:



1.5.3 Photographs of the premises

The images below and over page were captured this year and illustrate the positioning of the Royal Oak PH in the context of other buildings in its vicinity.



(1) The Royal Oak PH
taken from Walkern
Road facing east



(2) The Royal Oak PH
taken from Walkern
Road facing west



(3) Dwellings off
Walkern Road as
taken from front of
The Royal Oak PH



(4) Alleyway to west of
The Royal Oak PH as
taken from Walker Road



(5) The Royal Oak car
park facing northeast



(6) The northeast elevation of The Royal Oak PH and beer garden / smoking area (far end)



(7) Beer garden and dwelling (far side of car park) as taken from The Royal Oak PH



(8) The windows on northeast elevation of The Royal Oak PH



(9) Dance floor / elevated performer area within The Royal Oak PH



(10) Noise limiter serving dancefloor/performer area of the main bar within The Royal Oak PH

1.6 Noise complaint history of The Royal Oak PH

The Council maintains computer records of all complaints made to it concerning noise and other nuisances since around the year 2000. Table 1, below, summarises the complaints received in connection this premises up to the date of this report:

Date	EH Reference
17/10/2007	07/04642/NOIPUB
12/02/2008	08/00544/NOIMUS
14/10/2008	08/03984/ZCOMPS
15/10/2008	08/04000/LPRCPT
04/07/2011	11/01959/NOIMUS
03/10/2011	11/02702/LCBCPT
20/10/2011	11/02873/NOIMUS
10/04/2012	12/00879/NOIMUS
26/06/2012	12/01769/NOIMUS
20/08/2012	12/02373/NOIMUS
04/09/2012	12/02534/NOIMUS
04/04/2013	13/00850/NOIMUS
06/06/2013	13/01529/NOIMUS
19/07/2013	13/02494/NOIMUS
13/01/2014	14/00086/NOIMUS
10/02/2014	14/00387/NOIMUS
26/08/2014	14/02726/NOIMUS
05/05/2015	15/01242/NOIMUS
08/06/2015	15/01562/NOIMUS
06/06/2016	16/01399/NOIMUS
23/11/2016	16/03170/NOIOTH*
06/12/2016	16/03282/NOIMUS
19/12/2016	16/03403/NOIMUS
18/04/2017	17/00888/NOIOTH

With the exception of those cases marked with an asterisk (*), all the complaints made reference to evening entertainment noise and noise from patrons associated with The Royal Oak PH.

In totality, the Council has received 62 separate complaints from 21 complainants in connection with 15 dwellings in two roads in the vicinity of The Royal Oak PH.

* these complaints related to noise from early morning waste collections

^ this case relates to complaints concerning entertainment noise, patron noise, and early morning waste collections

18/04/2017	17/00890/NOIOTH
18/04/2017	18/00965/NOIMUS
02/06/2017	17/01351/NOIOTH*
21/07/2017	17/01923/NOIVEH*
09/10/2017	17/02595/NOIMUS
04/04/2018	18/00820/NOIMUS
15/05/2018	18/01182/NOIMUS
29/07/2019	19/01621/NOIMUS
17/09/2019	19/02044/NOIMUS
11/10/2019	19/02263/NOIMUS
21/01/2020	20/00167/NOIMUS
28/09/2020	20/02251/LIGHTC
17/05/2021	12/01263/NOIMUS
02/08/2021	21/01907/NOIMUS
19/08/2021	21/02066/NOIPEO
05/11/2021	21/02692/NOIOTH
15/11/2021	21/02763/NOIMUS
24/02/2022	22/00419/YOURS
17/05/2022	22/01020/NOIMUS
06/12/2022	22/02421/NOIMUS
21/02/2023	23/00332/NOIMUS
12/04/2023	23/00645/NOIMUS
09/08/2023	23/01582/NOIMUS
10/10/2023	23/02032/NOIMUS
27/11/2023	23/02344/NOIMUS
27/11/2023	23/02345/NOIMUS
27/11/2023	23/02341/NOIMUS
03/01/2024	24/00012/NOIMUS
29/01/2024	24/00197/NOIMUS
07/06/2024	24/01093/NOIMUS
01/07/2024	24/01277/NOIMUS
23/09/2024	24/01862/NOIMUS
03/01/2025 – 27/11/2025	25/00014/NOIMUS^
28/1/2026	26/00132/OTHER
2/2/2026	26/00148/NOIMUS
7/4/2026	26/00541/NOIMUS

