

Licensing Act 2003 Section 51

Premises: **Bridgetown Monroe**
6 Bucklersbury, Hitchin, SG5 1BB

Applicant for Review: **Environmental Health, North Herts Council**

Subject: **Responsible Authority Representation**

Licensing Objective: **Prevention of Public Nuisance**

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on behalf of the Licensing Authority

1.0 Introduction

- 1.1 This representation is made in support of the application by Environmental Health for a review of the premises licence held in respect of Bridgetown Monroe, 6 Bucklersby, Hitchin, in my capacity as Responsible Authority Officer for the Licensing Authority.
- 1.2 The evidence submitted by Alan Stone, Senior Environmental Health Officer, demonstrates a pattern of noise disturbance arising from licensable activities conducted at the premises, together with apparent failures to comply with measures and conditions designed to mitigate that disturbance.
- 1.3 Evidence has been gathered by the Licensing Authority, that shows premises licence holder removing the Public Notices displayed outside of the premises. These notices are required by Regulation 38 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005; and their removal interfered with the statutory right of the public to be made aware of the review of a premises licence.
- 1.4 The premises licence holder is the director, and designated premises supervisor of the premises. The conduct by a company officer, responsible for the supervision, direction and control of employees, raises serious concerns with the management's intentions for compliance with the Licensing Act 2003. This is further exasperated by evidence showing a staff member later following suit and also removing a notice.
- 1.5 The available evidence indicates that the licensing objective of the prevention of public nuisance is not being adequately promoted. The Responsible Authority therefore invites the Licensing Sub-Committee to determine what steps are appropriate and proportionate pursuant to section 52 of the Licensing Act 2003.

- 1.6 The Secretary of State's Guidance issued under section 182 of the Licensing Act 2003 confirms that the promotion of the licensing objectives is the paramount consideration when licensing functions are exercised and that each licensing objective is of equal importance.

2.0 Statutory and Policy Context

- 2.1 The prevention of public nuisance is one of the four statutory licensing objectives. The Section 182 Guidance further identifies the protection of local residents from noise nuisance caused by licensed premises as a principal aim of the licensing regime.
- 2.2 Paragraph 2.20 of the S.182 Guidance states that: *"The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter."*
- 2.3 Paragraph 11.8 of the Section 182 Guidance states that: *"...where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate."*
- 2.4 Considering that agreed conditions have not been followed in the past and that the premises has continued to operate outside of the bounds of their authorisation, without consideration to the impact they have caused to local residents, it is clear that action should be taken to prevent the reoccurrence of these types of incidents.
- 2.5 Paragraph 11.23 of the 182 Guidance goes on to state that: *"...where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."*
- 2.6 Section 136 of the Licensing Act 2003 specifies the offence of carrying out licensable activity otherwise than in accordance with an authorisation, which is shown in the evidence provided in the statement of Alan Stone, Senior Environmental Health Officer.

- 2.7 Section 78 of the Police, Crime, Sentencing and Courts Act 2022 specifies the offence of Public Nuisance where a person intentionally or recklessly obstructs the public, or section of the public, in the exercise and enjoyment of a right that may be exercised or enjoyed by the public at large. This was shown by the CCTV retrieved by the Licensing Authority, and a Community Protection Warning was served on the sole director of the premises licence holder as a result of these actions.
- 2.8 Accordingly, the relevant question for the Sub-Committee is not whether amplified music forms part of the normal operation of licensed premises generally, but whether the manner in which the premises is operating is resulting in an unacceptable impact upon neighbouring residential occupiers, such that the licensing objective is being undermined.

3.0 Nature and Extent of the Nuisance

- 3.1 The evidence before the Sub-Committee demonstrates a recurring pattern of complaints relating to amplified music, low-frequency bass transmission and associated customer noise emanating from the premises.
- 3.2 The evidence obtained by Environmental Health extends beyond unsupported complaint evidence. Officers have undertaken investigations, attended affected properties and independently witnessed noise intrusion within residential accommodation. As a consequence of those investigations, Environmental Health formed the professional view that the noise amounted to a statutory nuisance.
- 3.3 Particular weight should be attached to the finding that low-frequency amplified music was audible within neighbouring dwellings during late evening and early morning periods when residents could reasonably expect a higher degree of protection from disturbance.
- 3.4 The evidence is therefore capable of establishing a direct causal link between the operation of the premises and the interference experienced by neighbouring occupiers.

