



County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

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Caerdydd
CF10 4UW
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AGENDA

Committee	LICENSING SUB COMMITTEE
Date and Time of Meeting	FRIDAY, 12 JULY 2019, 10.00 AM
Venue	ROOM I AND J, CITY HALL - CITY HALL
Membership	Councillor Mackie (Chair) Councillors Sattar and Goddard

- 1 Declarations of Interest**
- 2 Review of a Premises Licence - Kevin's Bar, Cowbridge Road**
(Pages 3 - 168)
- 3 Urgent Items (if any)**

Davina Fiore
Director Governance & Legal Services
Date: Monday, 8 July 2019
Contact: Graham Porter,
02920 873401, g.porter@cardiff.gov.uk

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This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

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**CARDIFF COUNCIL
CYNGOR CAERDYDD**

Agenda Item CO.

LICENSING SUB-COMMITTEE: 12 JULY 2019

Report of the Head of Regulatory Services

Application for the Review of a Premises Licence

Application No: CCCP02095

Name of Premises: Kevin's Bar, 161 Cowbridge Road East, Canton, Cardiff CF11 9AH

Ward: Riverside

1. Application

1.1 An application for a Premises Licence - Review, has been received in respect of the Premises Licence held by Kevin's Bars and Pubs Ltd for Kevin's Bar, 161 Cowbridge Road East, Canton, Cardiff CF11 9AH.

1.2 The Licence Holder is permitted by the premises licence to provide the following:

(1) Licensable activities:

- i) The supply of alcohol for consumption on and off the premises
- ii) The provision of regulated entertainment in the form of live music (indoors) and recorded music (indoors)
- iii) The provision of late night refreshment (indoors)

(2) The premises may be open to the public between the following hours:

Sunday to Thursday: 11:00 to 00:30 hours

Friday and Saturday: 11:00 to 01:30 hours

New Year's Eve: Until the start of permitted hours on 1 January

(3) The premises is permitted to provide licensable activities during the following hours:

- i) The supply of alcohol for consumption on and off the premises:
Sunday to Thursday: 11:00 to 00:00 hours
Friday and Saturday: 11:00 to 01:00 hours
New Year's Eve: Until the start of permitted hours on 1 January

- ii) The provision of regulated entertainment in the form of live music (indoors) and recorded music (indoors):
Sunday to Thursday: 23:00 to 00:00 hours
Friday and Saturday: 23:00 to 01:00 hours
New Year's Eve: Until the start of the permitted hours on 1 January

- iii) The provision of late night refreshment (indoors):
Sunday to Thursday: 23:00 to 00:00 hours
Friday and Saturday: 23:00 to 01:00 hours
New Year's Eve: 23:00 to 05:00 hours

2. Details of the Application for Review.

- 2.1 An application for Review has been received from Cardiff Council's Neighbourhood Services. A copy of the application along with submitted supporting documents can be found in **Annex A** of the report. 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."

3. Relevant Representations

The application for review has been advertised on the premises as required by the legislation.

A representation has been received from Cardiff Council's Licensing Department. A copy of this representation can be found in ***Annex B***.

A representation has been received from Cardiff Council's Planning Department. A copy of this representation can be found in ***Annex C***.

A representation has also been received from one 'other person' as defined by the Licensing Act 2003. A copy of this representation can be found in ***Annex D***.

4. Legal Considerations.

- 4.1 Any decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:

Prevention of crime and disorder
Public Safety
Prevention of Public Nuisance
Protection of Children from Harm

- 4.2 In each case the Sub-Committee may make the following determination

- a) To take no action.
- b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
- c) To exclude a licensable activity from the scope of the licence.
- d) Remove the Designated Premises Supervisor.
- e) Suspend the Premises Licence for a period not exceeding three months.
- f) Revoke the Premises Licence.

- 4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

5. Recommendation.

It is recommended that the application for Review be considered and determined on its merits.

Dave Holland
Regulatory & Supporting Services

26 June 2019

Annex A

Copy of Review application along with supporting documents

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Shared Regulatory Service (Cardiff)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable) Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Kevin's Bar 161 Cowbridge Road Riverside Cardiff CF11 9AH	
Post town Cardiff	Post code (if known) CF11 9AH

Name of premises licence holder or club holding club premises certificate (if known)

Natasha Banner

Number of premises licence or club premises certificate (if known)

02095

Part 2 - Applicant details

I am Shared Regulatory Service (Cardiff)

Please tick yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ☐ yes

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ☒ yes

☐

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Mrs Gillian Jones (case officer)
Neighbourhood Services Team 2
Shared Regulatory Service (Cardiff)
City Hall
King Edward V11 Avenue
Cardiff
CF10 3ND

Telephone number (if any) 03001236696

E-mail address (optional)

pollution-cardiff-srswales@valeofglamorgan.gov.uk

GPJones@valeofglamorgan.gov.uk

This application to review relates to the following licensing objective(s)

1) the prevention of crime and disorder

2) public safety

3) the prevention of public nuisance ✓

4) the protection of children from harm

Please tick one or more boxes

☐
☐
☐
☐

Please state the ground(s) for review (please read guidance note 2)

Shared Regulatory Service (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 28th 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 Regulatory 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 8th 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.

Please provide as much information as possible to support the application (please read guidance note 3)

Numerous complaints of loud music have been received by SRS from local residents since Kevins Bar, 161 Cowbridge Road East, Riverside, CF11 9AH opened in December 2018.

Complaints are continuing to be received regularly. The first complaint was received on 16th January 2019.

Noise officers have repeatedly brought to the attention of the DPS' and the Directors the complaints and breaches of the abatement notice pertaining to loud music. SRS Officers have therefore engaged with persons who have responsibility in complying with the licensing objective, 'Prevention of public nuisance'.

A letter was sent dated 17th January 2019 to the Designated Premises Supervisor Natasha Banner advising her of the complaint, reminding her of her Licensing obligations and detailing the actions available to the service, should complaints continue, complaints continued to be made. Officers have witnessed loud music and bass which was so loud officers could recognise the songs, distinguish lyrics and know the artist and it also vibrated the complainant's floor. Officers have witnessed music ongoing loudly past 01:00 during the early hours of a Sunday which is past the time that regulated entertainment is allowed on their premises licence.

Further letters dated 12th March 2019 were sent to the two directors, Mr Bernard Carlton, Mr Kastriot Rama, and one to the Limited Company, Kevin's Bars and Pubs Ltd.

Unfortunately, complaints continued despite the above letters being sent, and on 16th March 2019 two officers witnessed loud amplified music emanating from Kevins Bar, 161 Cowbridge Road East, Riverside, CF11 9AH, which resulted in Abatement Notices being served on 20th March 2019.

More complaints were received, two officers witnessed two breaches of the Abatement Notices one on 22nd March 2019, and one 30th March 2019. On 1st April 2019 notification of offences were sent to the designated premises supervisor (DPS) Natasha Banner, Bernard Carlton, Kastriot Rama, and Kevins Pubs and Bars.

SRS were advised on 4th April 2019 by Mr Cameron Patterson, Licensing Consultant that Mr Bernard Carlton was no longer a director at Kevins Bars and Pubs Ltd. A check through Companies House was carried out, which still had Mr Bernard Carlton as a director.

On Monday 8th April, a site meeting was held with Rebecca Williams of Neighbourhood Services Team 2 (Noise team), Rhys Morgan of Cardiff Council Licensing, Rob Gunstone of South Wales Police Licensing, Paul Trew, Acoustic Consultant (acting for Kevin's Bar), Dane Marks (previous DPS), Natasha Banner (DPS) and Kastriot Rama (Director).

There have been a number of calls (over 10) into SRS when officers have not been able to get to the complainants to witness. On all of the calls when officers have managed to visit a complainant a statutory noise nuisance has been witnessed.

Two breaches of the Abatement Notices which were witnessed by two officers on 26th April 2019 and on 27th April 2019. On 2nd May 2019 notification of offences were sent out to Natasha Banner, Bernard Carlton, Kastriot Rama, and Kevins Pubs and Bars Ltd.

Another check through Companies House was carried out, which showed that Mr Bernard Carlton was no longer a director, however he is still a person with significant control.

Summary

The first reports of loud music were received soon after the venue opened in January 2019.

Numerous complaints have been received by SRS in respect of loud music emanating from

Kevin's Bar, from several different properties.

One abatement notice for loud music has been served and to date 4 breaches have been witnessed in 4 months.

Management of the noise coming from the venue is not effective.

The current premises licence allows regulated entertainment to cease at midnight (Sunday to Thursday) and 01:00 (Friday and Saturday). Officers have witnessed loud music being played past 01:00 during the early hours of a Sunday.

Have you made an application for review relating to the ☐ premises before **Please tick yes**

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them No
--

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 23rd May 2019

Capacity Neighbourhood Services Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Mrs Gillian Jones

Post town Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) pollution-cardiff-srswales@valeofglamorgan.gov.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix A

Witness statements

Ms Rebecca Williams

Mrs Gillian Jones

Mr Craig William Lewis

Ms Susan Frances Brown

Mr Richard Romero



WITNESS STATEMENT/DATGANIAD TYST

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, Rule 16)
(Deddf CT 1967, a.9; Deddf LIY 1980, au.5A(3) (a) a 5B, Rheolau Gweithdrefnau Troseddol 2015, rh.16)

Statement of **Rebecca Williams**

Age if under 18/Oed os o dan 18: **over 18**

Occupation/Galwedigaeth: **Neighbourhood Services Officer**

This statement (consisting of three page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Mae'r datganiad hwn (sy'n cynnwys tudalen(nau) a phob un wedi'i llofnodi gennyf) yn wir hyd eithaf fy ngwybodaeth a'm cred ac fe'lgwnaf gan wybod, os caiff ei gyflwyno fel tystiolaeth, y gallaf gael fy erlyn os byddaf o fwriad wedi mynegi unrhyw beth y gwn sy'n anwir neu na chredaf ei fod yn wir.

Signature/ Llofnod:



Date/ Dyddiad: 2nd May 2019

I am Rebecca Williams and I am currently employed as a Neighbourhood Services Officer in the Shared Regulatory Services partnership for Cardiff, Bridgend and The Vale of Glamorgan Council's. Part of my duties include, investigating complaints of noise Under Part III of the Environmental Protection Act 1990. I qualified as an Environmental Health Officer in 2004 and have worked in the field of Pollution for 15 years, I also have a Post Graduate Diploma in Acoustics and Noise Control from the University of West England, Bristol. I exhibit a copy of my authorisation as RLW/01

On 16th January 2019, a complaint was made by [REDACTED] as she was affected by loud music from Kevin's Bar, 161 Cowbridge Road, Riverside, CF11 9AH.

[REDACTED] lives at [REDACTED] The property is a first floor flat above a shop, and is located [REDACTED] I exhibit a photograph to demonstrate the proximity of the residential dwelling as RLW/02.

Cowbridge Road East is an extremely busy district centre, which has a mixture of residential units, shops, pubs and restaurants, footfall is heavy during day and similar at night due to the late night economy.

As a result of the noise complaint I rang [REDACTED] and she advised me during a telephone conversation that she has been affected by loud music from Kevins Bar as soon as they opened in December 2018.

Following the telephone conversation I sent a letter dated 17th January 2119 to [REDACTED] [REDACTED] acknowledging receipt of her complaint and detailing the actions available to the Service should complaints continue. I exhibit a copy of this letter as RLW/03.

Signature/ Llofnod:



Signature witnessed by/ Tystiwyd y llofnod gan:

I also sent a letter dated 17th January 2019 to the Designated Premises Supervisor Natasha Banner advising her of the complaint, reminding her of her Licensing obligations and detailing the actions available to the service, should complaints continue. I exhibit a copy of this letter as RLW/04.

Despite the letter being sent to Natasha Banner, complaints continued to be made, I therefore sent letters dated 12th March 2019 to the two directors, Mr Bernard Carlton, Mr Kastriot Rama, and one to the Limited Company, Kevin's Bars and Pubs Ltd. I exhibit these three letters as RLW/05

Unfortunately, complaints continued despite the above letters being sent, and on 16th March 2019 two officers witnessed loud amplified music emanating from Kevins Bar, 161 Cowbridge Road East, Riverside, CF11 9AH, which resulted in Abatement Notices being served on 20th March 2019.

As a result of the Abatement notices having been served Mr Cameron Patterson, Licensing consultant acting on behalf of the Bernard Carlton contacted the department via email on 25th March 2019 asking for disclosure of documents which led to the service of the Abatement Notices. I exhibit the request email as RLW/06.

On 1st April 2019 I sent official notification of offences out to Natasha Banner, Bernard Carlton, Kastriot Rama, and Kevins Pubs and Bars Ltd due to two breaches of the Abatement Notices which were witnessed on 22nd March 2019, and 30th March 2019. I exhibit these notifications of offence as RLW/07.

On 4th April 2019, I emailed Mr Cameron Patterson sending across the information he required to consider an appeal of the Abatement Notices, I exhibit this as RLW/08.

Mr Patterson also advised me on the same day that Mr Bernard Carlton was no longer a director at Kevins Bars and Pubs td, I therefore carried out a check through Companies House, which still had Mr Bernard Carlton as a director. I attach a copy of the print out as RLW/09.

On Monday 8th April, upon the request of Mr Cameron Patterson, Licensing Consultant, I had a site meeting with Rhys Morgan of Cardiff Council Licensing, Rob Gunstone of South Wales Police Licensing, Paul Trew, Acoustic Consultant, Dane Marks, Natasha Banner and Kastriot Rama.