1.7 Current licensing arrangements for The Royal Oak PH

- 1.7.1 The venue is subject to a Premises Licence (reference SBCL0076) - which was last amended in November 2025 – and is set out elsewhere within the report to the Licensing Committee.

1.8 Definition of public nuisance

This objection relates to the *prevention of public nuisance* licensing objective as set out in Section 4(2)(c) of the Licensing Act 2003. Whilst public nuisance is given a statutory meaning in many pieces of legislation, it is however not narrowly defined in the Licensing Act 2003 and retains its broad common law meaning (Secretary of State, Section 182 guidance November 2025). Nevertheless, it has been defined as follows:

'.....if the effect of the act or omission is to endanger the life, health, property or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty's subjects.'

P J Richardson (ed), Archbold: Criminal Pleading, Evidence and Practice (2015)

'It typically consists either of an environmental nuisance, such as carrying on works producing excessive noise or smells, or of offensive or dangerous behaviour in public, such as noisy parties'

The Law Commission, Law Com No 358 (2015)

In this case I have been guided by the Attorney-General v PYA Quarries 1957 judgement and, in particular, the comments of Lord Denning in that case on the scope of the interference:

"I prefer to look to the reason of the thing and to say that a public nuisance is a nuisance which is so widespread in its range or so indiscriminate in its effect that it would not be reasonable to expect one person to take proceedings on his own responsibility to put a stop to it, but that it should be taken on the responsibility of the community at large."

In terms of the material impact of the interference the Secretary of State has advised:

'It is important to remember that the prevention of public nuisance could therefore include low level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also 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.'

Paragraph 2.19 s.182 guidance June 2014

Common law nuisance was recently considered by the Supreme Court in 2023: *Fearn and others (Appellants) v Board of Trustees of the Tate Gallery (Respondent)* UKSC/2020/0056. The court held that the Court of Appeal was wrong to suggest in its earlier judgement that it was reasonable to expect those subject to the nuisance to take any measure to preserve their own amenity.

2. Regulatory approach

2.1 Regulatory risk assessment

The current *Environmental Health & Licensing General Enforcement Policy* sets out the key principles that officers should follow when undertaking their investigative and enforcement duties. In particular, it makes reference to The Legislative and Regulatory Reform Act 2006, Part 2, and the Principles of Good Regulation which emphasise the importance of targeting regulatory resources based on risk.

Council's *Statement of Licensing Policy 2025-2030*, in paragraph 6.13.14, also prescribes the assessment of compliance risk (in the context of the prevention of public nuisance licensing objective):

The proximity of entertainment venues to residential and other premises is an issue requiring detailed assessment in order to minimise the potential for nuisances to people living, working or sleeping the vicinity of the premises.

As part of its preparation for the publication of its guidance on noise management in connection with entertainment venues the Institute of Acoustics (IOA) proposed a basic risk assessment model to inform regulatory interventions. The model is based on a risk trading process as summarised below:

