

LICENSING ACT 2003 SUB-COMMITTEE (A) - TUESDAY, 29 OCTOBER 2024

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON TUESDAY, 29 OCTOBER 2024 AT 10:00

Present

Councillor M Lewis – Chairperson

J Llewellyn-Hopkins

J E Pratt

Officers:

Rachel Keepins
Michael Pitman
Katie Wintle
Yvonne Witchell

Democratic Services Manager
Technical Support Officer – Democratic Services
Lawyer
Senior Licensing Officer

Declarations of Interest

None

16. Grant Of A Premises Licence For The Loft Bar Bridgend, 14 & 20 Nolton Street, Bridgend

Decision Made	The Chairperson welcomed all attendees to the meeting and asked that everyone introduces themselves for the record. Rhodri Apsee and Mark Minchington (accompanying the applicant), Maree Stephens (representation number 2), Matthew Jones (SRS – representation number 5), Katie Wintle (legal officer) and Yvonne Witchell (Senior Licensing Officer). The hearing was also attended remotely by Lesley Bichard (representation number 1) and Victoria Stephens (representation number 3).
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The Licensing Officer presented a report which asked Members to determine an application for the grant of a premises licence for The Loft Bar Bridgend, submitted by Daniel Apsee.

The Licensing Authority has received an application for the grant of a new premises licence for The Loft Bar Bridgend, 14 & 20 Nolton Street, Bridgend CF31 1DU. The applicant described the premises in the application as: *"New Cocktail / wine bar and events venue / function room comprising ground floor at 14 Nolton Street and first and second floors at 20 Nolton Street, Bridgend Town Centre CF31 1DU."*

She advised that details of the application were set out in Appendix 1.

The applicant presented his case to the Sub Committee highlighting his written statement. He addressed the points regarding noise from glass bottles stating that he did not realize this was an issue until the representations came in. He had a phone call with Matthew Jones (SRS) and this issue was not raised. He accepted that it may have been an oversight on his part but has spoken to staff and confirmed that no glass is to be emptied after 10pm and he has completed further training with staff in relation to noise nuisance.

Mr Apsee stated that he had a conversation with Matthew Jones (SRS) and he was willing to negotiate on that day but Matthew Jones seemed unwilling to do so and the call was terminated, but he wanted to work with them in these matters and acknowledged that there needs to be some form of communication struck back up to address any issues which are arising.

He stated that ultimately, he wanted to make Bridgend a better place and also wanted to keep residents happy.

A member of the Sub-Committee asked whether there is just one entrance being used, as she was aware that potentially there could be two entrances at the premises.

Mr Apsee stated that there are two entrances but only one is being used at present but they will be considering opening the other entrance in the future. He is in discussion with the landlord so that entrance could come into use.

A member of the Sub-Committee asked what conversations were held between him and SRS.

Mr Apsee stated that there had been an initial conversation with Matthew Jones and he had also had a brief conversation with his colleague. He had a discussion with Matthew Jones in September where he raised multiple complaints and Mr Apsee asked the nature of these but he did not have much detail save for there being noise outside and recorded music being heard. Mr Apsee stated that he is on site and

outside and he thinks that the levels are reasonable. He felt that Matthew Jones was dismissive when asked about negotiating.

A member of the Sub-Committee asked where do they dispose of their rubbish.

Mr Apsee stated that there are glass bins under the shutter in Nolton Arcade but these have now been moved to the rear of the arcade and they go onto the street every Tuesday night for collection.

Mr Apsee stated that there is a long term plan for an outside space to the rear of the property – they are currently developing in phases. There is a plan for a rear smoking area which they hope to put in place sooner rather than later.

A member of the Sub-Committee asked where the outside space would be. Mr Apsee stated that this would be at the rear of the first floor.

Maree Stephens stated that she lives directly opposite the Loft and it looks into her living and kitchen area. She asked when the bins had been moved from the front.

Mr Apsee stated that this was a few weeks ago when they received the representations and staff have been advised not to empty bins past 10pm and they should go to the rear.

Maree Stephens asked whether he was aware that they were still putting them in the shutter and that they were using black bags into the bins on Friday and Saturday evening – which wasn't as loud as previously.