On 2nd May I 2019 I sent official notification of offences out to Natasha Banner, Bernard Carlton, Kastriot Rama, and Kevins Pubs and Bars Ltd due to two breaches of the Abatement Notices which were witnessed on 26th April 2019, and 27th April 2019. I exhibit these notifications of offence as RLW/010.

Signature/ Llofnod: 

Signature witnessed by/ Tystiwyd y llofnod gan:

I also carried out another check through Companies House, which shows that Mr Bernard Carlton is no longer a director, however he is still a person with significant control. I attach a copy of the print out as RLW/11.

Signature/ Llofnod: 

Signature witnessed by/ Tystiwyd y llofnod gan:

Home address: N/A

Home telephone No: N/A Business telephone No: 02920 871650

Occupation: Neighborhood Services Officer

Date of Birth:

Dates to be avoided. Delete dates of non-availability of witness

Month of:							Month of:							Month of:						
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29	30	31					29	30	31					29	30	31				

Contact point if different from above: Room 203, City Hall, Cathays, Cardiff, CF10 3ND.

Telephone No. 02920 871650

STATEMENT TAKEN BY

WITNESS STATEMENT/DATGANIAD TYSI

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, Rule 16)

(Deddf CT 1967, a.9; Deddf LIY 1980, au.5A(3) (a) a 5B, Rheolau Gweithdrefnau Troseddol 2015, rh.16)

Statement of Mrs Gillian Patricia Jones

Age if under 18/Oed os o dan 18: over 18 (over 18 insert 'over 18'/os yw dros 18 rhwch 'dros 18')

Occupation/Galwedigaeth: Neighbourhood Services Officer

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true. / Mae'r datganiad hwn (sy'n cynnwys tudalen(nau) a phob un wedi'i llofnodi gennyf) yn wir hyd eithaf fy ngwybodaeth a'm cred ac fe'lgwnaf gan wybod, os caiff ei gyflwyno fel tystiolaeth, y gallaf gael fy erlyn os byddaf o fwriad wedi mynegi unrhyw beth y gwn sy'n anwir neu na chredaf ei fod yn wir.

Signature/ Llofnod:



Date/ Dyddiad: 10th April 2019

I am Gillian Patricia Jones. I am employed as a Neighbourhood Services Officer in the Shared Regulatory Service for Cardiff, The Vale of Glamorgan and Bridgend Council's.

I have a Bsc. (Hons) Environmental Health Degree and I have a Diploma in Acoustics and Noise Control. I qualified as an Environmental Health Officer (after a four year degree course) in July 1994. I have seventeen years experience. I have worked for both urban and rural Local Authorities.

My duties include the investigation of domestic and commercial noise complaints, for which I am authorised under the Environmental Protection Act 1990. I work in The Neighbourhood Services Team 2 that is based in City Hall, King Edward VII Avenue, Cardiff, CF10 3ND. I produce my authorisation as exhibit **GJS1**.

On Wednesday 20th March 2019 I was informed by my colleague Mr Anthony Pritchard (Neighbourhood Services Technical Officer) that two Officers who had worked the Night time Noise shift, Mr Craig Lewis (Specialist Services Officer) and Mr Richard Romero (Neighbourhood Services Officer) on Friday 15th March through to Saturday 16th March 2019 had witnessed a statutory nuisance from loud music being played in Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH.

Continuation Statement of / Parhad o Ddalganiad: Gillian Patricia Jones

I was aware that Shared Regulatory Services had received noise complaints about Kevin's Bar.

I served abatement notices under section 80 of The Environmental Protection Act 1990 dated 20th March 2019, by putting them into the post.

One (notice reference NR505600) was served on Kevin's Bars and Pubs Ltd, 20-22 Wenlock Road, London, NI 7GU. I produce this notice and letter as exhibit **GJS2**.

The second (notice reference NR505601) was served on Mr Kastriot Rama, Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH. I produce this notice and letter as exhibit **GJS3**.

The third (notice reference NR505602) was served on Mr Bernard Carlton, 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH. I produce this notice and letter as exhibit **GJS4**.

The forth (notice reference NR505603) was served on Mrs Natasha Banner, Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH. I produce this notice and letter as exhibit **GJS5** respectively.

On 25th March 2019 I sent a letter in the post to Kevin's Bars and Pubs Ltd, 20-22 Wenlock Road, London, NI 7GU. I produce this letter as exhibit **GJS6**.

The second (notice reference NR505601) was served on Mr Kastriot Rama, Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH. I produce this notice and letter as exhibit **GJS7**.

On 25th March 2019 I sent a letter in the post to Mr Bernard Carlton, 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH. I produce this letter as exhibit **GJS8**.

Signature/ Llofnod:



Home telephone No: _____ Business telephone No: __03001236696_____

Occupation: _ Neighbourhood Services Officer _____ Date of Birth: ____over 18_____

Dates to be avoided. Delete dates of non-availability of witness

Month of: August							Month of: September							Month of: October						
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Month of: November							Month of: December							Month of: January						
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29	30	31					29	30	31					29	30	31				

Contact point if different from above: __ Room 203, City Hall, Cathays Park, Cardiff. CF10 3ND __

Address: _____ as above _____

Telephone No. ____03001236696_____

STATEMENT TAKEN BY (print name): __Mrs Gillian Jones_____

WITNESS STATEMENT/DATGANIAD TYST

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, Rule 16)
(Deddf CT 1967, a.9; Deddf LIY 1980, au.5A(3) (a) a 5B, Rheolau Gweithdrefnau Troseddol 2015, rh.16)

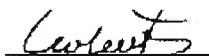
Statement of CRAIG WILLIAM LEWIS

Age if under 18/Oed os o dan 18: (over 18 insert 'over 18'/os yw dros 18 rhwch 'dros 18')

Occupation/Galwedigaeth: SPECIALIST SERVICES OFFICER

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true. / Mae'r datganiad hwn (sy'n cynnwys tudalen(nau) a phob un wedi'i llofnodi gennyf) yn wir hyd eithaf fy ngwybodaeth a'm cred ac fe'lgwnaf gan wybod, os caiff ei gyflwyno fel tystiolaeth, y gallaf gael fy erlyn os byddaf o fwriad wedi mynegi unrhyw beth y gwn sy'n anwir neu na chredaf ei fod yn wir.

Signature/ Llofnod:



Date/ Dyddiad: 19.04.19

I am employed by the Vale of Glamorgan Council as a Specialist Services Officer, working within Shared Regulatory Services' Specialist Services (Environment) Team. I have occupied this position since starting my employment with Shared Regulatory Services on 3rd May 2016.

I am an authorised officer in accordance with the powers delegated to the Regulatory Shared Services. I am authorised to exercise and enforce powers in relation with the Environmental Protection Act 1990, as well as the Noise and Statutory Nuisance Act 1993. In exercising my authorisation with the referenced acts I have worked as a Night Time Noise Officer which forms part Shared Regulatory Services' Night Time Noise Service. I have occupied this role since 16th December 2016. My duties for working as part of the Night Time Noise Service include the investigation of domestic and commercial noise complaints. **My authorisation is exhibited as CL01.**

On Saturday 16th March 2019 I was working as a Night Time Noise Officer for Shared Regulatory Services' Night Time Noise Service. I was working with Neighbourhood Services Officer Richard Romero when a telephone complaint was received into the email inbox utilised by the Night Time Noise Service Team which described loud music arising from the commercial property of Kevin's Bar, located at 161 Cowbridge Road East, Riverside, Cardiff. After speaking with the complainant it was agreed for both officers to attend the complainant's property to investigate the noise emanating from Kevin's Bar.

Signature / Llofnod:



Page 1 of 5

On the 16th March 2019 at 00:42 we arrived at the complainant's property, [REDACTED]
[REDACTED] The property is a terraced building with three floors. The ground floor houses a commercial unit with the first and second floors used for residential living space. As we approached the complainant's address loud music was being played from Kevin's Bar at 161 Cowbridge Road East. [REDACTED]
[REDACTED]

On arrival to the complainant's first floor living space consisted of a living room and kitchen/ dining area, it was noted that all windows to the living space were closed and no electrical audible appliances were switched on. I was sat on the sofa in the complainant's living space which was approximately 4 meters from the wall [REDACTED] The level of music originating from Kevin's Bar was highly intrusive and the deepness to bass could be felt through the floor due to the vibrations caused. At this stage the genre of music heard was of a Rhythm and Blues (RnB) nature. I found this level of noise to be clearly a nuisance. I would not be able to relax or perform activities requiring mental concentration such as reading a book with this level of noise.

At 00:48 the heavy bass aggressively continues to vibrate the floor. A voice can be heard over a microphone, sounds like an MC DJ. At 00:56 the sound track "Locked up" by artist Akon can be distinctly heard, lyrics are clear to make out and the heavy bass tone continues to cause vibrations under my feet through the flooring.

00:58 there is a track change, again to a reggae/ RnB styled music track. 00:59 track changes again to a very heavy bass RnB styled music track. Vibrations through the flooring continues.


01:02 the male voice over a microphone can be heard shouting over the music "brap, brap, brap".

At 01:03 there is track change to the song title "Like Glue" by music artist Sean Paul. The lyrics are distinct and easily identifiable within the complainant's living space area on the first floor of the property. Persons occupying this living space would not be able have a conversation or relax at this level.

At 01:08 we agreed to vacate the property. The music continued to be played at an intrusive level as we vacated the complainant's property. I exhibit a copy of my PACE notes as **CL02**

I am of the opinion that what I witnessed and experienced on the 16th March 2019 was a statutory noise nuisance. The consistency, volume of music and level of bass witnessed within the living space of the complainant's address was highly intrusive and would detrimentally impede the ability for the complainant to relax or enjoy their property.

On Saturday 30th March 2019 I was working as a Night Time Noise Officer for Shared Regulatory Services' Night Time Noise Service. I was working with Technical Services Officer Samantha Page when a

Signature / Llofnod: 

telephone complaint was received into the email inbox utilised by the Night Time Noise Service Team which described loud music arising from the commercial property of Kevin's Bar, located at 161 Cowbridge Road East, Riverside, Cardiff.

Prior to leaving the office we checked the records in relation to the reference number given by the complainant, 663325, and noted that an Abatement Notice had been served for noise nuisance by Mrs. Gillian Jones to Kevin's Bar on the 20th March 2019.

At 22:15 Officer Samantha Page and I attended the complainant's address at [REDACTED]

[REDACTED] Upon approaching the complainant's address Kevin's Bar front door was open with people congregating outside. Extremely loud music could be heard emanating from Kevin's Bar.

On arrival to the complainant's first floor living space which consisted of a living room and kitchen/ dining area, it was noted that all windows to the living space were closed and no electrical audible appliances were switched on. I was sat on the sofa in the complainant's living space [REDACTED]

[REDACTED] The music generated from Kevin's Bar was clearly audible and intrusive upon the complainant's living space.

At 22:20 the music track "Turn me on" by artist Kevin Lytle is playing very loudly, whereby the lyrics to the song are clear and distinct. At 22:23 there is a track change to "One Dance" by artist Drake. The level of music is extremely intrusive whereby you would not be able to hold a conversation or read a book for example. At 22:26 there is a track change to "Sambuca" by Wideboys. The music is generating vibrations through the wooden floor under my feet. Heavy bass to the music is consistent and vibrations through floor continue. At 22:34 track change to "Let's Do It Again" by artist J Boog, whereby the lyrics are very loud and clear. High volume music with a deep bass continues. At 22:40 track change to "Always on Time" by Ashanti, the track is supported with a very heavy bass tone which can be felt through the floor by vibrations. Occupants of Kevin's Bar can be heard singing along to the referenced Ashanti track.

The music continues to play at a persistently high level with a supporting heavy bass tone. Track changes are regular, including 22:44 "In Kingston Town" by UB40, 22:57 "Get Lucky" by Daft Punk and 22:51 "This Is How We Do It" by Montell Jordan. The lyrics to these tracks are distinctively clear within the complainant's living space.

At 22:55 a female's voice can be heard on a microphone singing along to a song. At 22:58 there is another track change to a fast paced drum and bass/ dance orientated track. Intrusive levels continues. 23:05 a female voice can be heard calling to the occupants of Kevin's Bar. At 23:10 a female's voice on a microphone can be clearly heard singing the words to the track "Valerie" in a karaoke fashion. The female voice continues through to 23:13 hyping the crowd, the words "woop woop" can be heard. 23:20 track change "Happy" by artist Pharrell.

Signature / Llofnod:



Page 3 of 5

My colleague and I exited the property at 23:25 having been on site for one hour and 10 minutes during which time the noise disturbance was constant and the level of music emanating from Kevin's Bar would detrimentally impede upon the livelihood of the occupants residing at [REDACTED]
[REDACTED] In my opinion the Abatement Notice for loud music had been breached by by Kevin's Bar. I exhibit a copy of my PACE notes as **CL03**.

Signature / Llofnod:



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Page 4 of 5

Home address: SRS (Environment) Team, Cardiff Council,
City Hall, Cathays Park, Cardiff, CF10 3NA
 Home telephone No: N/A Business telephone No: 03001236696
 Occupation: Specialist Services Date of Birth: over 18
officer

Dates to be avoided. Delete dates of non-availability of witness

Month of:							Month of:							Month of:						
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Contact point if different from above: _____

Address: _____

Telephone No. _____

STATEMENT TAKEN BY (print name): _____

WITNESS STATEMENT/DATGANIAD TYST

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, Rule 16)

(Deddf CT 1967, a.9; Deddf LIY 1980, au.5A(3) (a) a 5B, Rheolau Gweithdrefnau Troseddol 2015, rh.16)

Statement of Ms Susan Frances Brown

Age if under 18/Oed os o dan 18: over 18 (over 18 insert 'over 18'/os yw dros 18 rhwch 'dros 18')

Occupation/Galwedigaeth: Neighbourhood Services Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true. / Mae'r datganiad hwn (sy'n cynnwys tudalen(nau) a phob un wedi'i llofnodi gennyf) yn wir hyd eithaf fy ngwybodaeth a'm cred ac fe'lgwnaf gan wybod, os caiff ei gyflwyno fel tystiolaeth, y gallaf gael fy erlyn os byddaf o fwriad wedi mynegi unrhyw beth y gwn sy'n anwir neu na chredaf ei fod yn wir.