Criteria	Risk Rating
Number of Events	
• <30 per year and no more than 1 event per week	0
• > 30 and < 51 events per year and no more than 2 per week	3
• Weekly, or more frequently	6
Time of Event	
• Up to 21:00 hrs	0
• Up to 23:00 hrs	3
• After 23:00 hrs	6
Noise Sensitive Receptors	
• None in <u>close proximity</u>	0
• One, or more, in <u>close proximity</u> (e.g. up to 50 metres)	3
• Structurally adjoining	6
Venue Sound Insulation performance	
• Purpose built - robust sound insulation	0
• Average – not purpose built but with moderate sound insulation	3
• Poor – weak sound insulation	6
Confidence in Management	
• High – well-prepared NMP, no or very few noise complaints	0
• Moderate - informal controls in place, few complaints	3
• Low - no controls, poor compliance history, history of complaints	6
TOTAL	
RISK RATING	
LOW	<10
MEDIUM	10-20
HIGH	20+

Paragraphs 1.5.1 to 1.5.3 of this report illustrate the location of The Royal Oak PH in terms of its proximity to residential properties. Essentially, it is surrounded on all sides by dwellings, one of which is less than 5m distant. Therefore, the provision contained within paragraph 6.13.14. of the Council’s licensing policy is relevant.

A review of complaint records held by the Environmental Health & Licensing Service, the music and other entertainment provisions of the current Premises Licence for The Royal Oak PH, the TENs submitted in April 2026, and an assessment of the venue’s structure were used to inform an initial risk assessment based on the IOA model:

Criteria	Score
Number of events	3
Time of events	6
Noise sensitive receptors	3
Venue sound insulation performance	3
Confidence in management	6
Total	21

This illustrates that The Royal Oak PH is a **High Risk** premises in the context of the Licensing Act 2003 prevention of public nuisance licensing objective.

2.2 Changes to the venue’s Premises Licence as a consequence of a minor variation application granted on 17/11/2025

After extensive discussions with the Premises Licence holder and their legal representatives the following conditions were added, via a minor variation application, to the Royal Oak’s Operating Schedule:

Entertainment noise:

- *During Public Entertainments, both the front entrance and car park elevation entrance inner lobby door, shall remain closed but unlocked and usable as a fire escape.*
- *During Public Entertainments, both the external exit/entrance doors to the front entrance and car park elevation entrances, shall be allowed to return to the fully closed position when not being used.*
- *The rear fire escape route, (via the female toilets) doors shall be maintained in a closed position but not locked and shall not be held back or fastened in an open position.*
- *Noise or vibration shall not emanate from the premises so as to cause a public nuisance.*
- *All musical equipment used at events where there is amplified, recorded and live music shall be routed through the sound limiter device and only via the four dedicated and clearly marked stage power sockets. The sound limiter device shall be set to a level which will not cause a public noise nuisance to the noise sensitive receptors.*
- *The maximum internal sound pressure level permitted by the sound limiter device must be agreed with the EH officers and set with their supervision by the operating tenant/manager.*

- *The setting of the sound limiter device must be followed by a sound limiter calibration certificate which must demonstrate the calibration methodology and agreed total music sound pressure along with maximum sound pressure at low frequencies in the range between 63Hz to 250 Hz.*
- *The sound limiter device calibration certificate must be approved by the Licensing Authority and the sound limiter device must operate according to the approved certificate at all times.*
- *The operational panel of the noise limiter device shall be secured to the satisfaction of the EH officer or Licensing Officer of SBC. The keys or the password securing the access to the sound limiter device's operational panel must only be held or known by a responsible person nominated by the Licensee and shall not be accessed by any other person. The limiter shall not be altered without prior agreement of the Licensing Authority.*
- *The noise limiter control sockets must be clearly visible from the adjacent bar area and not be obstructed in anyway.*
- *The window acoustic infills shall be installed to the flat window nearest to the stage and also the bay window nearest to the stage at all times during events involving amplified, live and recorded music as outlined in the acoustic certificate dated 05/02/2024.*
- *During Public Entertainments the management of the premises shall ensure that the windows in the lounge bar area and the windows in the toilets accessible via the stage area remain closed, ventilation is to be provided via the extract ventilation system.*

Patron noise:

- No music shall be played in or transmitted to any outside area
- Except for patrons leaving the premises temporarily to smoke, the external areas marked 'Seating Area' and 'Smoking Area' on plan reference 543_L02 C shall close at 22:00. Patrons leaving the premises temporarily to smoke after 22:00 shall not be permitted to take drinks outside with them and shall only be permitted to smoke in the 'Seating Area' or 'Smoking Area' on plan reference 543_L02 C.
- Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.
- Notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs to local residents and use the area quietly.

