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Bridgend County Borough Council



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Rydym yn croesawu gohebiaeth yn Gymraeg. Rhowch wybod i ni os mai Cymraeg yw eich dewis iaith.

We welcome correspondence in Welsh. Please let us know if your language choice is Welsh.



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate
Deialu uniongyrchol / Direct line /: 01656 643148 / 643694 / 643513
Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:
Eich cyf / Your ref:

Dyddiad/Date: Tuesday, 17 December 2024

Dear Councillor,

LICENSING ACT 2003 SUB-COMMITTEE (A)

A meeting of the Licensing Act 2003 Sub-Committee (A) will be held remotely - via Microsoft Teams on **Monday, 23 December 2024 at 10:00**.

AGENDA

1 Apologies for Absence

To receive apologies for absence from Members.

2 Declarations of Interest

To receive Declarations of personal and prejudicial interest (if any) from members/ officers in accordance with the provisions of the Members Code of Conduct adopted by Council from the 1st September 2008.

3 Licensing Act 2003: Section 104 Temporary Event Notice - Objection to Notice by Environmental Health for The Loft Bar Bridgend

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Note: This will be a remote meeting via Microsoft Teams. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you would like to view this meeting live, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643148 / 643694 / 643513 / 643159.

By receiving this Agenda Pack electronically you will save the Authority approx. £0.36 in printing costs

Yours faithfully

K Watson

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Agenda Item 3

Meeting of:	LICENSING ACT 2003 SUB-COMMITTEE (A)
Date of Meeting:	23 DECEMBER 2024
Report Title:	LICENSING ACT 2003: SECTION 104 TEMPORARY EVENT NOTICE OBJECTION TO NOTICE BY ENVIRONMENTAL HEALTH FOR THE LOFT BAR BRIDGEND
Report Owner / Corporate Director:	CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY
Responsible Officer:	KIRSTY EVANS TEAM MANAGER LICENSING
Policy Framework and Procedure Rules:	The report content has no direct effect upon the policy framework and procedure rules.
Executive Summary:	For the Licensing Sub-Committee to consider and determine an objection notice submitted by Environmental Health to a Temporary Event Notice given for The Loft Bar Bridgend, 1 Nolton Arcade, Bridgend CF31 1DX.

1. Purpose of Report

- 1.1 The purpose of this report is to ask Members to consider and determine an Objection Notice submitted by Environmental Health in response to a Temporary Event Notice (TEN) served on the Licensing Authority for The Loft Bar Bridgend, 1 Nolton Arcade, Bridgend CF31 1DX.
- 1.2 Section 4 of the Licensing Act 2003 states that a licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives. The licensing objectives are:
 - (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.

2. Background

- 2.1 Upon receipt of the Temporary Event Notice (TEN) the Relevant Persons can issue an Objection Notice. In these circumstances it is the duty of the licensing authority to

hold a hearing to consider the Objection Notice, unless the premises user, Relevant Persons which gave the Objection Notice and the Authority agree that a hearing is unnecessary; and, having regard to the Objection Notice, give the premises user a counter notice under Section 105 of the Licensing Act 2003 if it considers it appropriate for the promotion of the licensing objectives to do so. The Authority also has the power to apply existing premises licence conditions to the Temporary Event Notice.

3. Current situation / proposal

3.1 On 11 December 2024, the Licensing Authority received a Temporary Event Notice (TEN) from Daniel Apsee (the premises user) in respect of 1 Nolton Arcade, Bridgend CF31 1DX. The notice covers the “top floor function room” only.

The premises is described by the premises user as “top floor function room only”.

The event is described as a “live music event”.

3.2 The TEN seeks authorisation for:

The sale of alcohol for consumption on the premises and regulated entertainment between the following hours:

Thursday 26 December 2024	16:00 to 00:00 hours
Friday 27 December 2024	00:01 to 01:30 hours
Saturday 28 December 2024	00:01 to 01:30 hours
Sunday 29 December 2024	00:01 to 01:30 hours

A copy of the Temporary Event Notice can be found in **Appendix A**.