Signature/ Llofnod:

Date/ Dyddiad: 16 May 2019

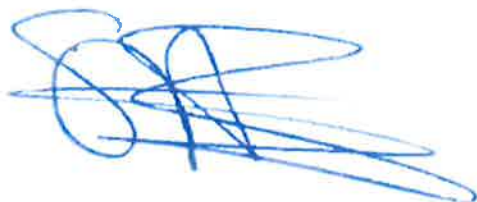
I, Susan Frances Brown, Neighbourhood Services Officer, with Shared Regulatory Services, of Vale of Glamorgan, Cardiff and Bridgend Councils provide this witness statement in relation to the alleged breaches of an Abatement Notice served on the premises known as Kevin's Bar, the Bar, and the violation of the 'Prevention of Public Nuisance' objective, under the Licensing Act 2003.

I have been employed by the Vale of Glamorgan Council in my capacity as an authorised Officer since 1998, working in the Pollution Section since 2005 predominately in the fields of noise, planning and licensing. I am a graduate and hold a BSc (Hons) degree in Environmental Health. I am a member of the Chartered Institute of Environmental Health as well as being registered with the Environmental Health Officers Registration Board (EHORB). I also hold the Institute of Acoustics (IOA) Diploma in Acoustics and I am an associate member of the IOA. Finally I also hold a Master's degree, (LLM) with merit, in Environmental Law. Prior to studying to become an Environmental Health Officer I worked in the catering and hospitality sector.

First Visit

On the evening of Friday 22 March 2019 I was working as a member of the Cardiff City out-of-hours noise service with my colleague Ms Rachel Stickler. That night the service was contacted by a complainant at 22:07 she spoke with an operator and reported that she was being bothered by loud music and people at Kevin's Bar at 161 Cowbridge Road East, Riverside, Cardiff CF11 9AH.

I called the complainant at 23:12 and asked if she was still being bothered by noise emanating from Kevin's Bar, she advised she was and it was agreed we would visit her in her home, having checked the complaint record and noting that an Abatement Notice had been served, on 20 March 2019, on the premise in question in relation to loud music.



Signature/ Llofnod:

Continuation Statement of / Parhad o Ddalganiad: **Ms Susan Frances Brown**

At 23:37 I called the complainant from the pavement as it was so busy and noisy on the pavement due to the large number of people and a member of security staff standing outside the Bar, the member of security staff was standing to the immediate left hand-side of Kevin's Bar and did not appear to be making any attempt to quieten the people outside. People were also standing directly outside the complainant's front door so I called her phone so that she would not be opening her door unknowingly to strangers if she could hear knocking. The entrance door to Kevin's Bar was open and music was clearly audible at volume along with the noise created by what appeared to be patrons of Kevin's Bar a number of whom I was stood near whilst stood on the pavement in the vicinity of the Bar.

At 23:38 my colleague and I accessed the complainant's home and made our way to the first floor of the flat which is [REDACTED] On entering the complainant's living room, which overlooks [REDACTED] [REDACTED] loud music was evident as well as excessive noise from the pavement as a number of individuals were shouting to each other and to individuals in vehicles that then tooted their car horns.

Throughout the flat bass music was evident including to the second floor bedroom. Again to the second floor bedroom as to the first floor living area both music and the voices of what appeared to be patrons of the Bar on the pavement was evident and audible even with the double glazed window to the bedroom closed. The bass element of the music continued relentlessly whilst I stood on the wooden floor of the second floor front bedroom and was such that it caused vibration that I could feel through boots and thick socks.

At 23:55 I returned down the stairs to the first floor living room noting that the stairs from the ground floor and the stairs to the second floor as well as the landings on both floors along with the bedroom s [REDACTED] [REDACTED] However the living room does not share [REDACTED] [REDACTED] I noted in my pocket book that the '*level of noise from patrons and bar is unbelievable on the 1st floor landing*'.

After midnight, now Saturday 23 March, I returned to the first floor living area again I could feel the wooden floor vibrating and the bass of the music being played was clearly evident. The complainant during questioning and conversation alleged that the Bar had had a 'lock-in' until 5am the previous night, as in the morning of Friday 22 March, and that this is a regular occurrence.

The complainant then questioned how the Bar could be operating until 00:30 on week day nights, when they had originally applied for 23:30, closing at 01:30 on Fridays and Saturdays, having applied for 02:00. The complainant then brought up a Cardiff City Council Sub-Committee report on her laptop dated 23 November 2018 that appeared to indicate that the applicant had been granted longer hours than applied for. The Sub-Committee Report indicated that the applicant had applied for Regulated Entertainment to cease at 00:30 weekday nights and at 01:30 on Friday and Saturday. However the complainant alleged that the previous Friday music had gone on until 03:00 keeping her awake. Throughout the conversation with the complainant the lyrics of the music were evident and the bass element regular and persistent.



Signature / Llofnod:

Continuation Statement of / Parhad o Ddalganiad: **Ms Susan Frances Brown**

Saturday 23 March 2019 at 00:12 the sound of constant raised voices and loud music was evident. At 00:20 the nature of the music changed and the bass became continuous, fast and repetitive and occasional lyrics were evident. At 00:22 the bass element of the music ceased however voices emanating from the Bar were still very evident as well as from the pavement. Voices from the within the Bar were continuously raised, this was probably due to Temporary Threshold Shift brought about by exposure to loud music. At 00:25 voices continued to be raised as if singing and although the volume of music had decreased a large number of voices were at volume.

Although the living room is not [REDACTED] the voices and music were at an excessive volume and the bass element of the music, as in vibration due to the bass could be felt throughout the first floor area of the flat, both the living room and kitchen area, again through boots and thick socks.

Although tracks/ artists were not distinguishable the bass and lyrics were relentless. At 00:29 the bass actually increased and the floor vibrated even more. At 00:31 the volume and the bass element of the music increased even further.

At 00:35 an argument to the pavement directly outside the Bar was heard, voices were raised and angry individuals could be seen from the complainant's living room window. At 00:38 the argument continued to the street; one younger man in sweat pants and an older man in a bomber jacket and jeans were arguing. A number of other men and women joined in and it appeared to be because the younger man had either been put out of the Bar, or had been refused access, throughout the argument he was seen drinking out of what appeared to be a bottle of Beck's which on emptying he put down on the pavement. At no time whilst watching this argument did I see the member of door staff seen previously.

At 00:41 the voices continued at volume as well as the music, especially the bass. We left the complainant's home at 00:45 on Saturday 23 March 2019. On leaving the complainant's flat and whilst standing on the pavement outside her front door next to the door for Kevin's Bar I heard a young lady stood outside the Bar whilst on a mobile phone say that there was 'a rave' going on inside.

It is my opinion that such was the volume of the music, and especially the bass element, that sleep in the complainant's bedroom would not have been possible and should sleep have occurred awakening would have resulted. Such was the volume of the music, especially the bass element it is my opinion that the Abatement Notice had been breached. It is also my professional opinion that the Licensing Act 2003 objective of 'The Prevention of Public Nuisance' was not being met whilst I was on site.

Further Call

On the evening of Saturday 23 March 2019 I was again working as a member of the Cardiff City out-of-hours noise service with my colleague Ms Rachel Stickler the shift runs from 19:00 on Saturday until 03:00 on Sunday. At 00:26 on Sunday 24 March I called the complainant in relation to Kevin's Bar as again she had rung the service and spoken with an operator in relation to loud noise. The complainant was advised that it was extremely busy, that we had a back log of calls, and it was highly unlikely that we would be able to attend during the shift. On questioning the complainant she advised that the music was much like the previous night, when the breach of the Notice was witnessed. However there was less noise from the pavement, this concurred with what we had witnessed earlier when we drove past in relation to another call. The above was logged to the electronic record contemporaneously, but not to my pocket book.



Signature / Llofnod:

Continuation Statement of / Parhad o Ddalganiad: **Ms Susan Frances Brown**

Second Visit

On Saturday 27 April 2019 again I was working as a member of the Cardiff City out-of-hours noise service with my colleague Ms Rachel Stickler. That night the service was again contacted by a complainant in relation to Kevin's Bar at 161 Cowbridge Road East, Riverside, Cardiff CF11 9AH.

My colleague, Ms Stickler, called the complainant in my presence at 22:40 and we agreed to visit her in her home. We arrived at the complainant's home at 23:14, we were spoken to by a young lady, who I took to be a customer of Kev's Bar, smoking a cigarette outside the complainant's door. As my colleague and I stood outside the complainant's door the young lady questioned; *'Fucking hell you don't live there?'* To which I replied we were visiting a friend. To this the young lady replied *'you wouldn't want to live here'* and other words to that effect. On the complainant letting us into her flat both me and my colleague removed our shoes having inadvertently stood in the vomit directly outside her front door and on her front step.

On entering the first floor living room the music was clearly evident. At 23:17 the song 'Kingston Town' was clearly audible at volume emanating from the Bar. Raised voices emanating from people on the pavement directly outside the Bar were also very evident within the flat. A number of young men were witnessed to be standing directly outside the front door of Kevin's Bar at 23:20. Voices were evident from both the Bar and the pavement, as was the music from the Bar itself.

To the living area at 23:22 I recognised the track and the lyrics to *'heard it all before'* such was the volume and clarity of the music through the walls, noting there are two walls between the living area and the Bar itself. On the landing area directly outside the living room door the noise, of both people and music, was significantly louder, also the odour of the Bar was evident, a mixture of liquor and cigarettes.

To the second floor bedroom again music and voices were evident at volume. Voices were raised and a woman's cackling laugh was very evident at 23:27. Such was the volume of both the music and the patrons that sleep would not have been possible, nor relaxation, and awakening would have occurred if sleep had taken place.

To the first floor living area at 23:30 there was a track change and a very prominent bass element was evident inter-spaced with rap like lyrics. At 23:33 again a track change occurred, I did not recognise the track but a female vocalist was clearly audible to the living room area. At 23:36 the track continued at volume, then voices were heard as if they were singing along, it sounded as if a DJ or performer was singing and encouraging patrons in the Bar to participate *'lover man shabba'* and whooping from a number of individuals was clearly audible along with periodic banging of the front door as people went in and out of the Bar.

The music continued at volume also voices and swearing was evident from the pavement in front of the Bar, three men stood smoking directly outside the Bar seemed to be the main source of most of the noise.

At 23:41 an individual could be heard on a microphone within the Bar, as the music and voices continued along with the periodic banging of the front door. At 23:42 the music was evident to the living room, although there was no prominent bass element, such was the volume. The voices heard were as disruptive, intrusive and as loud as the music, people were heard whooping and hollering as the front door of the Bar continued to bang on a regular basis.



Signature / Llofnod:

Continuation Statement of / Parhad o Ddalganiad: **Ms Susan Frances Brown**

At 23:45 the volume of the music increased and its nature changed with the bass more evident with a more pronounced repetitive rhythm. Voices continued to be evident and intrusive from both the Bar and the pavement directly outside the Bar and close to the complainant's front door. The gathering of people outside the Bar and their voices were steady and did not move, as in they were stationary on the pavement, and not members of the public passing by.

At 23:47 the DJ was clearly heard over the microphone above both the music and the patrons and there was constant banging from the front door being opened and closed. This was followed by the heavy loud drone of patrons' voices which was as imposing and disruptive as the music. The frequent banging of the front door became wearing and the incessant voices from the Bar and pavement very intrusive.

At 23:52 again there was a change of music track but the volume of the music and people did not decrease and the odd 'whoa' and 'yeah' was heard in the living area although the door onto the first floor landing was closed, a solid self-closing fire door, and the wall of the living room area is onto the stairwell and is not onto the Bar. (layout is drawn in pocket book).

At 23:55 it is noted that the front door to the Bar was constantly opening and closing and consequently banging within the door frame. There was also the noise of a steady stream of voices from the pavement accompanied by a distinctive laugh from a woman. As I watched the gathering of people that I believed to be Kevin's Bar customers from the complainant's bay window at no time did I see any individual or individuals that could be identified as door/ security staff. I also had not seen such door staff on arrival, crossing the road from Wyndham Crescent opposite the Bar, nor whilst stood on the complainant's front door step.

At 23:58 it was evident that there were a number of individuals, not all of whom were visible, in the area of the front of the Bar, voices were clearly audible within the complainant's home as was the distinct cackling laugh from a woman. The voices arising from the pavement were constant and regular indicating that the people were not moving nor passing by. Throughout this period the door banged I noted in my pocket book that it was *'very, very, very regular. This is a nuisance on its own! Let alone the noise to the street, voices from bar and underlying music that rises and falls in volume.'*

Sunday 28 April 2019, my colleague Ms. Stickler and I are still at the complainant's flat. At 00:01 the door was still banging and the music became more evident, as did the bass which became even more intrusive; however the track I did not recognise. Yet the volume of the voices, emanating from the Bar and pavement area, was such that they were still heard over the music.