Early morning waste collection noise

- No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day.

3. Conclusion and Recommendations

3.1 Review of the evidence base and its relationship with the Licensing Objectives

The key conclusions of the noise complaint investigations to date are set out below:

- The venue is a high-risk premises as regards the liberation of noise and in order to prevent public nuisance(s) careful management of the main noise sources – a) musical entertainment, b) patrons whilst outside at night, and c) early morning waste collections – is necessary.
- The then Premises Licence holder, McMullen & Sons Ltd., in the summer of 2025 accepted that the Premises Licence Operating Schedule, at that time, did not contain adequate controls as regards the prevention of public nuisance licensing objective and therefore elected to submit a minor variation application to introduce additional mitigation measures (see above). These controls, if implemented, would promote the relevant licensing objective in the opinion of the Responsible Authority and therefore it did not object to these changes.
- No changes relating to public safety Operating Schedule controls were proposed.
- The compliance record of the venue is poor as regards the Licensing Act 2003 and Part III (statutory nuisance provisions) of the Environmental Protection Act 1990 – complaints concerning noise have been received every year for the past 15 years. Premises Licence Operating Schedule conditions have been breached on multiple occasions, as witnessed by either the Licensing Authority and/or a Responsible Authority, particularly as regards the use of the noise limiter (i.e. its circumvention or non-use). However, compliance inspections and visits to the venue in 2026 have generally illustrated compliance with the revised Premises Licence.

3.2 Temporary Event Notices (TENs) – 12th, 19th, 26th, and 31st December 2025

Five TENs were submitted to the Licensing Authority on 26th November 2025 for the following dates/times:

- 1) 12th December 2025 19:00 – 01:00 13th December 2025
- 2) 19th December 2025 19:00 – 01:00 20th December 2025
- 3) 26th December 19:00 – 01:00 27th December 2025
- 4) 31st December 2025 19:00 – 01:00 1st January 2026

These were considered at a public hearing of the Licensing Committee on 9th of December 2025 where it decided that Counter Notices should be served in respect of all of the aforementioned TENs. The Committee's reasoning was clearly set out in Paragraphs 32 – 50 of a Decision Notice issued on the 10th of December 2025

3.3 Temporary Event Notice (TEN) – 31st December 2025 (submitted 11th December 2025)

This TEN was submitted *after* the Licensing Committee had considered a similar TEN as regards 31st December 2025/1st January 2026. It relates to the following licensable activity: later into the night than previously notified.

- The sale by retail of alcohol
- The provision of regulated entertainment
- The provision of late-night refreshment

The proposed event is to finish later into the night than the event notified earlier.

This event was considered at a public hearing of the Licensing Committee on 22nd of December 2025 where it decided that it may proceed but subject to a number of conditions attached from the Premises Licence Operating Schedule.

3.4 Temporary Event Notices (TENs) – 2 events in May 2026 and 2 events in August 2026 (submitted 28th April 2026)

The latest TENs cite the location of the events as being the “MAIN BAR OF THE PREMISES & SPORTS BAR” of the Royal Oak PH however it is clarified that the regulated entertainment element is only to take place in the main bar. NB: there is only one noise limiter at the venue and that is located in the bar illustrated in Photograph 10 contained with paragraph 1.5.3 of this report.

Again, this notification was submitted by Valley Way Pub Company – this company is not the Premises Licence holder as regards the Royal Oak PH. The notification was submitted, on behalf of this company, by [REDACTED] (the current DPS for the Royal Oak PH).