Mr Apsee stated that there are plastic bins inside and they were storing bags in that area.

Maree Stephens asked when did he speak to residents and if it was all residents.

Mr Apsee stated that he was not sure and he didn't want to state who he had spoken to as he didn't want to get into disputes with neighbours.

Lesley Bichard asked if the building is sound proofed.

Mr Apsee stated that the windows at the front are shut and there is insulation throughout the building.

The Chairperson asked for the objectors to present their cases. The objectors reiterated their provided statements highlighting the late night music as well as it being far too loud that this could be heard through

the flats despite the windows being closed. They also stated that there was a large amount of noise outside the premises throughout the night and after they closed which they believed to be related to The Loft.

Mr Apsee in his defense stated that there was often loud music and flashing lights coming from the flats, and therefore did not believe his premise was out of the ordinary or any worse than other premises in the area.

Matthew Jones of SRS the presented his case. He noted that on 4 July 2024 there was a planning application submission and they were one of the consultees but did not object at that time. They do not want to stop development and want to encourage businesses.

A member of the Sub-Committee asked when they would inform them that there was an issue with the premises.

Matthew Jones stated this would be when the licensing application comes in.

A member of the Sub-Committee asked if noise monitors had been considered.

Matthew Jones stated that they have not looked at anything yet. They provide the representations on the basis of any application. They have not advised on soundproofing etc but can give advice or Mr Apsee can provide them with information as to what he intends to do moving forwards.

Mr Apsee queried the use of 'numerous complaints' stating that there are only 2 complainants living at the premises but are complaining multiple times. He stated that this is a minority of the residents and it is subjective – there is no data or hard evidence. He also confirmed that they pay business rates for 3 different addresses and as they are doing it in different stages and using different rooms at different times, they believe that they can have separate TEN licenses.

The objectors provided their closing statements. Victoria Stephens was no longer online to provide a closing statement.

The Sub Committee adjourned to consider the evidence provided by all parties.

It is the view of the Sub-Committee that there has been a lack of communication between Mr Apsee, the residents and Shared Regulatory Services and that these matters may well have been able to have been addressed to provide an amicable solution to all, had positive communication taken place.

The Sub-Committee find that the noise levels, on balance of probabilities, with the evidence before it, amount to a noise nuisance which is in breach of the licensing objectives of the prevention of public nuisance. It is causing distress to residents living directly opposite the premises.

The Sub-Committee also acknowledges and accepts that Mr Apsee is seeking to improve Bridgend town centre in respect of this business.

The Sub-Committee has not taken into account any matters outside of its remit in making its decision, namely in relation to the TEN licenses, building issues and abatement notice.

DECISION OF THE SUB-COMMITTEE

The Sub-Committee must in its decision-making promote the statutory licensing objectives and in particular, the prevention of public nuisance. The Sub-Committee have taken into consideration the Licensing Act 2003, the Council's Statement of Licensing Policy and the statutory guidance issued by the Home Office under s182 of the Act. The Sub-Committee have also taken into consideration the representations made by the applicant and objectors, both in writing and orally.

Section 2 of the statutory guidance states "*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*".
It further states "*Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises*".

As stated in the above findings, the Sub-Committee find that the noise nuisance to residents living in the area around the premises is a breach of the licensing objective to prevent public nuisance. Unfortunately, it does not appear that any reasonable steps have been taken to consider and mitigate the noise levels which amount to a public nuisance and as such, the Sub-Committee cannot consider conditions such as sound-proofing or noise limiters for example, to be added to the licence, as it has no evidence before it that these will be effective.

The Sub-Committee would encourage further discussions to take place between Mr Apsee and SRS to consider whether noise levels can be reduced, which may in turn minimise distress to residents. Therefore, it is the decision of the Sub-Committee to grant the licence to Mr Apsee, but with the following amendments:-

The Sale of Alcohol for consumption both on and off the premises

Monday to Wednesday : 11:00 - 00:00

Thursday to Saturday : 11:00 – 00:00

Sunday – 11:00 – 23:00

Non standard timings – not permitted

The Provision of Recorded Music – Indoors

Sunday to Wednesday : 23:00 – 00:30

Thursday to Saturday : 23:00 – 00:30

Non standard timings – not permitted

The Provision of Recorded Music - Outdoors

Sunday to Wednesday : Not permitted following 23:00

Thursday to Saturday : Not permitted following 23:00

Non standard timings – not permitted

The Provision of Live Music (Indoors)