The noise from the Bar's activities including the music, and especially the voices of the customers, as well as the banging of the front door was extremely intrusive. The noise from the area below the complainant's home fluctuated; the female voices were replaced by deeper male voices which were less noticeable in part due to 'yeah' and other words, I could not distinguish, which appeared to be shouted from inside the Bar towards the pavement.

Throughout the visit the flat windows overlooking the street remained closed as did the living room door, a fire type door with a self-closer, to the first floor landing. The front door of the Bar banged opened and closed every few seconds and the noise from voices and music was constant. The music tracks being played I did not recognise yet they were still at volume in the living room noting the two walls and intervening space created by the hall/ stairwell.

Sleep to either the second floor bedroom nor living room would not be possible. The voices to the street increased and swearing was clearly audible *'fucking.....fucking'* the voices and swearing was aggressive and intimidating in tone and manner.



Continuation Statement of / Parhad o Ddalganiad: **Ms Susan Frances Brown**

At 00:08 the DJ can still be heard on a microphone, it appeared to be a woman, and the overall volume from the Bar increased and the door continued to bang on opening and closing approximately every 15 seconds. The noise from the street fluctuated as the voices rose and fell.

At 00:12 again there was a change of track and still noise due to the music and DJ was clearly evident within the complainant's home. Looking out onto the street from the complainant's living room window, a [REDACTED] it was evident that the King's Castle Public House, opposite on the corner of Kings Road, was closed and in darkness and all the noise on the street was emanating from Kevin's Bar and its clientele especially those that had gathered on the pavement in front of the Bar.

At 00:15 the patrons appeared to be singing and chanting along with the music being played at volume. At this point I opened the living room door onto the first floor landing and I heard the noise from the Bar even more clearly; individual swear words; 'fuck' could be heard long with singing and shouting as well as the music.

At 00:17 the female DJ appeared to be whipping up the patrons in the Bar as the singing continued at such a volume that it was clearly audible to the living room area with the door to the first floor landing closed. The noise from the pavement was also constant as was periodically the banging of the front door.

At 00:22 four girls were seen to the pavement in front of the Bar, they were heard laughing and cackling.

By 00:28 we had left the complainant's home and as we sat in the pool car at the junction of Wyndham Crescent and Cowbridge Road East, I counted 16 people on the pavement directly outside Kevin's Bar, and below the complainant's home, having a 'party' of their own'. None of the people seen appeared to be door staff.

It is my opinion that such was the volume of the music, and especially the bass element, that sleep in the complainant's bedroom would not have been possible and should sleep have occurred awakening would have resulted.

Such was the volume of the music, especially the bass element it is my opinion that the Abatement Notice had been breached again. It is also my professional opinion that the Licensing Act 2003 objective of 'The Prevention of Public Nuisance' was not being met whilst I was on site, noting the noise from the patrons both in the Bar and to the pavement, the volume of noise created by the music and the DJ as well as the very frequent and intrusive banging of the front door to Kevin's Bar.



Signature / Llofnod:

Home address: SRS(VALE), The Vale of Glamorgan Council,
Civic Offices, Hutton Road, Barry, CF63 4RU

Home telephone No: N/A Business telephone No: 0300 123 6696

Occupation: Neighbourhood services Date of Birth: over 18.
officer

Dates to be avoided. Delete dates of non-availability of witness

Month of:							Month of:							Month of:						
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29	30	31					29	30	31					29	30	31				

Contact point if different from above: as above

Address: _____

Telephone No. _____

STATEMENT TAKEN BY (print name): _____

WITNESS STATEMENT/DATGANIAD TYST

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, Rule 16)
(Deddf CT 1967, a.9; Deddf LIY 1980, au.5A(3) (a) a 5B, Rheolau Gweithdrefnau Troseddol 2015, rh. 16)

Statement of

Richard Alexander Romero

Age if under 18/Oed os o dan 18:

Over 18

(over 18 insert 'over 18'/os yw dros 18 rhwch 'dros 18')

Occupation/Galwedigaeth:

Neighbourhood Services Officer

This statement (consisting of **one** page signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true. / Mae'r datganiad hwn (sy'n cynnwys **Dai** tudalen a phob un wedi'i llofnodi gennyf) yn wir hyd eithaf fy ngwybodaeth a'm cred ac fe'lgwnaf gan wybod, os caiff ei gyflwyno fel tystiolaeth, y gallaf gael fy erlyn os byddaf o fwriad wedi mynegi unrhyw beth y gwn sy'n anwir neu na chredaf ei fod yn wir.

Signature/ Llofnod:



Date/ Dyddiad: 14th May 2019

I am employed as a Neighbourhood Services Officer by the Shared Regulatory Services of Bridgend, Cardiff and the Vale of Glamorgan Councils in the Noise and Pollution Control team. My duties include the investigation of domestic complaints, commercial complaints, for which I am authorised under the Environmental Protection Act 1990.

I include a copy of my authorisation as exhibit (RAR1) and my Pace notes (RAR2)

A call was made to the Cardiff night time noise service in regards to loud music coming from Kevins Bar on Cowbridge road East, canton, Cardiff, CF11 9AH. Both my colleague Rachel Stickler (Neighbourhood Services Officer) and my self arrived at the complainant's property on Friday 26th April 2019 at 23.45pm upon entry it was clearly evident that the loud music was coming from the bar which is adjacent to the complainant's property. We proceeded to go to the living room and the music was still loud and could clearly be heard it was loud enough to disturb or prevent sleep or to undertake normal activities within the property.

23:48pm to 00:00 Saturday 27th April 2019 the music is still clearly audible in the living room with the bass and lyrics from the songs noticeable the volume is sufficiently loud to prevent or disturb sleep or even watch TV. 00.04 Music still at a level to cause disturbance I was able to identify some of the tracks playing as the lyrics could be heard in the complainants living room, 00:11am California Love by Tupac could be heard quite clearly that the song was easily identifiable. At 00:17am there was a track change to a song by Montell Jordan called "This is how we do it" which continued until 00:20am this was clearly audible in the living room the track then changed to Ghetto Gospel by Tupac and Elton Jordan to 00:24am in which "options" by NSG feat Tion Wayne could be clearly heard in the living room all the time the music is loud and intrusive and enough to disturb or prevent sleep and the Bass is thumping. The music continued to the same style and level until we left the property at 00:42 it was quite clear that it is a breach of the notice served on the owners of Kevin's bar 161 Cowbridge Road East, Canton, Cardiff, Cf11 9AH.

Signature/ Llofnod:



Signature witnessed by/ Tystiwyd y llofnod gan:



Home address: SRS (Bridgend), Bridgend County Borough
Council, Civic Offices, Angel St, Bridgend, CF31 4WB
 Home telephone No: N/A Business telephone No: 0300 123 6696
 Occupation: Neighbourhood Services Date of Birth: over 18
Officer

Dates to be avoided. Delete dates of non-availability of witness

Month of:							Month of:							Month of:						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

Month of:							Month of:							Month of:						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

Contact point if different from above: as above

Address: _____

Telephone No. _____

STATEMENT TAKEN BY (print name): _____

WITNESS STATEMENT/DATGANIAD TYST

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, Rule 16)
(Deddf CT 1967, a.9; Deddf LIY 1980, au.5A(3) (a) a 5B, Rheolau Gweithdrefnau Troseddol 2015, rh.16)

Statement of [REDACTED]

Age if under 18/Oed os o dan 18: over 18 (over 18 insert 'over 18'/os yw dros 18 rhwch 'dros 18')

Occupation/Galwedigaeth:

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true. / Mae'r datganiad hwn (sy'n cynnwys tudalen(nau) a phob un wedi'i llofnodi gennyf) yn wir hyd eithaf fy ngwybodaeth a'm cred ac fe'lgwnaf gan wybod, os caiff ei gyflwyno fel tystiolaeth, y gallaf gael fy erlyn os byddaf o fwriad wedi mynegi unrhyw beth y gwn sy'n anwir neu na chredaf ei fod yn wir.

Signature/ Llofnod: [REDACTED]

Date/ Dyddiad: 20/5/2019

My name is [REDACTED] I live at [REDACTED] I have lived here for two years.

I have been affected by the loud music and noise coming from Kevin's Bar at 161 Cowbridge Road East, CF11 9AH.

The loud music affects me in my home, as the bar is located exactly next to my flat and the volume is such that I can often feel the vibration on my walls and floors. Both my living room and bedroom, which overlook Cowbridge Rd are affected by the loud music. This means that it is impossible to read, listen to music, watch TV or sleep in these rooms at the times the bar is open. At points the music has continued after closing time or was interrupted for closing time and then restarted during lock-ins, waking me up during the night. The music nuisance is further aggravated by the loud noises of the crowds gathered outside the bar.

Given that there is no other smoking area, the pavement in front of the bar and, therefore, my flat is being used as a smoking area. This means that I have to endure loud voices of drunken people and often screaming in both my living room and bedroom. Besides that, I have occasionally returned home on weekend evenings to find bar customers leaning on my door and had to ask them to move in order to unlock it. I have complained twice to different bouncers about that, only to be verbally attacked.

Continuation Statement of / Parhad o Ddalganiad: [REDACTED]

Irrespective of noise but detrimentally to me, given that customers smoke outside my door, the smell from the smoke enters my flat.

[REDACTED]

I was first affected by the loud music on the 15th of January, a Tuesday evening, when the music continued to play at a loud volume even after 01.00 in the morning, although the bar was supposed to close by 00.30. I wrote to the Pollution Control Service and was contacted by a Neighbourhood Services Officer the following day, who informed me that she had notified the Designated Premises Supervisor at Kevin's Bar about my complaint. There was no change regarding the volume of music or the violation of opening times after that. For example, I called the Pollution Control Service on Sunday 24 February around 03.30 in the morning and on Sunday 3 March at 04.32 in the morning, both times having been woken up by loud music coming from the ostensibly closed bar. I was visited by Neighbourhood Services Officers, who witnessed the music nuisance, on Friday 15 March after midnight. Although a complaint was filed to the bar after that, nothing changed. I called to complain on other occasions and was visited again by officers on Friday 22 March, Saturday 30 March, Saturday 13 April, Friday 26 April and Saturday 27 April.

Despite all that, there has been no change in the volume of music and noise at the bar. Indeed, on Saturday 4 May a fight erupted outside my door – which meant that someone accidentally knocked on it too – and the police had to be called to stop it. The only ostensible difference that I have noticed is that both the frequency of lock-ins and the volume of music during them have decreased and the opening times are being kept.

This does little to improve my situation, though, as my life and enjoyment of my home have been gravely affected by the presence of a bar that is only suited for the city centre rather than a residential area.

Signature/ Llofnod: [REDACTED]

Signature witnessed by/ Tystiwyd y llofnod gan:

[Handwritten Signature]

Appendix B

Exhibits

RLW/01 RLW Authorisation

RLW/02 Photograph of location

RLW/03 Letter dated 17th January 2019 to complainant

RLW/04 Letter dated 17th January 2019 to DPS

RLW/05 Letters dated 12th March 2019 to Mr Bernard Carlton, Mr Kastriot Rama, Limited company and Kevin's Bars and Pubs Ltd

RLW/06 Email dated 25th March 2019 from Licensing consultant

RLW/07 Notifications of offence dated 22nd March 2019 (for 22nd March and 30th March)

RLW/08 Email dated 4th April 2019 including disclosure information

RLW/09 Companies House check

RLW/010 Notifications of offence dated 2nd May 2019 (for 26th April and 27th April 2019)

RLW/011 Companies House check

GJS/01 GJS Authorisation

GJS/02 Notice (NR505600) and letter dated 20th March 2019 to Kevin's Bars and Pubs Ltd