3.3 The premises has the benefit of a Premises Licence BCBCLP809 which authorises the following:

Sale of Alcohol for consumption on and off the premises:

Monday to Saturday:	11:00 to 00:00 hours
Sunday :	11:00 to 23:00 hours

Films:

Monday to Sunday:	12:00 to 22:00 hours
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Live Music (permitted indoors only)

Sunday to Wednesday:	23:00 to 00:00 hours
Thursday to Saturday:	23:00 to 00:30 hours

Recorded Music (permitted indoors only)

Monday to Sunday:	23:00 to 0030 hours
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Opening Hours:

Monday to Sunday:

11:00 to 00:30 hours

- 3.4 The conditions attached to the Premises Licence can be found in **Appendix B**.
- 3.5 A copy of the Temporary Event Notice was served upon South Wales Police and the Council's Environmental Health team within Shared Regulatory Services. On 16 December 2024, Environmental Health submitted an Objection Notice to the Licensing Authority on the basis that the notice undermines the licensing objective the prevention of public nuisance.

A copy of the Objection Notice has been served on the premises user and is detailed in **Appendix C**.

- 3.6 This hearing must therefore consider the points raised in the Objection Notice and make a determination on the TEN. Having considered the Objection Notice, the Sub-Committee has available to it the following options:
- a) Allow the licensable activities to go ahead as stated in the TEN;
 - b) If the TEN is in connection with a licensed premises, the licensing authority, may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives;
- or
- c) If it considers that the events would undermine the licensing objectives and should not take place, give a counter notice.

4. Equality implications (including Socio-economic Duty and Welsh Language)

- 4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

- 5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

6. Climate Change Implications

- 6.1 There are no climate change implications arising from this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no safeguarding and corporate parent implications arising from this report.

8. Financial Implications

8.1 There are no financial implications arising from the report.

9. Recommendations

9.1 The Sub-Committee is required to consider and determine the Objection Notice submitted by Environmental Health in respect of the Temporary Event Notice served by Daniel Apsee for 1 Nolton Arcade, Bridgend CF31 1DX covering 26 December 2024 to 29 December 2024 in line with paragraph 3.6 above.

Background documents

None.

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr Mrs Miss Ms Other (please state)		
Surname	Apsee		
Forenames	Daniel		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr Mrs Miss Ms Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day <input style="width: 20px;" type="text"/>	Month <input style="width: 20px;" type="text"/>	Year <input style="width: 20px;" type="text"/>
4. Your place of birth	<input style="width: 100%;" type="text"/>		
5. National Insurance Number	<input style="width: 100%;" type="text"/>		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
<input style="width: 100%; height: 40px;" type="text"/>			
Post town	<input style="width: 100%;" type="text"/>	Postcode	<input style="width: 100%;" type="text"/>
7. Other contact details			
Telephone numbers Daytime	<input style="width: 100%;" type="text"/>		
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	<input style="width: 100%;" type="text"/>		

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	██████████
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
1 Nolton Arcade Bridgend CF31 1DX	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	n/a
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Top floor Function room	
Please describe the nature of the premises below. (Please read note 4)	
Top floor function room	
Please describe the nature of the event below. (Please read note 5)	

Live Music Event

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol		Yes
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		
The provision of regulated entertainment (Please read note 7)		Yes
The provision of late night refreshment		
Are you giving a late temporary event notice? (Please read note 8)		No
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
26/12/2024 - 28/12/2024		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24-hour clock). (Please read note 10)		
Thursday 26th December 2024 - 16:00 - 00:00 Friday 27th December - 00:01 - 01:30 Saturday 28th December 00:01 - 01:30 Sunday 29th December 00:01 - 01:30		
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If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	Yes
	Off the premises only	
	Both	

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

Recorded Music

Thursday 26th December 2024 - 16:00 - 00:00

Friday 27th December - 00:01 - 01:30

Saturday 28th December 00:01 - 01:30

Sunday 29th December 00:01 - 01:30

4. Personal licence holders (Please read note 14)

Do you currently hold a valid personal licence? (Please tick)		Yes Tick	No
If "Yes" please provide the details of your personal licence below.			
Issuing licensing authority	Bridgend CBC		
Licence number	BCBCLI1037		
Date of issue			
Any further relevant details			

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes	No Tick
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No Tick

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No Tick
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No Tick
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No Tick
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No Tick

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	Yes
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	Yes
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	Yes
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	N/a
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	n/a
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	n/a
Made or enclosed payment of the fee for the application	Yes
Signed the declaration in Section 9 below	Yes

8. Condition (Please read note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	11/12/2024
Name of Person signing	Daniel Apsee

For completion by the licensing authority

10. Acknowledgement (Please read note 20)

I acknowledge receipt of this temporary event notice.

Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Premises Licence Conditions – The Loft

Annex 2 - Conditions Consistent with the Operating Schedule

General – All four licensing objectives:-

- 1.The premises licence holder will all ensure that all staff are trained in house to recognise any behaviour which is unlawful.
- 2.The premises licence holder will operate a zero tolerance policy on crime and disorder at the premises.
- 3.The premises licence holder will enforce an in-house set of rules in regards to the expected behaviour of customers whilst on the premises and will make customers aware of what is acceptable behaviour whilst on the premises.

The prevention of crime and disorder:-

- 1.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.
- 2.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.
- 3.Signage is to be displayed within the premises and shall display that a zero tolerance drugs policy is being implemented.
- 4.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.
- 5.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.
- 6.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.

Public safety:-

None.

The prevention of public nuisance:-

1.The premises licence holder will erect signs at the entrances and exits to the premises to remind customers of the need to be respectful of resident when leaving the premises.

The protection of children from harm:-

1. The premises licence holder will implement and operate a '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.

2.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 staff 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.

3.The DPS to review the Refusals Register monthly and record the outcome within the Register, together with any remedial action taken.

4.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

Annex 3 - Conditions attached after a hearing by the licensing authority:

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

Monday to Wednesday 1100 to 0000

Thursday to Saturday 1100 to 0000

Sunday 1100 to 2300

Non standard timings – not permitted

The Provision of Recorded Music (Indoors)

Sunday to Wednesday 2300 to 0030

Thursday to Saturday 2300 to 0030

Non standard timings – not permitted

The Provision of Recorded Music - (Outdoors)
Monday to Sunday Not permitted following 2300
Non standard timings – not permitted

The Provision of Live Music (Indoors)
Sunday to Wednesday 2300 to 0000
Thursday to Saturday 2300 to 0030
Non standard timings – not permitted

The Provision of Live Music (Outdoors)
Monday to Sunday Not permitted following 2300
Non standard timings – not permitted

Provision of films (Indoors and outdoors)
Monday to Sunday 1200 to 2200

Opening Hours
Monday to Sunday : 11:00 - 00:30
Non standard timings – not permitted

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Objection Notice

From: Pembridge, Helen
Sent: Monday, December 16, 2024 9:25 AM
To: Daniel Apsee, licensing
Cc: Jones, Matthew, Evans, Kirsty
Subject: 1 Nolton Arcade, Bridgend, CF31 1DX – Temporary Event Notice - 26.12.2024 to 29.12.2024

Dear Mr Apsee,

I refer to the recent TEN Application for the above.

Unfortunately we have to object to the application as it will undermine the licensing objective of the prevention of public nuisance. The reasons for this being:

1. Officers from the Shared Regulatory Service witnessed a noise nuisance coming from the Top Deck which is listed as 1 Nolton Arcade, Bridgend, CF31 1DX on Friday 13.12.2024 and are satisfied of the likely recurrence of a statutory nuisance under Section 79(1)(i) of the Environmental Protection Act 1990 and we are therefore in the process of drafting a notice which will be served for that level of the building (specifically the 2nd floor).
2. We also regret to inform you that a breach of the Environmental Protection Act Notice served on you at The Loft Bar, 14 & 20 Nolton Street, Bridgend, CF31 1DU (specifically the 1st floor) was also witnessed by officers of the Shared Regulatory Service, on Friday 13.12.2024 and we therefore intend to prepare a case for prosecution for failure to comply with the notice, which will be forwarded to our legal department for consideration, as this has now resulted in an offence being committed under Section 79(1)(i) of the Environmental Protection Act 1990 for failing to 'Ensure that the volume of amplified music and speech does not materially interfere with the use and enjoyment of any other premises.'

We have written to you previously to offer our advice in assisting you to comply with the terms of the notice, but to date we have not received any contact from you. Should you wish to discuss the terms of the notices with us then if you email Matthew Jones, he will be happy to make the necessary arrangements

Yours sincerely,



Helen Pembridge | Team Manager – Bridgend & Vale (Housing Enforcement & Pollution Control)
Rheolwr Tîm - Pen-y-bont ar Ogwr a Bro Morgannwg (Gorfodi Tai a Rheoli Llygredd)

Gwasanaethau Rheoliadol a Rennir | Shared Regulatory Services

Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg | Bridgend, Cardiff and the Vale of Glamorgan
Ffon | Phone 0300 123 6696

Ebost | Email: HPembridge@valeofglamorgan.gov.uk | Gwefan | Website: [Shared Regulatory Services](https://www.valeofglamorgan.gov.uk/shared-regulatory-services)

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