

## LICENSING SUB COMMITTEE

12 JULY 2019

Present: Councillor Mackie(Chairperson)  
Councillors Sattar and Goddard

1 : DECLARATIONS OF INTEREST

No declarations of interest were received.

2 : REVIEW OF A PREMISES LICENCE - KEVIN'S BAR, COWBRIDGE ROAD

Responsible Authorities: Gillian Jones, Neighbourhood Services  
Rhys Morgan, Licensing

Licensee: Kastriot Rama and Kirstie Harris  
Paul Trew, Accoustic Consultant

### Application

An application for the review of a premises licences was received from Cardiff Council's Neighbourhood Services. A copy of the application along with submitted supporting documents were attached to the reports at Annex A. The grounds for the review, as stated by Neighbourhood Services are as follows:

*"Shared Regulatory Services (SRS) (Cardiff) has made an application for review of the premises licence (CCCP02095) at Kevin's Bar, 161 Cowbridge Road, Riverside, Cardiff CF11 9AH on the grounds that the operation of the premises is not conducive to the licensing objective, 'Prevention of public nuisance'.*

*The Premises Licence was issued on 28 November 2018.*

*The application is supported by evidence that the activity of regulated entertainment at Kevin's Bar, persistently disturbs local residents in the form of amplified music. The first reports of loud music were received soon after the venue opened in January 2019. Complaints have continued on a regular basis which has meant that Officers from Shared Regulated Services have witnessed statutory noise nuisance on numerous occasions from residential dwellings located in the vicinity of where Kevin's Bar is located.*

*Despite sending letters, serving an abatement notice under section 80 of The Environmental Protection Act 1990, sending numerous notification of offences, having 5 telephone conversations and having a meeting on 8 April 2019, noise complaints are continuing. To date 4 breaches of the abatement notice for loud music have been witnessed within a 4 month period. With this in mind it is anticipated that further noise nuisance complaints will be received from residents.*

*All action to date has not been effective, I am of the opinion that there is no control or promotion of the licensing objective, 'Prevention of public nuisance'.*

*SRS therefore wish to apply for a review of the premises licence in order to prevent further public nuisance. As SRS has already issued warnings requiring improvement (both orally and in writing) that have failed to address concerns about loud music SRS would like the licensing authority to revoke the licence.”*

### Responsible Authority Representations

Gillian Jones of Neighbourhood Services addressed the Sub Committee. Members were advised that Ms Jones has been an Environmental Health Officer since 1990 and this was the first time that she had sought a premises licence review. The officer considered that, due to the circumstances and location of these premises and the seriousness of the problems arising a review was warranted.

The premises licence was granted in November 2018. At that hearing Gwyn Mapp of Neighbourhood Services made representations around concerns with noise breakout and the terminal hour. A planning restriction is also in place that prevents the use of the premises beyond 2300 hours. Members were advised that at the previous hearing Mr Patterson, who was represented the licensee, provided an undertaking that that planning consent issue would be addressed. The applicants were also required to provide a report from a certified acoustic consultant prior to any regulated entertainment being permitted. Noise mitigation measures were to be agreed in consultation with, and the approval of, officers from Neighbourhood Services. To date no report has been received.

Ms Jones' main concern was that of public nuisance. Numerous complaints have been received from members of the public in relation to loud music, shouting and disturbance from inside the premises and from outside. These issues are occurring within licensable hours and beyond.

Officers from Neighbourhood Services have attended and witnessed statutory nuisance occurring. Two abatement notices have been issued – one for loud music and one for shouting. Numerous breaches to those notices have been witnessed. The problems first arose soon after the premises opened and they are continuing. Officers have witness vibrations from heavy bass and the lyrics from songs are clearly audible.

On 8 April 2019 officers from Neighbourhood Services met with representatives of Kevins Bar and officers for South Wales Police in order to address the public nuisance issue. There has been no improvement since that meeting.

Rhys Morgan of the Licensing Department addressed the Sub Committee. Reference was made to the original decision to grant a premises licence. The prevention of public nuisance was a strong point of contention at that meeting as there are 75 residences within 50 metres of the premises. It was clear at the meeting, and contrary to what has since happened, that Cameron Patterson provided an undertaking to produce an acoustic report. Mr Patterson also claimed that the premises would offer an informal, jazz café, type atmosphere. The Sub Committee considered that an additional condition was required and whilst the acoustic consultant was present, he should have been engaged at the beginning.