4.0 Departure from the Agreed Operating Schedule

- 4.1 The review evidence indicates that the operation of the premises has materially departed from the model that was presented to the licensing authority during the variation process.
- 4.2 The variation was granted following discussions with Environmental Health and on the basis of agreed measures intended to mitigate the risk of public nuisance. These included restrictions and operational controls recorded within the Noise Management Plan.

- 4.3 The evidence now before the Sub-Committee suggests that DJ-led entertainment has become a regular feature of the premises operation rather than the occasional activity described during the consultation process.
- 4.4 That distinction is significant. The licensing authority was entitled to rely upon the operating model advanced by the applicant when determining the variation application. Where a premises subsequently operates in a materially different manner, the Sub-Committee is entitled to consider whether the premises continues to promote the licensing objectives to the standard anticipated when the licence authorisation was granted.

5.0 Breach of Licence Conditions

- 5.1 The Section 182 Guidance states that licence conditions establish the parameters within which premises may lawfully operate. Conditions are imposed because they are considered appropriate for the promotion of the licensing objectives.
- 5.2 The conditions relating to noise management were neither incidental nor administrative in nature. They were imposed specifically to address concerns identified by Environmental Health regarding the proximity of residential accommodation and the potential for entertainment noise to cause disturbance.
- 5.3 Where conditions imposed to promote the prevention of public nuisance objective are not effectively implemented, the risk of nuisance is correspondingly increased.
- 5.4 The evidence before the Sub-Committee indicates that concerns regarding compliance have been repeatedly raised by both Environmental Health and the Licensing Authority. The apparent failure to adhere to the agreed Noise Management Plan is therefore a matter to which the Sub-Committee may properly attach significant weight.

6.0 Statutory Nuisance and Enforcement History

- 6.1 The service of a Noise Abatement Notice pursuant to section 80 of the Environmental Protection Act 1990 is a matter of considerable relevance in these proceedings.
- 6.2 The Section 182 Guidance expressly identifies the Environmental Protection Act 1990 as legislation relevant to the exercise of licensing functions, and the case of
- 6.3 Whilst the licensing regime is distinct from the statutory nuisance regime, the service of an abatement notice represents a formal determination by Environmental Health that a statutory nuisance existed or was likely to recur. It is therefore highly material evidence when assessing whether the prevention of public nuisance licensing objective is being promoted.

- 6.4 The chronology demonstrates that Environmental Health sought compliance through informal engagement before resorting to formal enforcement action. Advice was provided, concerns were communicated, opportunities to implement remedial measures were afforded and discussions took place regarding operational controls.
- 6.5 Despite those interventions, complaints continued and formal enforcement action became necessary.
- 6.6 The progression from advisory engagement to statutory enforcement is a relevant consideration when assessing both the seriousness of the concerns and the degree of confidence that may reasonably be placed in future voluntary compliance.

7.0 Licensing Interventions and Compliance History

- 7.1 The Licensing Authority's records demonstrate a sustained history of complaints, officer interventions and concerns regarding the management of the premises from November 2024 onwards. Those matters include inappropriate and irresponsible promotional material, alleged breaches of authorised hours and licence conditions, noise disturbance. The Licensing Authority has provided repeated warnings that continued non-compliance could result in review proceedings.
- 7.2 In November 2024, officers raised concerns about posters displayed at the premises which used offensive language and promoted discounted or free alcoholic drinks. The licence holder disputed aspects of the concerns and initially declined to remove some material. Although certain wording was subsequently obscured and outside posters were removed, further posters were identified and repeated officer contact and visits were required before the offending wording was covered.
- 7.3 Further complaints were received in March 2025 concerning posters containing inappropriate language. The licence holder agreed to remove or obscure some wording, but further complaint and follow-up action were necessary. The correspondence demonstrates a recurring reluctance to accept officers' assessment of the material and a tendency to characterise compliance requests as unnecessary or disproportionate.
- 7.4 From at least April 2026, Environmental Health received multiple complaints concerning amplified music, customer noise and activity continuing after 02:00 hours. Recordings obtained using Council equipment were said to evidence people remaining at the premises and music continuing as late as approximately 02:30 hours. Officers reminded the licence holder that all patrons were required to leave and music cease by 02:00 hours and referred to the controls contained in the existing Noise Management Plan.