As I understand it, the Operating Schedule conditions attached to SBCL0076 will not automatically apply to these TENs. Therefore, the controls necessary to safeguard local residents from public nuisance(s) will not exist at a time when they are likely to be most needed, i.e. late at night. Also, conditions relating to public safety, such as the capacity limit set out in condition ANNEX 2 (1.)(a), will not apply either unless the Licensing Authority resolves to impose them.

In light of the complaint history of the premises and the importance of the recently amended Premises Licence Operating Schedule conditions concerning the management of noise, I consider that the event proposed in the above TEN without any of the mitigation measures set out in Premises Licence SBCL0076 would clearly have the potential to undermine the prevention of public nuisance licensing objective. Also, having no enforceable condition on maximum patron numbers, *et al*, would undermine the public safety licensing in my opinion. Accordingly, pursuant of Section 104 of the Licensing Act 2003, I submitted notices to the Licensing Authority on 28th April 2026 requesting that this matter be considered by the Licensing Committee.

The notifier has clearly indicated that they see that the conditions attached to the Premises Licence are a means of controlling the nuisance and safety risks identified above. NB: The proposed strictions as regards ANNEX 3 (1) and (2) appear to contradict the licensable hours sought in some of these TENs.

3.5 Recommendations to the Licensing Committee

The determination of this case is clearly and rightly a matter for the Licensing Committee. I have nonetheless set out my advice and supporting rationale as they may be of some value to the Committee in its deliberations.

As I understand it, the decision making of the Licensing Authority in these circumstances is set out in Sections 105 and 106A of the Licensing Act 2003; namely it may determine that:

- The event may proceed without any change or condition; or
- The event may proceed but subject to some, or all, of the conditions which already exist in respect of the prevailing Premises Licence for that venue; or
- Neither of the above options is appropriate and issue a counter notice stating that the event proposed in the TEN shall not proceed (if it is only authorised by that TEN).

This Responsible Authority does not recommend that the events proceed as set out in the respective TEN as:

Allowing the events to take place without conditions to control noise from the venue would leave the local community vulnerable to nuisance levels of noise particularly after 11pm (when national/international noise guidance, such as BS8233 and recommendations of World Health Organisation state that people should be able to have uninterrupted sleep after that time). Moreover, many of these conditions were recently brought forward by the Premises Licence holder in recognition of their necessity.

The lack of a control on patron numbers at the premises is inappropriate given the views of the Responsible Authority associated with fire safety matters.

However, the imposition of the Operating Schedule conditions relating to noise control at the venue, as currently contained within the Premises Licence for the Royal Oak PH, would offer *some* protection to local residents. These are:

- | | |
|------------------|--------------|
| Annex 2 (1.) (b) | Annex 3 (3.) |
| Annex 2 (1.) (c) | Annex 3 (4.) |
| Annex 2 (1.) (e) | Annex 3 (5.) |
| Annex 2 (1.) (f) | |
| Annex 2 (1.) (g) | |
| Annex 2 (1.) (h) | |

Annex 2 (1.) (i)
Annex 2 (1.) (j)
Annex 2 (1.) (l)
Annex 2 (1.) (m)
Annex 2 (1.) (n)
Annex 2 (8.)
Annex 2 (10.)
Annex 2 (11.)
Annex 2 (12.)

It should be noted that the conditions relating to live/recorded music reflect that this entertainment would cease at midnight and so the extended duration proposed in these TENs before the Committee would materially escalate the risk of noise disturbance(s).

The Council's *Statement of Licensing Policy 2025 – 2030* contains the following provision which is of particular relevance in this case:

6.10.5 The Licensing Authority will deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas and representations have been made to the Licensing Authority.

The imposition of conditions ANNEX 2 (1.)(a) and 2 (1.)(d) of the current Operating Schedule as regards patron numbers and fire escape routes would be reasonable solution as regards public safety licensing objective.