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Bridgend County Borough Council

Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB



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

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**Dyddiad/Date:** Wednesday, 23 April 2025

Dear Councillor,

**LICENSING ACT 2003 SUB-COMMITTEE (B)**

A meeting of the Licensing Act 2003 Sub-Committee (B) will be held Hybrid in the Council Chamber - Civic Offices, Angel Street, Bridgend, CF31 4WB on **Wednesday, 30 April 2025 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 Hybrid meeting and Members and Officers will be attending in the Council Chamber, Civic Offices, Angel Street Bridgend / Remotely 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](mailto:cabinet_committee@bridgend.gov.uk) or tel. 01656 643148 / 643694 / 643513 / 643159.**

**By receiving this Agenda Pack electronically you will save the Authority approx. £0.52 in printing costs**

Yours faithfully

**K Watson**

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

Councillors:

H Griffiths

RM James

R Williams

<b>Meeting of:</b>	<b>LICENSING ACT 2003 SUB-COMMITTEE (B)</b>
<b>Date of Meeting:</b>	<b>30 APRIL 2025</b>
<b>Report Title:</b>	<b>LICENSING ACT 2003: SECTION 104 TEMPORARY EVENT NOTICE OBJECTION TO NOTICE BY ENVIRONMENTAL HEALTH FOR THE LOFT BAR BRIDGEND</b>
<b>Report Owner / Corporate Director:</b>	<b>CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY</b>
<b>Responsible Officer:</b>	<b>KIRSTY EVANS TEAM MANAGER LICENSING</b>
<b>Policy Framework and Procedure Rules:</b>	<b>The report content has no direct effect upon the policy framework and procedure rules.</b>
<b>Executive Summary:</b>	<b>For the Licensing Sub-Committee to consider and determine an objection notice submitted by Environmental Health to a Temporary Event Notice given for 1 Nolton Arcade &amp; 20 Nolton Street, Bridgend CF31 1DU.</b>

## 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, 1 Nolton Arcade & 20 Nolton Street, Bridgend CF31 1DU.
- 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 15 April 2025, the Licensing Authority received a Temporary Event Notice (TEN) from Daniel Apsee (the premises user) in respect of 1 Nolton Arcade & 20 Nolton Street, Bridgend CF31 1DU.

The premises is described by the premises user as “bar and function room premises”.

The event is described as a “bank holiday event”.

- 3.2 The TEN seeks authorisation for:

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

Sunday 4 May 2025	00:01 to 01:00 hours 23:01 to 00:00 hours
Monday 5 May 2025	00:01 to 01:00 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
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- 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 17 April 2025, 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 & 20 Nolton Street, Bridgend CF31 1DU covering 4 May 2025 to 5 May 2025 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 <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> 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 <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	
<div style="background-color: black; width: 100%; height: 20px;"></div>	
4. Your place of birth	
<div style="background-color: black; width: 100%; height: 20px;"></div>	
5. National Insurance Number	
<div style="background-color: black; width: 100%; height: 20px;"></div>	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
<div style="background-color: black; width: 100%; height: 100%;"></div>	
Post town	<div style="background-color: black; width: 100%; height: 20px;"></div>
Postcode	<div style="background-color: black; width: 100%; height: 20px;"></div>
7. Other contact details	
Telephone numbers	<div style="background-color: black; width: 100%; height: 60px;"></div>
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	

Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

<b>2. The premises</b>	
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 & 20 Nolton Street Bridgend CF31 1DU	
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	BCBCLP809
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)	
Please describe the nature of the premises below. (Please read note 4)	
Bar & function room premises	
Please describe the nature of the event below. (Please read note 5)	



Bank Holiday 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment (Please read note 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>	Yes
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
04/05/2025 - 05/05/2025		
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)		
Sunday 4th May 2025      00:01 - 01:00 & 23:01 - 00:00 Monday 5th May 2025    00:01 - 01:00		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	300	
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	<input type="checkbox"/> <input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

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  
 Sunday 4th May 2025 00:01 - 01:00 & 23:01 - 00:00  
 Monday 5th May 2025 00:01 - 01:00

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	[REDACTED]	
Licence number	[REDACTED]	
Date of issue	[REDACTED]	
Any further relevant details	[REDACTED]	

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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>

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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

b) begins 24 hours or less after the event period proposed in this notice?		
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 <input type="checkbox"/>	No <input type="checkbox"/> <input checked="" type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/> <input checked="" type="checkbox"/>

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	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
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	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
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	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

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)
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<p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>I understand that it is an offence:</p> <p>(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</p> <p>(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.</p>	
Signature	D Apsee
Date	10/04/2025
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	

## Notes for Guidance

### General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times or, for event periods occurring wholly or partly in 2022 or 2023, 20 times a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days or, for event periods (or any part of those periods) occurring in 2022 or 2023, 26 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or

- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine on conviction);
- allowing the sale of alcohol to children under 18 ( subject to an unlimited fine on conviction);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction );
- allowing disorderly behaviour on the premises (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- the sale of alcohol to a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- obtaining alcohol for a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (subject to a fine not exceeding level 1 on the standard scale, on conviction); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (subject to a fine not exceeding level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

#### Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”.

Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

#### Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

#### Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

#### Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

#### Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

#### Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

## Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:



- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

#### Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

#### Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities

throughout the entire 48-hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

#### Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment — see note 6 above). A temporary event notice may be given for this purpose.

#### Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

#### Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices for each year. However, only one notice needs to be given. The limits are:

- i. for event periods occurring wholly or partly in 2022 or 2023, up to 20 times in the calendar year for each premises;
- ii. for other event periods, 15 times in a calendar year for each premises;
- iii. for event periods (or any part of a period) occurring in 2022 or 2023, 26 days in the calendar year for each premises;

- iv. for other event periods, 21 days in a calendar year for each premises;
- v. 50 per personal licence holder each calendar year; and
- vi. 5 for non-holders each calendar year.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 16 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 16 below sets out the definition of an “associate”.

#### Note 16

An “associate” of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

#### Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

#### Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 19

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

Note 20

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

**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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**From:** Pembridge, Helen  
**Sent:** 17 April 2025 09:57  
**To:** Dan Apsee, licensing, Kirsty Evans  
**Subject:** FW: Temporary Event Notice - The Loft - 04.05.2025 to 05.05.2025

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 have witnessed noise nuisance coming from the Top Deck which is listed as 1 Nolton Arcade, Bridgend, CF31 1DX (2<sup>nd</sup> floor) and have served a notice as they are satisfied of the likely recurrence of a statutory nuisance under Section 79(1) of the Environmental Protection Act 1990.
2. Officers have also witnessed a noise nuisance and a breach of the Environmental Protection Act Notice served on you at The Loft Bar, 14 & 20 Nolton Street, Bridgend, CF31 1DU (specifically the 1<sup>st</sup> floor ) and have also prepared a case for prosecution for failure to comply with the notice, which is still with 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 or Mr R Apsee to offer our advice into how you comply with the terms of the notice and you agreed to appoint a noise consultant to resolve the escape of noise that's been witnessed but to date we have yet to receive a report. My manager and colleague have also met with you and advised the same but have also not received any information. Until this information is received and the work in the report is carried out, we can't be satisfied that the noise can be controlled as its been witnessed as a problem by numerous colleagues in this department

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

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