GJS/03 Notice (NR505601) and letter dated 20th March 2019 to Mr Kastriot Rama

GJS/04 Notice (NR505602) and letter dated 20th March 2019 to Mr Bernard Carlton

GJS/05 Notice (NR505603) and letter dated 20th March 2019 to Mrs Natasha Banner

GJS/06 Letter dated 25th March 2019 to Kevin's Bars and Pubs Ltd

GJS/07 Letter dated 25th March 2019 to Mr Kastriot Rama

GJS/08 Letter dated 25th March 2019 to Mr Bernard Carlton



CL/01 CL Authorisation

CL/02 Pace notes 16/3/19

CL/02 Pace notes 30/3/19

RAR/01 RR Authorisation

RAR/02 Pace notes 26/4/19

<p>Bridgend County Borough Council, Vale of Glamorgan County Borough Council, The County Council of the City of Cardiff</p> <p>Shared Regulatory Services</p> <p>Authorisation to act as an Authorised Officer</p> <ul style="list-style-type: none"> Rebecca Williams ID Number 6519 <p>Designation: Neighbourhood Services Officer</p> <p><i>In accordance with the powers delegated to the Regulatory Shared Services Joint Committee by:</i></p> <ul style="list-style-type: none"> <i>The Cabinet and Council of the Vale of Glamorgan County Borough Council on 22nd September 2014 and 12th November 2014 respectively</i> <i>The Cabinet and the Council of the County Council of the City of Cardiff on 9th October 2014 and 23rd October 2014 respectively,</i> <i>The Cabinet and the Council of Bridgend County Borough Council on 7th October 2014 and 15th October 2014 respectively,</i> <p>and further delegated to me by:</p> <p><i>Clause 9.2 of the Joint Working Agreement between the Councils of Bridgend, Cardiff and the Vale of Glamorgan:</i></p> <p><i>AND in accordance with the powers delegated to me by the Licensing and Public Protection Committees of Bridgend County Borough Council, the Vale of Glamorgan County Borough Council and the County Council of the City of Cardiff</i></p> <p>I authorise you to enforce the legislation listed in the attached Schedule and any future legislation assigned to the Shared Regulatory Service as an enforcement authority</p> <p>Signed: </p> <p>Head of Shared Regulatory Services</p> <p>Date: 23rd February 2017</p>	<p>SCHEDULE</p> <p>To enforce the legislation listed below, and any modification or re-enactment to that legislation, relevant to the Councils statutory functions, or powers, and any future orders or regulations assigned to the Councils, the officer identified above may exercise the powers of an authorised officer, including the issuing of licences, permits or registrations, the service of notices* and any other power necessary:-</p> <ul style="list-style-type: none"> Anti-Social Behaviour Act 2003 Anti-Social Behaviour, Crime and Policing Act 2014 Building Act 1984 Carevan Sites Act 1968 Carevan Sites and Control of Development Act 1960 Cardiff City Council Act 1984 Cardiff Corporation Acts 1961-1969 Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 Consumer Rights Act 2015 Control of Pollution (Amendment) Act 1989 Control of Pollution Act 1974 Criminal Justice and Police Act 2001 Criminal Justice and Public Order Act 1974 Dangerous Dogs Act 1973 & 1991 Dangerous Wild Animals Act 1976 Environment Act 1995 Environmental Protection Act 1990 Food Safety Act 1990 Health Act 2006 Health and Safety at Work etc Act 1974*** Housing Act 1985 Housing Act 2004** Housing Grants Construction and Regeneration Act 1996 Licensing Act 2003 Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982 Local Government and Housing Act 1989 Mid Glamorgan County Council Act 1987 Mobile Homes (Wales) Act 2013 Noise Act 1996 Noise and Statutory Nuisance Act 1993 Pollution Prevention & Control Act 1999 Prevention of Damage by Pests Act 1949 Public Health (Control of Diseases) Act 1984 Public Health Acts 1875 – 1984 	<p>SCHEDULE CONT. ...</p> <ul style="list-style-type: none"> Refuse Disposal (Amenity) Act 1978 Safety of Sports Grounds Act 1975 Scrap Metal Dealers Act 2013 Section 215 of the Town and Country Planning Act 1990 South Glamorgan Act 1976 The Town Police Clauses Act 1847-1889 Water Industry Act 1991 Bathing Water Regulations 2013 Environmental Damage (Prevention and Remediation)(Wales) Regulations 2009 Environmental Permitting Regulation (England and Wales) 2010 Food Hygiene (Wales) Regulations 2006 Private Water Supplies (Wales) Regulations 2010 The Health Protection (Local Authority Powers)(Wales) Regulations 2010 The Health Protection (Notification)(Wales) Regulations 2010 The Health Protection (Part 2A Orders)(Wales) Regulations 2010 The Smoke-Free Premises etc (Wales) Regulations 2007 <p>The above authorisations are subject to the qualification and experience criteria specified in the relevant code of practice. Where the Food Law Code of Practice (Wales) and the Food Law Code of Practice (Wales) are applicable the authorised officer identified above may only exercise the powers of an authorised officer in respect of entry to premises and the inspection and sampling of any products or articles.</p> <p>* The service of notices does not extend to the following notices which may only be issued with the consent of the Head of Shared Regulatory Services -</p> <p>Closure Notices</p>	<p>SCHEDULE CONT. ...</p> <p>**STATUTORY POWER - HOUSING</p> <p>Section 239 of the Housing Act 2004, gives the power to:</p> <p>1. Enter premises at any reasonable time for the purpose of survey and examination to determine whether any functions under parts 1-4 and 7 should be exercised, including:</p> <ul style="list-style-type: none"> a. Determining whether a category 1 or 2 hazard exists b. Determining whether any enforcement action to remedy a Category 1 or 2 hazard has been complied with c. Inspection in connection with licensing of houses in multiple occupation and selective licensing of residential accommodation d. Inspection in connection with Interim and Final Management Orders e. Inspection in connection with Empty Dwelling Management Orders <p>2. The power to enter premises to carry out works in connection with Interim and Final Management Orders (section 131), Improvement Notices (schedule 3 (5)(4)) or Empty Dwelling Management Orders (schedule 7).</p>	<p>***INSTRUMENT OF APPOINTMENT</p> <p>Instruments of Appointment under the Health & Safety at Work Act</p> <p>INSTRUMENT OF APPOINTMENT (LEVEL 4)</p> <p>1. In this Appointment unless the context otherwise requires the following words, expressions and phrases shall have the meanings hereby ascribed to them:-</p> <p>(i) "The Councils" shall mean the Bridgend County Borough Council, the Vale of Glamorgan County Borough Council and the County Council of the City of Cardiff</p> <p>(ii) "The 1974 Act" shall mean the Health and Safety at Work etc Act 1974.</p> <p>2. In exercise of the power conferred upon the Councils by Section 19(1) of the 1974 Act and being satisfied that Rebecca Williams has suitable qualifications, the Councils hereby appoint her to be an Inspector for the purposes of the 1974 Act and hereby authorise her to enforce the 1974 Act within the field of the responsibility of the Councils and for that purpose to exercise the powers of an Inspector specified in:</p> <p>(i) The following sections of the 1974 Act:-</p> <p>Section 20(1), (2) (a-l)</p> <p>(ii) Any health and safety regulations; and</p> <p>(iii) The provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule and of the regulations, orders or other instruments of a legislative character made or having effect under any provision so specified as in force from time to time.</p> <p>3. This Instrument revokes any previous instrument of appointment of the said inspector and shall remain in force until revoked by the Councils. For the avoidance of doubt, this Appointment shall be automatically revoked upon the said Rebecca Williams ceasing for whatever reason to occupy a post as Neighbourhood Services Officer in the employment of the Councils or its successors.</p> <p>Authorised Signatory: </p> <p>Date: 23.2.17</p>
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RLW101

RLW/02

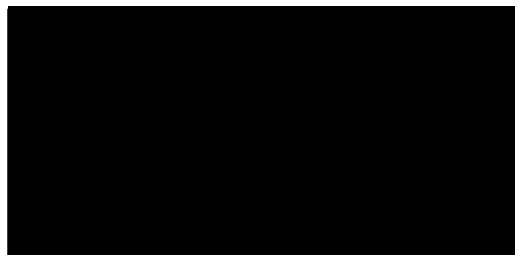
Cowbridge Rd E



Google

Image capture: Jun 2018 © 2019 Google

Kevin's Bar
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH.



Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **02920 871371**

Gofynnwch am / Ask for: **Rebecca Williams**

Ein cyf / Our ref: **C1 / RW2/663325**

Dyddiad / Date: **17 January 2019**

Dear

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)

ALLEGED NOISE NUISANCE

ADDRESS: KEVINS BAR 161 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9AH

I acknowledge receipt of your complaint regarding noise nuisance due to **LOUD MUSIC**. Please note the reference number at the top of this letter which you should quote in future communications with the Local Authority regarding this matter.

Shared Regulatory Services has a duty to investigate complaints of noise from premises and to deal with the noise if it is considered to amount to a statutory nuisance under the above Legislation. To be a statutory nuisance, noise must significantly interfere with your use or your enjoyment of land or property. When assessing the noise we will take into account a number of factors including; loudness, type, time of day, duration and frequency.

Initially this Service will try to resolve the problem informally but if it fails and it is satisfied that a statutory nuisance exists an Abatement Notice will be served on the occupier or person responsible requiring steps to be taken to abate the nuisance in a specified time.

Your co-operation is essential to enable officers to investigate your complaint and I would request that you complete the enclosed log sheets over a period over 14 days. These log sheets may form evidence should enforcement action be taken. They should be completed with accuracy keeping a note of when the noise occurs, the time it starts and finishes, and then signed and returned to the Service. The completed record sheet can be returned either by post or electronically via the departments e-mail address pollution-cardiff-srswales@valeofglamorgan.gov.uk

It is my intention to write to the persons you have indicated are responsible for the noise requesting that appropriate action is taken to avoid further complaints. At no time during the investigation will your identity be discussed with the person complained about unless the Council is legally bound to do so. This usually occurs when Court proceedings are necessary.

If you continue to be disturbed by the noise during the next 3 weeks please ring Pollution Control on 0300 12366 96 when the noise occurs and ask to be put through to the duty officer. An officer will then endeavour to attend, (depending on service demand) to witness and assess the noise. Officers are available during the following hours:

Monday to Thursday - 09:00 – 17:00
Friday - 09:00 – 16:30
Friday and Saturday - 19:00 – 03:00

If you do not return the log sheets or no further contact is made by you within 28 days, I will assume that the matter has been resolved and your complaint will be closed.

If you have any queries regarding this matter, please do not hesitate in contacting me on the above number or by e-mail at rlwilliams@valeofglamorgan.gov.uk.

Yours faithfully



Rebecca Williams, Neighbourhood Services Officer

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â safonaucymraeg@bromorgannwg.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact welshstandards@valeofglamorgan.gov.uk to register your language choice. If we do not receive your language choice, we will continue to correspond with you in accordance with current procedure. Corresponding in Welsh will not lead to any delay.



Shared **Regulatory** Services
Gwasanaethau **Rheoliadol** a Rennir



Nuisance Record Sheet

Case Reference:	663325 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH			
Property Type:	Flat	Terraced	Semi Detached	Detached
Tenure:	Owner Occupier	Private Rented	Housing Association / Local Authority	

Date:	Start Time:	Stop Time:	Description of Nuisance
01-01-2019	7:30.pm	10:30.pm	Continuous Dog Barking / Howling - EXAMPLE

The above observations are true and accurate to the best of my knowledge and ability

Signed:		Date:	
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Nuisance Record Sheet

Case Reference:	663325 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH			
Property Type:	Flat	Terraced	Semi Detached	Detached
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01-01-2019	7:30.pm	10:30.pm	Continuous Dog Barking / Howling - EXAMPLE

The above observations are true and accurate to the best of my knowledge and ability

Signed:		Date:	
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PLEASE RETURN WITHIN 14 DAYS TO THE ADDRESS AT THE BOTTOM OF THE ACCOMPANYING LETTER



Miss Natasha Banner
Kevins Bar
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **02920 871371**

Gofynnwch am / Ask for: **Rebecca Williams**

Ein cyf / Our ref: **«c1» / RW2 / 663325**

Dyddiad / Date: **17th January 2019**

Dear Miss Banner

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)

LICESNING ACT 2003

ALLEGED NOISE NUISANCE

KEVINS BAR 161 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9AH

I am writing to advise you that complaints have been received by Shared Regulatory Services alleging noise nuisance due to amplified music.

At present I have no way of knowing if the complaints are justified. However, if further complaints are received, investigations will be undertaken, which will include noise monitoring, to establish whether the noise amounts to a nuisance. Should it be confirmed that a statutory noise nuisance exists or is likely to occur or recur, an Abatement Notice will be served under section 80 of the above legislation requiring the nuisance to be abated. Failure to comply with the Notice is an offence for which you can be prosecuted, with fines of any amount being imposed upon summary conviction in a Magistrates Court.

You should also note that as one of the Responsible Authorities, we can call your premises licence in for review if repeated complaints are received and you are found to be breaching the licensing objective of preventing public nuisance.

In order to minimise any disturbance being caused to residents from amplified music, it is advisable that doors and windows are kept closed when regulated entertainment is being played, and that if any music is played externally, then it is only considered to be background. It is also recommended that regular patrols are undertaken around the area and the volume adjusted accordingly and that you have door staff to control the noise from patrons leaving the premises/congregating outside.

I would therefore ask for your co-operation by taking whatever steps are necessary to prevent a noise or public nuisance from occurring and ensuring that you comply with the conditions of your premises licence at all times.

Furthermore, I write on behalf of the Cardiff Licensing Team who have also received a complaint which alleges that unauthorised licensable activities may have been carried out at the premises, and that the premises is frequently remaining open into the early hours of the morning.(5.00am)

May I remind you that your current Premises licence allows for;

The performance of Live and recorded music (indoors)

Sunday to Thursday from 11.00 till Midnight

Friday and Saturday from 11.00pm-1.00am

The provision of late night refreshment (indoors)

Sunday to Thursday from 11.00pm till Midnight

Friday and Saturday from 11.00pm till 01.00am

The supply of alcohol for consumption On and Off the premises;

Sunday to Thursday from 11.00am till Midnight

Friday and Saturday from 11.00am till 01.00am

With the opening hours

Sunday to Thursday from 11.00 till 12.30am

Friday and Saturday from 11.00 till 1.30am

As the current premises licence does not currently hold a licence to provide licensable activities beyond the times detailed above, (other than New Years Eve) **You are therefore instructed to ensure that any unauthorised activity at the premises is ceased immediately.**

In the event of a special event, where you need to extend the licensing hours then the premises could look to apply for a Temporary Event Notice, (TEN) to cover the period of the special event. Information regarding TENs can be obtained via the Cardiff Council Website (licensing) or via Licensing on telephone number 02920 871651.

The above premises will be monitored by Licensing Enforcement Officers of the Authority, to ensure that the premises is in compliance with the requirements of the Licensing Act 2003 and the premises licence. Should evidence be obtained of any unlicensed activity being carried out at the premises, then it may result in legal action being instigated via Cardiff Magistrates Court and/or a review of your premises licence.

A copy of this letter has also been sent to South Wales Police and the Licensing Authority for their attention.

If you have any queries regarding this matter, please do not hesitate in contacting me on the above number or by e-mail at rlwilliams@valeofglamorgan.gov.uk.

Yours faithfully



Rebecca Williams, Neighbourhood Services Officer

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â safonauwymraeg@bromorgannwg.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact welshstandards@valeofglamorgan.gov.uk to register your language choice. If we do not receive your language choice, we will continue to correspond with you in accordance with current procedure. Corresponding in Welsh will not lead to any delay.



