

## **EH Evidence – The Loft (14-20 Nolton Street)**

### **1. 4.7.2024**

Planning application submitted. The comments that were sent by Matthew Jones, Environmental Health (Shared Regulatory Services) to Planning in response were as follows:- *'No Objection - Applicant taking away some of the noise entry points by removing windows. Existing bars etc. present like Nolton corner. Improves area of dilapidated buildings with external improvements. Any issues that arise need to be dealt with under stat nuisance as cannot stop development in an area that is in desperate need of improvements from empty dwellings'*

### **2. 14.8.2024**

TENS Submitted by Mr Apsee for the following:- Live Music Sunday 25th August 2024 - 19:00 - 01:00 Friday 30th August 2024 19:00 - 01:00 Saturday 31st August 2024 19:00 - 01:00 Recorded Music Sunday 25th August 20024 - 16:00 - 02:30 Friday 30th August - 16:00 - 02:30 Saturday 31st August - 13:00 - 02:30 to be held at 20 Nolton Street, Bridgend, CF31 1DU

### **3. 19.8.2024**

No Reps by Matthew Jones, Environmental Health (Shared Regulatory Serviced) due to the information received in Planning application and the fact that first TENS are usually responded on afterwards if there are complaints (which most of the time there are not with a new business)

### **4. 03.9.2024**

Complaint received concerning nuisance coming from 20 Nolton Street by **COMPLAINANT A** (only phone number provided). Complainant contacted by Matthew Jones, Environmental Health to discuss concerns and to explain the legislation in terms of Noise. Matthew also explained that the Police deal with any public disturbances and ASB. He said Environmental Health would assess noise based on the effect it would have on them in their property. Said they would review and get back to us if it's an issue. I also said I would send out log sheets if complaints continue.

### **5. 04.09.2024**

TEN submitted by Mr Apsee for the following:- Live Music Friday 13th September 2024 - 19:00 - 01:00 Saturday 14th September 2024 19:00 - 01:00 Recorded Music Friday 13th September - 16:00 - 02:30 Saturday 14th September - 1600 - 02:30 to be held at 20 Nolton Street, Bridgend, CF31 1DU

### **6. 05.09.2024**

Complaint received concerning nuisance coming from 20 Nolton Street by **COMPLAINANT B** (E-mail received from complainant)

Matthew Jones responded requesting further information and had the following information back from complainant in an e-mail:-

*'The noise is coming from 14-20 Nolton Street, Bridgend. Bar open till 2am under a TEN licence. Music very loud, we close the windows but can still hear it. Cigarette area outside from door to building with people shouting at each other, doormen don't ask them to be quiet etc.*

*There is an event this coming weekend and will provide video evidence if necessary. When patrons are leaving the premises there is more shouting. Neighbour has already made a complaint to the environment department.'*

OOH Log received 05.09.2024 at 10.53 by **COMPLAINANT B**

**7. 06.09.2024**

Matthew Jones responded with

*'I have proposed they adjust their timings for their TENS. I will let you know on Tuesday what is agreed'*

**8. 09.09.2024**

Helen Pembridge rang Mr Apsee to discuss the complaint and sent him the following whilst copying Matthew Jones in:-

*'Further to our telephone call this morning regarding the above Temporary Events Notice, I can confirm that our objection has been **withdrawn** as you have agreed that music at the venue will cease at midnight. I advised that the reason that we were intending to object was as a result of a number of noise complaints we have received from residents in the area. We are continuing to investigate these complaints, but the information we have to date is that the music has been audible in the residents homes even when they have their windows closed, and also that there has been noise from customers outside the venue in the smoking area and when they are leaving the premises, which they have alleged that the door staff are failing to properly control. We will contact you again should we receive any further complaints. However, should you have any queries in the meantime can you please direct them to Matthew Jones who is copied into this email'*

**9. 11.09.2024**

Application for premises licence received from licence requesting representations no later than 9<sup>th</sup> October 2024. The address for the application states 14 & 20 Nolton Street, Bridgend, CF31 1DU