- 7.5 During June and July 2026, officers repeatedly sought an acceptable Noise Management Plan and advised that the continued use of extended hours without an approved plan constituted a breach of the premises licence. On 9 July 2026, the Licensing Authority expressly warned that continued non-compliance was a matter of significant concern and could lead to review proceedings. Further concerns were also raised about advertising for “free drinks” and “free shots” and the mandatory conditions governing irresponsible alcohol promotions.
- 7.6 On 23 July 2026, Environmental Health advised that the premises could not operate as a dance venue in its existing form without adversely affecting residential premises. Amendments were proposed to the Noise Management Plan, including the installation and use of a noise limiter, revised noise limits, removal of Friday DJ events, a monitored trial period, and additional controls for waste disposal and customer dispersal. Environmental Health made clear that the revised plan had not been approved; that inspection and assessment were required before approval could be considered.
- 7.7 The licence holder stated that DJs would operate only on Saturdays and that a noise restrictor had been installed. However, the responses repeatedly attributed responsibility to residents, neighbouring premises, landlords, building insulation and vacant or derelict properties. The correspondence also asserted that a resident had a “vendetta”, suggested that affected residents should move or improve their accommodation, and questioned whether recordings supplied by a complainant could be trusted.
- 7.8 On 29 July 2026, the Licensing Authority reminded the licence holder that residents should not be expected to move, soundproof their homes or alter their living arrangements. The Licensing Authority clarified that responsibility for preventing nuisance rests with the premises licence holder. The licence holder was again warned that a failure to recognise and discharge those responsibilities could result in a future review application.
- 7.9 Taken as a whole, the history identifies at least ten distinct occasions on which officers raised complaints, licensing concerns, alleged breaches, non-compliance with conditions, public nuisance, irresponsible promotions or the prospect of review action. The repeated need for intervention, together with the licence holder’s tendency to deny or displace responsibility, is relevant to the Sub-Committee’s assessment of management capability, future compliance and the promotion of the licensing objectives.

8.0 Necessity and Proportionality of Regulatory Intervention

- 8.1 The purpose of a review is not punitive. Rather, it is to determine what steps are appropriate for the promotion of the licensing objectives.

8.2 The Section 182 Guidance recognises that licensing authorities must be able to take effective action against premises that are causing problems within their communities.

8.3 In the present case, the evidence demonstrates:

- recurrent incidents of noise nuisance;
- adverse impact upon neighbouring residents;
- independent corroboration by Environmental Health officers;
- formal enforcement under the Environmental Protection Act 1990;
- apparent non-compliance with conditions designed to prevent nuisance; and
- unsuccessful attempts to secure compliance through less formal means.

8.4 Taken together, those matters provide a proper evidential basis upon which the Sub-Committee may consider whether the existing licence authorisation remains appropriate without modification.

9.0 Conclusion

9.1 Having regard to the evidence as a whole, the Licensing Authority submits that there is sufficient evidence for the Sub-Committee to conclude, on the balance of probabilities, that the operation of the premises is undermining the licensing objective of the prevention of public nuisance.

9.2 The repeated nature of the complaints, the independent evidence obtained by Environmental Health, the service of a statutory Noise Abatement Notice, and the apparent failure to comply with measures specifically introduced to mitigate noise impacts collectively demonstrate that the existing control measures have not proven effective.

9.3 In these circumstances, this Officer respectfully invites the Licensing Sub-Committee to exercise its powers under section 52 of the Licensing Act 2003 and to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives.

9.7 It is respectfully submitted that the Licensing Sub-Committee should:

- Suspend the Premises Licence for a period of 3 months.
- Explicitly state and condition the Premises Licence to disapply the exemption given under Section 177A of the Licensing Act 2003, to ensure that all conditions relating to music and entertainment are enforceable and apply at all times the premises is open.
- Condition the installation of a Noise Limiter and require all amplified music or entertainment to be routed through the Noise Limiter; in a configuration and at a Db(a) and Db(b) level agreed to in writing by Environmental Health and the Licensing Authority.

- The submission of a Noise Management Plan to Environmental Health and the Licensing Authority for their written agreement at least 28 days before the premises carries out licensable activity following the suspension.
- Require the directors, Designated Premises Supervisor and all staff to undertake formal training on the promotion of the licensing objectives, before any licensable activity is undertaken. This training must be documented, and these records must be kept for 6 years, with refresher training carried out minimum of every 12 calendar months.

9.8 These measures are recommended as a reasonable and proportionate way to bring the premises back into compliance, and provide the public with sufficient safeguards against nuisance reoccurring; and have been compiled with consideration of the financial impact on the premises licence holder.