Sunday to Wednesday : 23:00 – 00:00

Thursday to Saturday : 23:00 – 00:30

Non standard timings – not permitted

The Provision of Live Music (Outdoors)

Sunday to Wednesday : Not permitted following 23:00

Thursday to Saturday : Not permitted following 23:00

Non standard timings – not permitted

Provision of films – indoors and outdoors

Monday to Sunday: 12:00 – 22:00

Opening Hours

Monday to Sunday : 11:00 - 00:30

Non standard timings – not permitted

Further, the following agreed conditions between Mr Apsee and South Wales Police are to be added to the licence for the prevention of crime and disorder:-

The premises shall maintain a digital CCTV recording system capable of recording 31 days of 24 hour recording with a monitor out of view and reach of the customers. Images shall be retained for

a period of 31 days. The equipment will be suitably secured with limited access. The CCTV system shall have coverage of all areas to which the public have access within the premises and shall include entrances and exits. The CCTV system shall be maintained and operate at all times that the premises are open to the public. Images shall be made available upon request and within 7 days to the Police or other enforcement officers either to USB, disc or via the NICE system used by South Wales Police, upon lawful demand by a Police officer or Local Authority officer at no cost. The CCTV system will be registered and comply with the requirements under data protection. Signage shall be prominently displayed advising customers that they are being filmed on CCTV. The CCTV system will be checked on a monthly basis to ensure that it is fully operational, and a log confirming this will be kept at the premises for inspection. Signage is to be displayed within the premises and shall display that a zero tolerance drugs policy is being implemented.

On a Friday, Saturday, Sunday preceding a Bank Holiday, Christmas Eve, Boxing Day, New Year's Eve and New Year's Day a minimum of 2 SIA registered door staff to be employed for up to 150 patrons, then a further one SIA registered door staff for every further 75 patrons. SIA door staff will commence duty no later than 21:00 hours and remain at the premises until 15 minutes after closure to ensure the dispersal of patrons. The Premises Licence Holder will ensure that a door staff duty register is maintained with start and end of tours of duty and will record the full 16 digit SIA licence number, full name, usual signature and on/off duty times. The register shall include name and contact details of the company supplying door staff. The register will be made available for inspection when required by any authorised officer.

An incident log whether electronic or written shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The book must be kept available for inspection by the Police and authorised officers of the Licensing Authority.

Protection of Children from Harm : Implement and operate 'Challenge 25 Scheme' to include:
Display of appropriate warning signs to the effect that any persons appearing to be under the age of 25 will be subject to challenge in respect of age restricted goods. Such signage to be displayed at the entrance to the Premises, and where alcohol is displayed Staff will be trained to ask any customers who appear to be under 25 to produce an acceptable form of ID when they attempt to purchase alcohol. Only acceptable forms of ID to be: a) PASS Accredited Proof of Age b) Photo driving licence c) Passport d) Military ID Only original documents are acceptable. Photographs of the aforementioned documents (shown on mobile phones etc) will not be accepted.

All staff involved in the sale of alcohol at the Premises to receive training concerning use of Challenge 25 scheme, production of ID and acceptable forms of identification, refusals register and proxy sales of alcohol. Such training to be documented and signed and dated by the individual

	<p>staff</p> <p>member concerned. A written record of the same to be retained at the Premises and made available to any Authorised Officer on request. Refresher training to be carried out at least every 6 months. To record incidents of refusal of sales of 'age restricted goods', to persons who appear underage, in the format of a 'Refusal Register'. The Register to be retained at the premises and be available to any Authorised Officer on request for inspection. The DPS to review the Refusals Register monthly and record the outcome within the Register, together with any remedial action taken. Persons under the age of 18 will only be permitted on the premises for private functions taking place within the function rooms. Signage will be displayed that it is illegal for any person to attempt to purchase alcohol for a person under the age of 18.</p>
Date Decision Made	29 October 2024

To observe further debate that took place on the above items, please click this [link](#)

The meeting closed at 12:00