Also log sheets sent out to following complainants:-

1. **COMPLAINANT A**
2. **COMPLAINANT B**

**10. 13.09.2024**

TENS submitted by Mr Apsee for the following:- Live Music Saturday 21st September 2024 19:00 - 00:30  
Recorded Music Saturday 21st September - 1600 - 02:30

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Live Music Friday 27th September 2024 19:00 - 00:30 Saturday 28th September 2024 19:00 - 00:30  
Recorded Music Friday 27th September 2024 16:00 - 02:30 Saturday 28th September - 1600 - 02:30

&

Live Music Friday 4th October 2024 19:00 - 00:30 Saturday 5th October 2024 19:00 - 00:30 Recorded Music Friday 4th October 2024 16:00 - 02:30 Saturday 5th October - 1600 - 02:30 all to be held at 20 Nolton Street, Bridgend, CF31 1DU.

**COMPLAINANT B** contacted Matthew Jones stating:-

*'Can you confirm the opening hours for The Loft on Nolton Street this weekend please? I have noticed that he has applied for a permanent license for 14 & 20 Nolton Street. Is there a standard form for objections to the licencing hours he is proposing?'*

**11. 17.09.2024**

Response to complainant from Matthew Jones:-

*'I have copied in licensing to respond to you. We will be responding to the premise licence application as one of the responsible authorities with our recommendations also'*

### **12. 18.09.2024**

Matthew Jones contacted the applicant Mr Apsee to discuss his TENS and the complaints that we were receiving but he denied any issues were occurring despite me stating there was more than one complainant. I requested that he adjust his hours to see if there is an improvement as background levels are lower after midnight but he refused stating there wasn't an issue (Matthew Jones couldn't formally object at this point as there was no evidence obtained, so was ringing with advice and advised him on procedure). Mr Apsee said that I had already made my mind up on everything which obviously I refuted and then the line went dead. Matthew Jones then sent the following e-mail to licensing:-

*'We have spoken to the applicant and we advised him that due to the number of complaints we have received that the time of the TENS is recommended to cease at 12pm. He is unwilling to negotiate and wishes to remain open until 1am (which we have reluctantly agreed to for now). We cannot object to this due to the lack of evidence but have informed him that if we witness any noise problems on these days or in the future then we will obviously take this into account with any future objections to TENS or indeed his premises licence application which we are still reviewing'*

### **13. 25.09.2024**

TENS submitted by Mr Apsee for the following:- Live Music Friday 27th September 2024 19:00 - 00:30 Saturday 28th September 2024 19:00 - 00:30 Recorded Music Friday 27th September 2024 16:00 - 02:30 Saturday 28th September - 1600 - 02:30

&

Live Music Friday 11th October 2024 19:00 - 00:30 Saturday 12th October 2024 19:00 - 00:30 Recorded Music Friday 11th October 2024 16:00 - 02:30 Saturday 12th October 2024 - 1600 - 02:30 all to be held at 20 Nolton Street, Bridgend, CF31 1DU.

### **14. 05.10.2024**

Chief Executive Mark Shepherd received the following complaint from **COMPLAINANT A**

*'I am writing to you, regarding the loud noise from the above, which is every weekend. It is not acceptable to have music blaring out until the early hours of the morning, when residents across the road, are trying to sleep. ! I, myself and others have put in complaints, as this cannot go on!! Would you like to have to put up with this? Also the behaviour of some leaving the place is disgusting, urinating in the street, for one thing. I sincerely hope you will address this complaint, as others are just dismissing the problem.*

OOH calls received by SRS at 05.10.24 at 21.19 and at 00.18 by **COMPLAINANT C**

Officers Emma Aston and Leah Sumner attended the call to witness any issues. Attached are their statements:-

Redacted versions attached as Appendices

### **15. 08.10.2024**

The following complaint received by Matthew Jones from **COMPLAINANT B**

*'I am emailing in reference to the above property. This property overlooks my flat and has a TEN licence but has applied for a permanent licence. I have listed below the complaints with dates and*