Rw105

Mr Bernard Carlton
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **02920 871371**

Gofynnwch am / Ask for: **Rebecca Williams**

Ein cyf / Our ref: **C1 / RW2 / 663325**

Dyddiad / Date: **12th March 2019**

Dear Mr Bernard Carlton

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)

LICENSING ACT 2003

ALLEGED NOISE NUISANCE

KEVINS BAR 161 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9AH

Further to the letter sent to the DPS Natasha Banner dated 17th January 2019, I am writing to advise you that complaints are continuing to be received by Shared Regulatory Services alleging noise nuisance due to amplified music.

At present I have no way of knowing if the complaints are justified. However, if further complaints are received, investigations will be undertaken, which will include noise monitoring, to establish whether the noise amounts to a nuisance. Should it be confirmed that a statutory noise nuisance exists or is likely to occur or recur, an Abatement Notice will be served under section 80 of the above legislation requiring the nuisance to be abated. Failure to comply with the Notice is an offence for which you can be prosecuted, with fines of any amount being imposed upon summary conviction in a Magistrates Court.

You should also note that as one of the Responsible Authorities, we can call your premises licence in for review if repeated complaints are received and you are found to be breaching the licensing objective of preventing public nuisance.

In order to minimise any disturbance being caused to residents from amplified music, it is advisable that doors and windows are kept closed when regulated entertainment is being played, and that if any music is played externally, then it is only considered to be background. It is also recommended that regular patrols are undertaken around the area and the volume adjusted accordingly and that you have door staff to control the noise from patrons leaving the premises/congregating outside.

I would therefore ask for your co-operation by taking whatever steps are necessary to prevent a noise or public nuisance from occurring and ensuring that you comply with the conditions of your premises licence at all times.

Furthermore, may I remind you that your current Premises licence allows for;

The performance of Live and recorded music (indoors)

Sunday to Thursday from 11.00 till Midnight

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As the current premises licence does not currently hold a licence to provide licensable activities beyond the times detailed above, (other than New Years Eve) You are therefore instructed to ensure that any unauthorised activity at the premises is ceased immediately.

In the event of a special event, where you need to extend the licensing hours then the premises could look to apply for a Temporary Event Notice, (TEN) to cover the period of the special event. Information regarding TENs can be obtained via the Cardiff Council Website (licensing) or via Licensing on telephone number 02920 871651.

Should evidence be obtained of any unlicensed activity being carried out at the premises, then it may result in legal action being instigated via Cardiff Magistrates Court and/or a review of your premises licence.

A copy of this letter has also been sent to South Wales Police and the Licensing Authority for their attention.

If you have any queries regarding this matter, please do not hesitate in contacting me on the above number or by e-mail at rlwilliams@valeofglamorgan.gov.uk.

Yours faithfully



Rebecca Williams, Neighbourhood Services Officer

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â safonaucymraeg@bromorgannwg.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

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Mr Kastriot Rama
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: 02920 871371

Gofynnwch am / Ask for: Rebecca Williams

Ein cyf / Our ref: «c1» / RW2 / 663325

Dyddiad / Date: 12th March 2019

Dear Mr Kastriot Rama

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
LICESNING ACT 2003
ALLEGED NOISE NUISANCE
KEVINS BAR 161 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9AH

Further to the letter sent to the DPS Natasha Banner dated 17th January 2019, I am writing to advise you that complaints are continuing to be received by Shared Regulatory Services alleging noise nuisance due to amplified music.

At present I have no way of knowing if the complaints are justified. However, if further complaints are received, investigations will be undertaken, which will include noise monitoring, to establish whether the noise amounts to a nuisance. Should it be confirmed that a statutory noise nuisance exists or is likely to occur or recur, an Abatement Notice will be served under section 80 of the above legislation requiring the nuisance to be abated. Failure to comply with the Notice is an offence for which you can be prosecuted, with fines of any amount being imposed upon summary conviction in a Magistrates Court.

You should also note that as one of the Responsible Authorities, we can call your premises licence in for review if repeated complaints are received and you are found to be breaching the licensing objective of preventing public nuisance.

In order to minimise any disturbance being caused to residents from amplified music, it is advisable that doors and windows are kept closed when regulated entertainment is being played, and that if any music is played externally, then it is only considered to be background. It is also recommended that regular patrols are undertaken around the area and the volume adjusted accordingly and that you have door staff to control the noise from patrons leaving the premises/congregating outside.

I would therefore ask for your co-operation by taking whatever steps are necessary to prevent a noise or public nuisance from occurring and ensuring that you comply with the conditions of your premises licence at all times.

Furthermore, may I remind you that your current Premises licence allows for;

The performance of Live and recorded music (indoors)

Sunday to Thursday from 11.00 till Midnight

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Kevin's Bars and Pubs Ltd
20 -22 Wenlock Road
London
England
N1 7GU

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **02920 871371**

Gofynnwch am / Ask for: **Rebecca Williams**

Ein cyf / Our ref: **«c1» / RW2 / 663325**

Dyddiad / Date: **12th March 2019**

Dear Kevin's Bars and Pubs Ltd

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)

LICENSING ACT 2003

ALLEGED NOISE NUISANCE

KEVINS BAR 161 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9AH

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Williams, Rebecca

From: Williams, Rebecca
Sent: 25 March 2019 13:10
To: 'cameron paterson'
Subject: RE: Kevin's Bar 161 Cowbridge Road East Canton Cardiff CF11 9AH

I shall give you a call at 3pm.

Kind Regards,

Rebecca



Mrs Rebecca Williams |
Environmental Health Officer | Swyddog Iechyd Yr Amgylchedd
Neighbourhood Services

Shared Regulatory Services | Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan
Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg
Telephone | Ffôn 02920 871371
E-mail | E-bost rlwilliams@valeofglamorgan.gov.uk
Follow us on Twitter / Dilynwch ni ar Twitter

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From: cameron paterson [REDACTED]
Sent: 25 March 2019 13:09
To: Williams, Rebecca
Subject: Re: Kevin's Bar 161 Cowbridge Road East Canton Cardiff CF11 9AH

Hi Rebecca.

Sorry, my oversight.

My number is [REDACTED]

I'm in a meeting presently should be free around 15.00.

Regards.

Cameron.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Williams, Rebecca" <rlwilliams@valeofglamorgan.gov.uk>

Date: 25/03/2019 13:05 (GMT+00:00)

To: [REDACTED]

Subject: FW: Kevin's Bar 161 Cowbridge Road East Canton Cardiff CF11 9AH

Dear Mr Patterson,

I am the case officer, Ms Jones kindly dealt with the case in my absence whilst I was on leave.

I should be grateful if you could furnish me with your telephone number so we can have a quick conversation, about your requests.

Kind Regards,

Rebecca



Mrs Rebecca Williams |
Environmental Health Officer | Swyddog Iechyd Yr Amgylchedd
Neighbourhood Services

[Shared Regulatory Services](#) | Gwasanaethau Rheoliadol a Rennir

Bridgend, Cardiff and the Vale of Glamorgan

Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg

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From: cameron paterson [REDACTED]
Sent: 25 March 2019 12:26
To: Jones, Gillian P
Subject: Kevin's Bar 161 Cowbridge Road East Canton Cardiff CF11 9AH

Good afternoon Ms Jones.

I have been instructed by the directors and DPS of Kevin's Bar in respect of advising them regarding the Abatement Notice served upon them by letter dated 20/3/19.

I was the agent instructed by the directors in respect of the premises licence application last year, so I am familiar with the premises.

So that I can properly advise them regarding any potential appeal against the notice would you please be kind enough to provide me with the evidence which forms the substance of the complaint(s) of statutory nuisance. I trust this information will consist of the names and addresses with the statements of complaint made by the complainants, dates, times and durations, of the alleged offences. In addition would you please provide me with the recorded noise levels obtained by the EHOs who I assume attended at the times of the nuisances complained of, alongwith any statements and notebook entries, made by attending police officers in respect of discussions had with my clints or any of their representatives on the relevant occasions.

For the sake of completeness I wonder if you would be kind enough to also provide me with a copy of Ms Rebecca Williams letter of the 17th January 2019 sent by her to my clients.

Thank you for your anticipated assistance in respect of this request.

Regards.

Cameron E Paterson.



Natasha Banner
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **02920 871371**

Gofynnwch am / Ask for: **Rebecca Williams**

Ein cyf / Our ref: **C1 / RW2 / 663325/505603**

Dyddiad / Date: **1ST April 2019**

Dear Natasha Banner,

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
ABATEMENT NOTICE IN RESPECT OF NOISE DUE TO [INSERT]
ADDRESS: KEVINS BAR, 161 COWBRIDGE ROAD EAST

I refer to the Abatement Notice served on you dated 20th March 2019, It has now been confirmed that you are allowing a nuisance from loud music to recur at your premises, on the following dates:

- 22nd March 2019 between 23.37 until 00:45 on 23rd March 2019
- 30th March 2019 between 22.17 and 23.17

Accordingly, I wish to inform you that Shared Regulatory Services is preparing a report for the consideration of The County Council of the City and County of Cardiff and will be recommending that legal proceedings are initiated against you for failing to comply with the Notice requirements.

The details of the offence are set out on the back of this letter, together with the caution that is contained in *Paragraph 10.5 Code of Practice, Code C, Police and Criminal Evidence Act 1984, as amended*. If you do not understand the caution you are entitled to seek independent legal advice.

If you continue to allow the nuisance to recur, Shared Regulatory Services may also apply for a warrant from the Magistrate's Court to confiscate your sound equipment under section 81(3) of the above legislation in addition to any potential prosecution. It is therefore clearly in your own interest to ensure that you comply with the Notice from now on.

If you have any queries regarding this matter, please do not hesitate in contacting me on the above number or by e-mail at rlwilliams@valeofglamorgan.gov.uk.

Yours faithfully

Rebecca Williams, Neighbourhood Services Officer

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Official Notification of Offence

You may be charged with the offence below:

Shared Regulatory Services on behalf of The County Council of the City and County of Cardiff has investigated the circumstances surrounding an incident on:

- 22nd March 2019 between 23.37 until 00:45 on 23rd March 2019, &
- 30th March 2019 between 22.17 and 23.17

Taking place at: Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff CF11 9AH

Regarding: LOUD MUSIC


Accordingly, Shared Regulatory Services on behalf of The County Council of the City and County of Cardiff has grounds to believe that: Natasha Banner

Of: Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff CF11 9AH

Has committed an offence contrary to: Environmental Protection Act 1990, Section 80(4)

You may be prosecuted for this offence.

'You do not have to say anything but it may harm your defence if you do not mention now something which you later rely on in court. Anything you do say may be given in evidence.'
(Paragraph 10.5 Code of Practice, Code C, Police and Criminal Evidence Act 1984, as amended)

Name of Investigating Officer:	<u>REBECCA WILLIAMS</u>
Reference Number:	505603/1
Signature:	
Date:	1 st April 2019



Mr Bernard Carlton
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **02920 871371**

Gofynnwch am / Ask for: **Rebecca Williams**

Ein cyf / Our ref: **C1 / RW2 / 663325**

Dyddiad / Date: **01 April 2019**

Dear Mr Bernard Carlton,

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
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ADDRESS: KEVINS BAR, 161 COWBRIDGE ROAD EAST

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Name of Investigating Officer:	<u>REBECCA WILLIAMS</u>
Reference Number:	505602/1
Signature:	
Date:	1 st April 2019



Mr Kastriot Rama
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **02920 871371**

Gofynnwch am / Ask for: **Rebecca Williams**

Ein cyf / Our ref: **C1 / RW2 / 663325/505601**

Dyddiad / Date: **01 April 2019**

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Name of Investigating Officer:	<u>REBECCA WILLIAMS</u>
Reference Number:	505601/1
Signature:	
Date:	1 st April 2019



Kevin's Bars and Pubs Ltd
20-22 Wenlock Road
London
N1 7GU

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **02920 871371**

Gofynnwch am / Ask for: **Rebecca Williams**

Ein cyf / Our ref: **C1 / RW2 / 663325/505600**

Dyddiad / Date: **01 April 2019**

Dear Kevin's Bars and Pubs Ltd,

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
ABATEMENT NOTICE IN RESPECT OF NOISE DUE TO [INSERT]
ADDRESS: KEVINS BAR, 161 COWBRIDGE ROAD EAST

I refer to the Abatement Notice served on you dated 20th March 2019, It has now been confirmed that you are allowing a nuisance from loud music to recur at your premises, on the following dates:

- 22nd March 2019 between 23.37 until 00:45 on 23rd March 2019
- 30th March 2019 between 22.17 and 23.17

Accordingly, I wish to inform you that Shared Regulatory Services is preparing a report for the consideration of The County Council of the City and County of Cardiff and will be recommending that legal proceedings are initiated against you for failing to comply with the Notice requirements.

The details of the offence are set out on the back of this letter, together with the caution that is contained in *Paragraph 10.5 Code of Practice, Code C, Police and Criminal Evidence Act 1984, as amended*. If you do not understand the caution you are entitled to seek independent legal advice.

If you continue to allow the nuisance to recur, Shared Regulatory Services may also apply for a warrant from the Magistrate's Court to confiscate your sound equipment under section 81(3) of the above legislation in addition to any potential prosecution. It is therefore clearly in your own interest to ensure that you comply with the Notice from now on.

If you have any queries regarding this matter, please do not hesitate in contacting me on the above number or by e-mail at rlwilliams@valeofglamorgan.gov.uk.