In addition to the significant number of breaches to the abatement notices it is also clear that conditions 18 and 25 of the premises licence were not being complied with.

### Licensee's Representations

Kirstie Harris and Kastriot Rama addressed the Sub Committee. Members were advised that Mr Rama was the owner of the business and he is working hard to bring about improvements. He is the licensee and DPS at the premises and he has changed the staff and the security employed at the premises.

Mr Rama accepted that there were problems occurring at the premises. However, as owner, the previous DPS did not advise him or any issues so he was unaware. Mr Rama also alleged that his post was being intercepted. Members were also advised that no acoustic report had been produced because Mr Rama was not aware a report was required. Mr Rama stated that his partner was dealing with the matter. Mr Rama confirmed that he was aware of Premise Licence Conditions.

Mr Rama was asked to explain why the previous DPS was asked to attend the meeting held on site on 8 April 2019 with officers from Neighbourhood Services and South Wales Police. Mr Rama stated that the previous DPS was in attendance to provide clarification or information.

Members were advised that Paul Trew, acoustic consultant was employed three months ago. Mr Trew stated that a report was prepared and issued to the clients on 18 April 2019. The report outlined strategies to mitigate noise breakout. No building works were required, only the electronic control of amplification equipment. Mr Trew outlined the best types of solutions available. The clients were recommended to purchase their own sound equipment so that they were able to retain control over how the equipment was being used. Mr Trew stated that he did not hear back from the clients until 10 July 2019, when Cameron Patterson asked him to make a site visit.

The licensee was asked to explain the Minor Variation to the premises licence conditions requested by South Wales Police. Ms Harris stated that, following an alleged rape in the toilets at the premises on 14 June 2019, South Wales Police requested a number of changes to the premises licence conditions. The variations were accepted by the applicants. Mr Rama denied that there were problems of drug use in the premises.

### Summing Up

Gillian Jones stated that 2 licence conditions were not complied with and there have been repeated ongoing complaints regarding public nuisance. Any mitigation measure recommended by the acoustic consultant would not address the disturbance from shouting. The premises has demonstrated a lack of management control.

Rhys Morgan stated that information submitted as part of the original application has not transposed into the management and running of the business. The planning consent issues has not been addressed and the premises are also operating in breach of its licence conditions. A catalogue of compliance issues have resulted in

the premises licence review. Mr Rama, the new DPS has confirmed that he was unaware of his duties as a DPS and he has not complied with them.

Mr Rama stated that since he took control of the premises he has tried to improve matters. A number of letters of support were submitted to the Sub Committee.

### Decision

That having given weight to the objector's submission and the Sub Committee was satisfied that the premises is causing public nuisance to local residents and is undermining the prevention of public nuisance licensing objective.

The Sub Committee was concerned about the repeated history of non-compliance at the premises in just 8 months in terms of breaching the Premises licence and planning permission. The assurances made by the applicant at the initial Licensing Sub-Committee hearing for the grant of the licence were not fulfilled.

Mr Rama, the Licensee and DPS, admitted that he is aware of the premises licence conditions and he has failed to comply.

The Sub Committee was concerned regarding the matters behind the requirement the recent minor variation application relating to ensuring that drug use at the premises is prevented. Members were also concerned about the response from the licensee that the minor variation application came about following an alleged rape at the premises on 14 June 2019.

The Sub Committee considered that although installing noise mitigation measures such as a limiter would improve the noise nuisance resulting from recorded/live music, it would not reduce nuisance from general noise such as shouting, due to the nature of the premises and the way it is operated. The way the premises currently operates is clearly contrary to the 'relaxed, informal atmosphere aimed at mature clientele with occasional jazz nights' as described by the applicant at the initial sub-committee hearing.

Due to the continued non-compliance, the negative impact on the 'prevention of public nuisance' licensing objective, and our lack of confidence in the management to run the premises without further incident, the Sub Committee RESOLVED to revoke the premises licence.

3 : URGENT ITEMS (IF ANY)

No urgent items were received.

The meeting terminated at 12.00 pm