*also attached some videos to this email. Every Friday and Saturday a bar worker empties the bottle bin/rubbish bag into a bin quite a few times a night. Latest is usually 1.30/2.30am. Very loud and has woken some residents up with this action. The venue has live music until 12/1am and recorded music after this. Our windows are closed on the weekend but music and voices can still be heard. A lot of noise comes from the street entrance with crowds of people outside smoking or vomiting, the door staff create as much noise and often using vulgar language, shouting up/down the street.*

*Friday 13<sup>th</sup> September – Very loud music till 1.45am – even though he has been advised to stop music by 12am. Glass bottle emptying throughout the night until 2.30am*

*Saturday 14<sup>th</sup> September – music until 2am – bouncers outside premises giving abuse/shouting to someone they had removed from the building @ 11.30pm. Became very heated at one point. Glass bottle emptying throughout the night.*

*Friday 20<sup>th</sup> September – Music until 2am. No respect from clientele leaving the premises, loud shouting and urinating in the street. Glass bottle emptying throughout the night.*

*Saturday 21<sup>st</sup> September – Music until 2am. Same as Friday. More verbal abuse/shouting from the bouncers to someone who had left the building. Glass bottle emptying throughout the night.*

*Friday 27<sup>th</sup> September – Music until 2am. Got louder when the live artist finished his set. Glass bottle emptying throughout the night.*

*Saturday 28<sup>th</sup> September – Music still playing until 3am. People still at the premises until gone 4am. Very loud when leaving and emptying bottle into bin also. Total disregard for residents opposite.*

*Friday 4<sup>th</sup> October – Music very loud from 10pm. Neighbour informed me she had called Environmental Health and they were coming out to investigate the noise complaint. Music went down slightly before the person came out. And was off by 1.30/1.45am.*

*Saturday 5<sup>th</sup> October – Neighbour informed me she had called Environmental Health again because of the loud music and also the owner/manager knew that someone from the flats had rung and complained about the noise as she had overheard a conversation from bar staff. More glass bottle emptying until 2.30am. Music got louder from 11pm and was off by 1.45am.*

*Looking at where they are keeping the bins for the rubbish/bottles etc, is in front of the building under some shutters.*

*I feel what has been going on the past few weeks since the business has had a TEN licence is detrimental to my physical health and mental health. We do not get any peace from the music and loud shouting from people outside smoking or entering and leaving the business. Even though it is a main road, it is usually respectful in the evenings. Not only that, we get people looking into our living room and kitchen on the weekend. Hence we have to close the blinds and windows. The building does get quite warm due to the windows having to be kept closed. We are still hearing the music and shouting through the windows which causes difficulty in sleeping/relaxing etc.'*

A video was also sent to the department (Complainant B Video 1)

E-mail then received from Licensing to Matthew Jones re: 20 Nolton Street, Bridgend stating the following:-

*'For information, a TEN was submitted for The Loft for 18.10.2024 to 20.10.2024. The premises has reached its TEN limits for this year and therefore a counter notice was served preventing the event from going ahead under this TEN.*

**Matthew Jones responded to the full licence application to licensing with the following request to the applicant:-**

I refer to the recent application to grant the premises licence at 14 & 20 Nolton Street Bridgend CF31 1DU.

The application states that they wish to have live music until 00.00am Sunday to Thursday and until 00.30am on Friday and Saturday. They also state they wish to have recorded music until 00.30am Sunday to Wednesday and until 03:00am Thursday to Saturday.

To date the applicant has been submitting TENS to open their establishment prior to the premises licence being granted and we have been receiving numerous complaints in Environmental Health. There are concerns regarding noise nuisance caused to nearby residential properties due to the times of the live and recorded music especially when the background levels are lower e.g. in the early hours. In the application it states *'Noise levels will be kept to a reasonable level. Customers will be made aware of what is acceptable behaviour within the premises. We will erect signs at the entrance/exits to remind customer of residents nearby and to be respectful of that'*. There has been no mention of any mitigation or control measures that will be implemented to ensure that these activities in the premises will not cause a nuisance to residential properties – which is currently what is being reported by numerous separate residents.