Yours faithfully

Rebecca Williams, Neighbourhood Services Officer

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â safonaucymraeg@bromorgannwg.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact

welshstandards@valeofglamorgan.gov.uk to register your language choice. If we do not receive your language choice, we will continue to correspond with you in accordance with current procedure. Corresponding in Welsh will not lead to any delay.

Official Notification of Offence

You may be charged with the offence below:

Shared Regulatory Services on behalf of The County Council of the City and County of Cardiff has investigated the circumstances surrounding an incident on:

- 22nd March 2019 between 23.37 until 00:45 on 23rd March 2019, &
- 30th March 2019 between 22.17 and 23.17

Taking place at: Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff CF11 9AH

Regarding: LOUD MUSIC


Accordingly, Shared Regulatory Services on behalf of The County Council of the City and County of Cardiff has grounds to believe that: Kevins Bars and Pubs Ltd

Of: Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff CF11 9AH

Has committed an offence contrary to: Environmental Protection Act 1990, Section 80(4)

You may be prosecuted for this offence.

'You do not have to say anything but it may harm your defence if you do not mention now something which you later rely on in court. Anything you do say may be given in evidence.'
(Paragraph 10.5 Code of Practice, Code C, Police and Criminal Evidence Act 1984, as amended)

Name of Investigating Officer:	<u>REBECCA WILLIAMS</u>
Reference Number:	505600/1
Signature:	
Date:	1 st April 2019

Williams, Rebecca

From: Williams, Rebecca
Sent: 04 April 2019 15:11
To: [REDACTED]
Subject: Kevins Bar - Local Authority Disclosure documentation - pre- appeal 4th April 2019
Attachments: kevins Bar Appeal consultation disclosure 040419.pdf; Companies House Director Information 040419.pdf

Dear Mr Patterson

I write to advise that I have had clearance from legal to disclose the information we hold in relation to the noise complaints regarding Kevin's Bar, 161 Cowbridge Road East, however for data protection purposes details of the complainant have been redacted.

I am able to provide you with the following information:

There are three individual households who have made complaints.

The dates these complaints were initially made by each household are:

Complainant 1 16/01/2019
Complainant 2 09/02/2019
Complainant 3 19/02/2019

I attach a copy of the letter sent to Natasha Banner on 17th January 2019 DPS in respect of noise allegation (Ref RLW/01)

I attach further letters sent to Bernard Carlton, Kastriot Rama and Kevin's Bars and Pubs Ltd on 12th March 2019. (Ref RLW/02)

I attach the PACE notes made by two officers who were called out on 16th March 2019 whilst working on a night time noise shift, who witnessed loud music from within the complainants property. The notes are written by authorised officers working within Shared Regulatory Services, and are:

Richard Romero – Neighbourhood Services Officer (Ref RRO/01)
Craig Lewis – Specialist Services Officer (Ref CL/01)

I attach a copy of the Abatement Notices served which were signed by Gillian Jones – Neighbourhood Services Officer (Ref GJS/01)

I also attach copies of the amendment letters dated 25th March 2019 due to a clerical error in the covering letter accompanying the Abatement Notice. (Ref GJS/02)

In addition to the above, I attach copies of the Notification of Offences which were posted to all four recipients. (Ref RLW/03) detailing two subsequent breaches of the Abatement Notices served by Gillian Jones.

In terms of the reminder of your request, I am unable to disclose the names or addresses of the complainant(s) due to data protection purposes. I do not have any witness statements from any complainants.

No recorded noise levels were made at the time the officers witnessed Statutory Nuisance.

I also do not have access to any notebook entries made by police officers in respect of discussions had with your clients or any of their representatives.

I hope the above disclosure is of assistance.

In terms of our telephone conversation on 3rd April, I should be grateful if you would confirm the date and time of the meeting at Kevin's Bar with myself, and I should also be grateful if you could confirm who maybe in attendance, as I need to contact the complainant to obtain access to their property, should the date and time be convenient to themselves.

Also you mentioned that Bernard Carlton was no longer a director of Kevin's Bars and Pubs Limited, I checked with Companies House after our telephone conversation, and again this afternoon, and he is still listed as a person having significant control. I have attached a copy of the print out. Unfortunately this still leaves Mr Carlton liable for any action that Local Authority seeks to take.

Should you wish to discuss the content of this email, please do not hesitate in contacting me on the telephone number below.

Kind Regards,

Rebecca



Mrs Rebecca Williams |
Environmental Health Officer | Swyddog Iechyd Yr Amgylchedd
Neighbourhood Services

Shared Regulatory Services | Gwasanaethau Rheoliadol a Rennir

Bridgend, Cardiff and the Vale of Glamorgan

Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg

Telephone | Ffôn 02920 871371

E-mail | E-bost rlwilliams@valeofglamorgan.gov.uk

Follow us on Twitter / Dilynwch ni ar Twitter

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn eich dewis iaith boed yn Gymraeg, yn Saesneg neu'n ddwyieithog dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

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Rw109

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Company number **11510881**

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- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/11510881/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/11510881/persons-with-significant-control)

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CARLETON, Bernard

Correspondence address **161 Cowbridge Road East, Cardiff, United Kingdom, CF11 9AH**

Role Active **Director**

Date of birth **July 1954**

Appointed on **10 August 2018**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Director**

RAMA, Kastriot

Correspondence address **161 Cowbridge Road East, Cardiff, United Kingdom, CF11 9AH**

Role Active **Director**

Date of birth **November 1977**

Appointed on **10 August 2018**

Nationality **Albanian**

Country of residence **United Kingdom**

Occupation **Director**

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KEVIN'S BARS AND PUBS LTD

Company number **11510881**

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- [Persons with significant control](#)

2 active persons with significant control / 0 active statements

Mr Bernard Carlton Active

Correspondence address **161 Cowbridge Road East, Cardiff, United Kingdom, CF11 9AH**

Notified on **10 August 2018**

Date of birth **July 1954**

Nationality **British**

Nature of control **Ownership of shares – More than 25% but not more than 50%**

Country of residence **United Kingdom**

Mr Kastriot Rama Active

Correspondence address **161 Cowbridge Road East, Cardiff, United Kingdom, CF11 9AH**

Notified on **10 August 2018**

Date of birth **November 1977**

Nationality **Albanian**

Nature of control **Ownership of shares – More than 25% but not more than 50%**

Country of residence **United Kingdom**

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Ms Natasha Banner
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: 02920 871371

Gofynnwch am / Ask for: Rebecca Williams

Ein cyf / Our ref: «c1» / RW2 / 663325/505603/2

Dyddiad / Date: 02 May 2019

Dear Ms Natasha Banner,

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
ABATEMENT NOTICE IN RESPECT OF NOISE DUE TO LOUD MUSIC
ADDRESS: KEVINS BAR, 161 COWBRIDGE ROAD EAST

I refer to the Abatement Notice served on you dated 20th March 2019, It has now been confirmed that you are allowing a nuisance from loud music to recur at your premises, on the following dates:

- 26th April 2019 between 23.45 until 00:42 on 27th April 2019
- 27th April 2019 between 23.14 until 00:28 on 28th April 2019

Accordingly, I wish to inform you that Shared Regulatory Services is preparing a report for the consideration of and will be recommending that legal proceedings are initiated against you for failing to comply with the Notice requirements.

The details of the offence are set out on the back of this letter, together with the caution that is contained in *Paragraph 10.5 Code of Practice, Code C, Police and Criminal Evidence Act 1984, as amended*. If you do not understand the caution you are entitled to seek independent legal advice.

If you continue to allow the nuisance to recur, Shared Regulatory Services may also apply for a warrant from the Magistrate's Court to confiscate your sound equipment under section 81(3) of the above legislation in addition to any potential prosecution. It is therefore clearly in your own interest to ensure that you comply with the Notice from now on.

If you have any queries regarding this matter, please do not hesitate in contacting me on the above number or by e-mail at rlwilliams@valeofglamorgan.gov.uk.

Yours faithfully

Rebecca Williams, Neighbourhood Services Officer

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Official Notification of Offence

You may be charged with the offence below:

Shared Regulatory Services on behalf of has investigated the circumstances surrounding an incident on:

- 26th April 2019 between 23.45 until 00:42 on 27th April 2019
- 27th April 2019 between 23.14 until 00:28 on 28th April 2019

Taking place at: Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff CF11 9AH

Regarding: LOUD MUSIC


Accordingly, Shared Regulatory Services on behalf of has grounds to believe that: Natasha Banner

Of: Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff CF11 9AH

Has committed an offence contrary to: Environmental Protection Act 1990, Section 80(4)

You may be prosecuted for this offence.

'You do not have to say anything but it may harm your defence if you do not mention now something which you later rely on in court. Anything you do say may be given in evidence.'
(Paragraph 10.5 Code of Practice, Code C, Police and Criminal Evidence Act 1984, as amended)

Name of Investigating Officer:	<u>REBECCA WILLIAMS</u>
Reference Number:	505603/2
Signature:	
Date:	2 nd May 2019



Mr Bernard Carlton
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **02920 871371**

Gofynnwch am / Ask for: **Rebecca Williams**

Ein cyf / Our ref: **«c1» / RW2 / 663325**

Dyddiad / Date: **02 May 2019**

Dear Mr Bernard Carlton,

ENVIRONMENTAL PROTECTION ACT 1990
ABATEMENT NOTICE IN RESPECT OF NOISE DUE TO LOUD MUSIC
ADDRESS KEVINS BAR, 161 COWBRIDGE ROAD EAST

I refer to the Abatement Notice served on you dated 20th March 2019, It has now been confirmed that you are allowing a nuisance from loud music to recur at your premises, on the following dates:

- 26th April 2019 between 23.45 until 00:42 on 27th April 2019
- 27th April 2019 between 23.14 until 00:28 on 28th April 2019

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Taking place at: Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff CF11 9AH

Regarding: LOUD MUSIC


Accordingly, Shared Regulatory Services on behalf of has grounds to believe that: Bernard Carlton

Of: Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff CF11 9AH

Has committed an offence contrary to: Environmental Protection Act 1990, Section 80(4)

You may be prosecuted for this offence.

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(Paragraph 10.5 Code of Practice, Code C, Police and Criminal Evidence Act 1984, as amended)

Name of Investigating Officer:	<u>REBECCA WILLIAMS</u>
Reference Number:	505602/02
Signature:	
Date:	2 ND May 2019



Mr Kastriot Rama
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **02920 871371**

Gofynnwch am / Ask for: **Rebecca Williams**

Ein cyf / Our ref: **«1» / RW2 / 663325/505601/2**

Dyddiad / Date: **02 May 2019**

Dear Mr Kastriot Rama,

ENVIRONMENTAL PROTECTION ACT 1990
ABATEMENT NOTICE IN RESPECT OF NOISE DUE TO LOUD MUSIC
ADDRESS KEVINS BAR, 161 COWBRIDGE ROAD EAST

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Taking place at: Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff CF11 9AH

Regarding: LOUD MUSIC


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Of: Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff CF11 9AH

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(Paragraph 10.5 Code of Practice, Code C, Police and Criminal Evidence Act 1984, as amended)

Name of Investigating Officer:	<u>REBECCA WILLIAMS</u>
Reference Number:	505601/02
Signature:	
Date:	2 ND May 2019



Kevin's Bars and Pubs Ltd
20-22 Wenlock Road
London
N1 7GU

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **02920 871371**

Gofynnwch am / Ask for: **Rebecca Williams**

Ein cyf / Our ref: «c1» / **RW2 / 663325/505600**

Dyddiad / Date: **02 May 2019**

Dear Kevin's Bars and Pubs Ltd,

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Accordingly, Shared Regulatory Services on behalf of has grounds to believe that: Kevin's Bars and Pubs Limited

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(Paragraph 10.5 Code of Practice, Code C, Police and Criminal Evidence Act 1984, as amended)

Name of Investigating Officer:	<u>REBECCA WILLIAMS</u>
Reference Number:	505600/02 <small>505</small>
Signature:	
Date:	2 ND May 2019

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KEVIN'S BARS AND PUBS LTD

Company number **11510881**[Follow this company](#) [File for this company](#)

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- [Filing history for KEVIN'S BARS AND PUBS LTD \(11510881\)](#)

• **People for KEVIN'S BARS AND PUBS LTD (11510881)**

- [Officers](#)
- [Persons with significant control](#)

