

LICENSING ACT 2003 SUB-COMMITTEE (B) - WEDNESDAY, 30 APRIL 2025

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON WEDNESDAY, 30 APRIL 2025 AT 10:00

Present

Councillor R Williams – Chairperson

H Griffiths

RM James

Officers:

Kirsty Evans

Senior Licensing Officer

Mark Galvin

Senior Democratic Services Officer - Committees

Katie Wintle

Lawyer

Michael Pitman

Democratic Services Officer - Technical

Helen Pembridge

Shared Regulatory Services

Applicant

Daniel Apsee – The Loft Premises, Nolton Street,
Bridgend (accompanied by Rhodri Apsee)

82. Apologies for Absence

Decision Made	None
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Date Decision Made	30 April 2025
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83. Declarations of Interest

Decision Made	None
Date Decision Made	30 April 2025

84. Licensing Act 2003: Section 104 Temporary Event Notice Objection to Notice by Environmental Health for the Loft Bar Bridgend

Decision Made	<p>The Team Manager Licensing presented a report, the purpose of which, was to request the Sub-Committee 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 and 20 Nolton Street, Bridgend.</p> <p>Following the Chairperson asking attendees to introduce themselves, debate on the application took place as follows.</p> <p>DECISION NOTICE The Licensing Sub-Committee convened this hearing on the 30 April 2025 to consider the application made by the Applicant. The hearing was attended by the Applicant, Mr Daniel Apsee, accompanied by Mr Rhodri Apsee and Helen Pembridge -Team Manager of Bridgend & Vale (Housing Enforcement & Pollution Control) of Shared Regulatory Services (SRS).</p> <p>MATERIAL BEFORE THE SUB-COMMITTEE At the outset of the hearing, the Sub-Committee had before it a report from the Council's Licensing Officer; a copy of the TEN Application, a copy of the premises licence conditions and the objection notice from SRS. The Sub-Committee also had before it additional evidence provided by SRS which was not provided in the initial report. The Applicant had also received a copy of the same.</p> <p>REPRESENTATIONS MADE BY THE APPLICANT The Applicant confirmed that he is the premises licence holder and had submitted an application for a TEN</p>
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for the May bank holiday weekend. He stated that the licence currently had non-standard timings removed so he could operate fully past 23:00 on Bank Holiday Sunday. These are considerable days for the business where they would look to be open and be able to generate revenue. The requested TEN is to cover until 01:00 and they wanted the extra hour or two to be open to customers.

The Applicant stated that the current licence is out of sync with timings. They could open until 00:30 for the playing of music and have live music until 00:00, but were curtailed with the issue of the sale of alcohol as they are generating no income during this time period – in summary he wished to extend that so that the sale of alcohol is in line with the entertainment side of the business.

The Applicant appreciated the concerns from SRS and confirmed that he is trying to work with them to mitigate the complaints. He was waiting for a Noise Consultant to confirm dates in order to gauge the noise emanating from the premises.

A member of the Sub-Committee queried the notices which have been served upon the Applicant and it was clarified that he was referring to the serving of previous abatement notices.

The Applicant stated that one notice was served last year and that had been considered and correspondence has gone back and forth with SRS regarding this. The other abatement notice was in dispute at the moment as he stated that it was served on a member of staff, rather than himself as the main premises user, so he had not had sight of this. There had been ongoing dialogue between Mr. Apsee and SRS regarding the noise complaints including in-person meetings at the premises. Mr Apsee had ordered and paid for a new door to be installed to mitigate the noise, and staff were also taking time logs for example going outside the adjacent premises with a noise recording device and collating a spreadsheet for this purpose, during the last 3 months. He confirmed that he had spoken to a Noise Consultant on Monday last, but he has not heard from him further this week. He advised that he was speaking to another person who was more local to be able to attend, to look at this further, as soon as possible.

REPRESENTATIONS MADE BY SHARED REGULATORY SERVICES

Helen Pembridge, on behalf of SRS as Team Manager for Pollution Control for Bridgend, stated that the premises licence for The Loft was granted in October last year. There was a breach of an abatement notice on 26 October 2024 on the first floor of The Loft bar. There was also noise nuisance observed on the second floor of the top deck bar and therefore a further notice was served on the premises manager.

She confirmed that the Applicant was disputing service of this and this would be considered as a separate issue outside of the hearing.

On 26 April 2025, a further complaint was received relating to noise from the top deck bar. SRS have been preparing a case for prosecution for the first breach of the notice but had put this on hold as there was a willingness from the Applicant to co-operate and to instruct a Noise Consultant to check noise levels at the premises. This was discussed in January 2025 and emails have been exchanged, however, by March 2025, this had not progressed further and noise complaints continue to be received.

A meeting took place at the premises with the Applicant on 11 March last and SRS gave general advice and also provided details to the premises user of local Noise Consultants. SRS also offered to speak directly to any consultant and to assist with accessing the complainants property, but to date, they have still not been contacted by Mr. Apsee to confirm that a Noise Consultant has been instructed.

An officer attended on 26 April 2025 and the main door and windows to the top deck were open at that time. Noise from patrons outside was clearly audible inside the complainants property and therefore an objection to the TEN was made, as they are of the view that it undermines the licensing objectives and no mitigation as to how it will be controlled has been provided to date. The Officer from SRS confirmed that it is just one complainant who had been making complaints to date.

The Applicant confirmed that one very small window was open for ventilation and this appeared to have been opened by a customer as it was warm evening. The Applicant asked what would SRS need to see from them? How do they know that the noise was coming from patrons? And how will the sale of alcohol mitigate noise complaints as their license for the playing of music is until 00:30 anyway?

The SRS Officer advised that the noise had been witnessed from the premises patrons outside the premises and it was audible and she felt that it was not being managed, however, it had mainly been noise nuisance from the premises made in previous complaints. She further stated that the officer present at the time, could clearly see patrons outside the premises and they determined it was not from passing traffic. In relation to the sale of alcohol point, she stated that if all patrons were leaving the premises earlier, then any noise nuisance would be over a shorter period of time and there would no longer be a noise issue later on that night into the early hours.

The Applicant disagreed with this and stated that they would have a short period of time to remove 200/300 people at 11:00pm and this will cause more problems than over a longer period of time.

FINDINGS OF THE SUB-COMMITTEE

The Sub-Committee found on the balance of probabilities that there has been a failure by the Applicant to adequately address the issue of excessive noise from the premises and a failure to progress with the instruction of a Noise Consultant in a timely manner. The Sub-Committee noted that there has been

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	<p>dialogue between the Applicant and SRS however, the Applicant remains in a position where no measures have been put in place to mitigate the levels of noise and as a result, continuing complaints are being received.</p> <p>RESOLVED:</p> <p>The Sub-Committee determined in its decision-making a requirement to promote the statutory licensing objectives and, in particular, the prevention of public nuisance. The Sub-Committee had taken into consideration the documents provided and oral representations from the Applicant and the Objector from SRS and further considered the Licensing Act 2003, the statutory guidance issued under the Act and the Council's statement of Licensing Policy.</p> <p>The Sub-Committee determined to issue a counter notice for the temporary event notice as they agreed that allowing the event to go ahead will undermine the licensing objectives particularly the prevention of public nuisance.</p>
Date Decision Made	30 April 2025

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

The meeting closed at 10:30.