I note that there has been no supporting information provided to demonstrate how the licensing objective of prevention of public nuisance will be promoted. The information provided in this section, details only what I've noted above.

I spoke to the applicant about the TENS recently and raised these concerns but he claimed that there are no issues present despite me explaining the nature of the complaints.

At present and in view of the above, I wish to object to the applications time until such time that the applicant can demonstrate that the premises will have no negative impact on other residential properties in the area

#### **16. 11.10.2024**

TENS submitted by Mr Apsee for the following:- Live Music Friday 18th October 2024 19:00 - 01:00  
Saturday 19th October 2024 19:00 - 23:59 Recorded Music Friday 18th October 2024 16:00 - 01:00  
Saturday 19th October 2024 - 1600 – 23:59

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Live Music Friday 25th October 2024 19:00 - 01:00 Saturday 26th October 2024 19:00 - 23:59 Recorded Music Friday 25th October 2024 16:00 - 01:00 Saturday 26th October 2024 - 1600 – 23:59

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Live Music Friday 1st November 2024 19:00 - 01:00 Saturday 2nd November 2024 19:00 - 23:59  
Recorded Music Friday 1st November 2024 16:00 - 01:00 Saturday 2nd November 2024 - 1600 – 23:59 to be held at 1 Nolton Arcade, Bridgend, CF31 1DX.

#### **17. 19.10.2024**

Statements below and also videos obtained (Officer EA Video 1, 2 &3) from officers Laila Blanka Kumar & Emma Aston's after call out on above date:-

Attached as appendices

Please note from Emma's statement that it was the same room being used for 14/20 Nolton Street (where applicant had maximised all his TENS) and this also was breached as officers were there until

past the 23:59 application and the music was still on and the premises was still open until later than this time (confirmed by CCSU operatives later as closing at just gone 1am).

**18. 24.10.2024**

**Matthew Jones Notice Service e-mail**

**From:** Jones, Matthew

**Sent:** 24 October 2024 13:42

**To:**

**Cc:** Kirsty Evans <[Kirsty.Evans4@bridgend.gov.uk](mailto:Kirsty.Evans4@bridgend.gov.uk)>; Colwill,Fiona swp57463 <[Fiona.Colwill@south-wales.police.uk](mailto:Fiona.Colwill@south-wales.police.uk)>

**Subject:** The Loft, Bridgend - EPAS80 notice

Please see the attached notice which we have delivered to your home address also further to officers from this department witnessing noise nuisance last weekend.

Attached as appendices

**19. 25.10.2024**

Videos sent to Environmental Health by **COMPLAINANT B** (Complainant B Videos 2, 3 & 4)

E-mail also received from Mr Apsee acknowledging receiving notice and requesting further information:-

Hi Matthew

I have forwarded this email and notice across to our legal team. They are requesting that you email me all supporting evidence with and the officer's report from which this order has been issued from the 18th October. If you can get this across to me at your earliest convenience that would be great.

Thanks

Dan

**20. 28.10.2024**

Further videos obtained from **COMPLAINANT B** which was obtained from last weekend (Complainant B Videos 5 & 6)

And the following E-mail received:-

*Please find attached a video from the weekend. Music was very loud again. Front door open also.*

**COMPLAINANT A** also e-mailed us with the following E-mail

*I am writing to let you know, that the environmental health was contacted last night, due to noise from the above, but was told to [REDACTED], that it was not in their remit this weekend to attend !!Unfortunately, they didn't ask for this persons name.*

*This is absolutely ridiculous, since when does this ever happen? not in their remit !! I've never heard that excuse before.*

*It seems that Dan Apsee has no consideration for the residents opposite, and I really hope that on Tuesday, his premises license is revoked. !*

Matthew Jones also sent this document to Mr Apsee and Licensing with his information for the hearing and with the following E-mail.

*Good Afternoon,*

*Please see attached document which we are providing for tomorrows hearing. This also contains the information in regards the evidence gathered by members of the team for which we served a notice under the Environmental Protection Act (Officers witness statements).*

*Many Thanks*

*Matthew*