2 active persons with significant control / 0 active statements

Mr Bernard Carlton Active

Correspondence address

161 Cowbridge Road East, Cardiff, United Kingdom, CF11 9AH

Notified on

10 August 2018

Date of birth

July 1954

Nationality

British

Nature of control

Ownership of shares – More than 25% but not more than 50%

Country of residence

United Kingdom

Mr Kastriot Rama Active

Correspondence address

161 Cowbridge Road East, Cardiff, United Kingdom, CF11 9AH

Notified on

10 August 2018

Date of birth

November 1977

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Nature of control


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<p>Bridgend County Borough Council, Vale of Glamorgan County Borough Council, The County Council of the City of Cardiff</p> <p>Shared Regulatory Services</p> <p>Authorisation to act as an Authorised Officer</p> <ul style="list-style-type: none"> Gillian Jones ID Number 6522 <p>Designation: Neighbourhood Services Officer</p> <p><i>In accordance with the powers delegated to the Regulatory Shared Services Joint Committee by:</i></p> <ul style="list-style-type: none"> <i>The Cabinet and Council of the Vale of Glamorgan County Borough Council on 22nd September 2014 and 12th November 2014 respectively</i> <i>The Cabinet and the Council of the County Council of the City of Cardiff on 9th October 2014 and 23rd October 2014 respectively,</i> <i>The Cabinet and the Council of Bridgend County Borough Council on 7th October 2014 and 15th October 2014 respectively,</i> <p><i>and further delegated to me by:</i></p> <p><i>Clause 9.2 of the Joint Working Agreement between the Councils of Bridgend, Cardiff and the Vale of Glamorgan:</i></p> <p><i>AND in accordance with the powers delegated to me by the Licensing and Public Protection Committees of Bridgend County Borough Council, the Vale of Glamorgan County Borough Council and the County Council of the City of Cardiff</i></p>	<p>SCHEDULE</p> <p>To enforce the legislation listed below, and any modification or re-enactment to that legislation, relevant to the Councils statutory functions, or powers, and any future orders or regulations assigned to the Councils, the officer identified above may exercise the powers of an authorised officer, including the issuing of licences, permits or registrations, the service of notices* and any other power necessary:-</p> <ul style="list-style-type: none"> Anti-Social Behaviour Act 2003 Anti-Social Behaviour, Crime and Policing Act 2014 Building Act 1984 Caravan Sites Act 1968 Caravan Sites and Control of Development Act 1960 Cardiff City Council Act 1984 Cardiff Corporation Acts 1961-1969 Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 Consumer Rights Act 2015 Control of Pollution (Amendment) Act 1989 Control of Pollution Act 1974 Criminal Justice and Police Act 2001 Criminal Justice and Public Order Act 1974 Dangerous Dogs Act 1973 & 1991 Dangerous Wild Animals Act 1976 Environment Act 1995 Environmental Protection Act 1990 Food Safety Act 1990 Health Act 2006 Health and Safety at Work etc Act 1974*** Housing Act 1985 Housing Act 2004** Housing Grants Construction and Regeneration Act 1996 Licensing Act 2003 Local Government (Miscellaneous Provisions) Act 1976 Local Government and Housing Act 1989 Mid Glamorgan County Council Act 1987 Mobile Homes (Wales) Act 2013 Noise Act 1996 Noise and Statutory Nuisance Act 1993 Pollution Prevention & Control Act 1999 Prevention of Damage by Pests Act 1949 Public Health (Control of Diseases) Act 1984 Public Health Acts 1875 - 1984 	<p>SCHEDULE CONT...</p> <p>**STATUTORY POWER - HOUSING</p> <p>Section 239 of the Housing Act 2004, gives the power to:</p> <p>1. Enter premises at any reasonable time for the purpose of survey and examination to determine whether any functions under parts 1-4 and 7 should be exercised, including:</p> <ul style="list-style-type: none"> a. Determining whether a category 1 or 2 hazard exists b. Determining whether any enforcement action to remedy a Category 1 or 2 hazard has been completed with c. Inspection in connection with licensing of houses in multiple occupation and selective licensing of residential accommodation d. Inspection in connection with Interim and Final Management Orders e. Inspection in connection with Empty Dwelling Management Orders <p>2. The power to enter premises to carry out works in connection with Interim and Final Management Orders (section 131), Improvement Notices (schedule 3 (3)(4)) or Empty Dwelling Management Orders (schedule 7).</p>	<p>SCHEDULE CONT...</p> <ul style="list-style-type: none"> Refuse Disposal (Amenity) Act 1978 Safety of Sports Grounds Act 1975 Scrap Metal Dealers Act 2013 Section 215 of the Town and Country Planning Act 1990 South Glamorgan Act 1976 The Town Police Clauses Act 1847-1889 Water Industry Act 1991 Bathing Water Regulations 2013 Environmental Damage (Prevention and Remediation)(Wales) Regulations 2009 Environmental Permitting Regulation (England and Wales) 2010 Food Hygiene (Wales) Regulations 2006 Private Water Supplies (Wales) Regulations 2010 The Health Protection (Local Authority Powers)(Wales) Regulations 2010 The Health Protection (Notification)(Wales) Regulations 2010 The Health Protection (Part 2A Orders)(Wales) Regulations 2010 The Smoke-Free Premises etc (Wales) Regulations 2007 <p>The above authorisations are subject to the qualification and experience criteria specified in the relevant code of practice. Where the Food Law Code of Practice (Wales) and the Food Law Code of Practice (Wales) are applicable the authorised officer identified above may only exercise the powers of an authorised officer in respect of entry to premises and the inspection and sampling of any products or articles.</p> <p>* The service of notices does not extend to the following notices which may only be issued with the consent of the Head of Shared Regulatory Services:-</p> <p><i>Closure Notices</i></p>	<p>SCHEDULE CONT...</p> <p>**INSTRUMENT OF APPOINTMENT</p> <p>Instruments of Appointment under the Health & Safety at Work Act</p> <p>INSTRUMENT OF APPOINTMENT (LEVEL 4)</p> <p>1. In this Appointment unless the context otherwise requires the following words, expressions and phrases shall have the meanings hereby ascribed to them:-</p> <p>(i) "The Councils" shall mean the Bridgend County Borough Council, the Vale of Glamorgan County Borough Council and the County Council of the City of Cardiff</p> <p>(ii) "The 1974 Act" shall mean the Health and Safety at Work etc Act 1974.</p> <p>2. In exercise of the power conferred upon the Councils by Section 19(1) of the 1974 Act and being satisfied that Gillian Jones has suitable qualifications, the Councils hereby appoint her to be an Inspector for the purposes of the 1974 Act and hereby authorise her to enforce the 1974 Act within the field of the responsibility of the Councils and for that purpose to exercise the powers of an Inspector specified in:</p> <p>(i) The following sections of the 1974 Act:-</p> <p>Section 20(1), (2) (a-l)</p> <p>(ii) Any health and safety regulations; and</p> <p>(iii) The provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule and of the regulations, orders or other instruments of a legislative character made or having effect under any provision so specified as in force from time to time.</p> <p>3. This Instrument revokes any previous instrument of appointment of the said inspector and shall remain in force until revoked by the Councils. For the avoidance of doubt, this Appointment shall be automatically revoked upon the said Gillian Jones ceasing for whatever reason to occupy a post as Neighbourhood Services Officer in the employment of the Councils or its successors.</p> <p>Authorised Signatory: </p> <p>Date: 15.2.16</p>
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Kevin's Bars and Pubs Ltd
20-22 Wenlock Road
London
N1 7GU

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **03001236696**

Gofynnwch am / Ask for: **Gillian Jones**

Ein cyf / Our ref: **C1 / GJ3 / SR 663325 / NR 505600**

Dyddiad / Date: **20 March 2019**

Dear Kevin's Bars and Pubs Ltd,

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
ALLEGED NOISE NUISANCE – KEVIN'S BAR, 161 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9AH

Further to a letter sent by Rebecca Williams on 12th January 2019, further complaints of excessive levels of noise due to the loud music from the above premises have been received by this Service. Further investigations by officers of this department have confirmed the existence of a statutory nuisance.

As a result, I enclose an Abatement Notice under Section 80 of the Environmental Protection Act 1990 that requires you to abate the nuisance. Failure to comply with this Notice is a criminal offence which could result in prosecution and/or confiscation of your sound equipment. If convicted of an offence, the Magistrate's Court may impose a fine of any amount with a further daily penalty of up to £500 for each day on which the offence continues after conviction.

You have the right to appeal this notice. An appeal must be made to a Magistrate's Court within 21 days of the date of this notice. The grounds for appeal can be found on the back of the notice.

If you have any queries regarding this matter, please do not hesitate in contacting me on the above number or by e-mail at gpjones@valeofglamorgan.gov.uk.

Yours faithfully



Gillian Jones
Neighbourhood Services Officer

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â safonaucymraeg@bromorgannwg.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact welshstandards@valeofglamorgan.gov.uk to register your language choice. If we do not receive your language choice, we will continue to correspond with you in accordance with current procedure. Corresponding in Welsh will not lead to any delay.



ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80

ABATEMENT NOTICE : STATUTORY NUISANCE

To:

Kevin's Bars and Pubs Ltd

Of:

20-22 Wenlock Road, London, N1 7GU

1. TAKE NOTICE that the Shared Regulatory Service, an enforcement authority for The County Council of the City and County of Cardiff ("the local authority") for the purposes of the aforementioned legislation, is satisfied of the **existence** of a statutory nuisance under Section 79(1)(g) of that Act at the premises known as **Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH** arising from the playing of loud music.
2. HEREBY REQUIRE YOU as the **owner** to abate the nuisance **immediately** from the service of this notice **and to hereby prohibit reoccurrence of the same** and for that purpose require you to abate the nuisance.
3. If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine of any amount, together with a further fine of up to £500 for each day on which the offence continues after conviction. A person who commits an offence on an industrial, trade or business premises will be liable on summary conviction to a fine of any amount.
4. The person on whom this notice is served may appeal to a magistrates' court against the notice. Any appeal must be made within the period of 21 days beginning with the date of this notice.
5. This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal, this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the local authority; the nuisance to which the abatement notice relates **the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.**

Signed:

Dated:

20 March 2019

Name:

GILLIAN JONES, NEIGHBOURHOOD SERVICES OFFICER

Address:

Shared Regulatory Services, City Hall, Cathays Park, Cardiff CF10 3ND

Tel:

03001236696

Email:

gpjones@valeofglamorgan.gov.uk

S/R:

663325

N/R:

505600

Appeal

The Statutory Nuisance (Appeals) Regulations 1995.

Appeals under Section 80(3) of the Environmental Protection Act 1990 ("the 1990 Act")

- 2** (1) The provisions of this regulation apply in relation to an appeal brought by any person under Section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -
- (a) that the abatement notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under Section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within Section 79(1)(a),(d),(e),(f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and -
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),
 that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under Section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under Section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under Section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

./Continued overleaf

- (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
 and that it would have been equitable for it to have been so served:
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,
 and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under Section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may -
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
 - (c) dismiss the appeal;
 and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court -
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of Notice

- 3** (1) Where -
- (a) an appeal is brought against an abatement notice served under Section 80 or Section 80A of the 1990 Act, and
 - (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

./Continued overleaf

(2) This paragraph applies where -

- (a)** the nuisance to which the abatement notice relates -
 - (i)** is injurious to health, or
 - (ii)** is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b)** the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice –

- (a)** shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b)** shall include a statement as to which of the grounds set out in paragraph (2) apply.

A person served with an abatement notice may appeal against the notice to a magistrates' court within the period of 21 days beginning with the date on which this notice is served.

Cardiff Magistrates' Court , Fitzalan Place, Cardiff, CF24 0RZ

Email sw-cardiffmcenq@justice.gov.uk Telephone 029 2046 3040 Fax 0870 324 0236

Additional Notes

Additional powers for local authority to secure abatement of nuisance - (Section 81(3) of the Environmental Protection Act 1990) (Section 10 of the Noise Act 1996)

Where an abatement notice has not been complied with the local authority may, whether or not they take proceedings for an offence as above, abate the nuisance and do whatever may be necessary in execution of the notice. This can involve the local authority carrying out the works in default and in relation to noise nuisance include the local authority seizing and removing any equipment which it appears to the authority is being or has been used in the emission of noise.

Any expenses reasonably incurred by a local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person by whose act or default the nuisance was caused and, if that person is the owner of the premises, from any person who is for the time being the owner thereof; and the court may apportion the expenses between persons by whose acts or defaults the nuisance is caused in such manner as the court consider fair and reasonable.

If a local authority is of opinion that proceedings for an offence as above would afford an inadequate remedy in the case of any statutory nuisance, they may, take proceedings in the High Court for the purpose of securing the abatement, prohibition or restriction of the nuisance, and the proceedings shall be maintainable notwithstanding the local authority have suffered no damage from the nuisance.

Recovery of expenses (Section 81(4) and 81(A) of the Environmental Protection Act 1990)

Any expenses reasonably incurred by a local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person by whose act or default the nuisance was caused. The expenses also carry interest, at such reasonable rate as the local authority may determine.

A demand for recoverable expenses will be served on each person from whom the local authority are seeking to recover them.

Where the local authority are seeking to recover expenses from an owner of the premises; until recovered, the expenses recoverable by the local authority together with any accrued interest on them, are a charge on the premises to which the abatement notice relates. This means that it will be recorded in the register of local land charges kept by the local authority. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register. For the purposes of enforcing the charge, the local authority have the same powers and remedies, under the Law of Property Act 1925(c.20) and otherwise, as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

Mr Kastriot Rama
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: 03001236696

Gofynnwch am / Ask for: Gillian Jones

Ein cyf / Our ref: C1 / GJ3 / SR 663325 / NR 505601

Dyddiad / Date: 20 March 2019

Dear Mr Kastriot Rama,

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
ALLEGED NOISE NUISANCE – KEVIN'S BAR, 161 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9AH

Further to a letter sent by Rebecca Williams on 12th January 2019, further complaints of excessive levels of noise due to the loud music from the above premises have been received by this Service. Further investigations by officers of this department have confirmed the existence of a statutory nuisance.

As a result, I enclose an Abatement Notice under Section 80 of the Environmental Protection Act 1990 that requires you to abate the nuisance. Failure to comply with this Notice is a criminal offence which could result in prosecution and/or confiscation of your sound equipment. If convicted of an offence, the Magistrate's Court may impose a fine of any amount with a further daily penalty of up to £500 for each day on which the offence continues after conviction.

You have the right to appeal this notice. An appeal must be made to a Magistrate's Court within 21 days of the date of this notice. The grounds for appeal can be found on the back of the notice.

If you have any queries regarding this matter, please do not hesitate in contacting me on the above number or by e-mail at [gjones@valeofglamorgan.gov.uk](mailto:gjjones@valeofglamorgan.gov.uk).

Yours faithfully



Gillian Jones
Neighbourhood Services Officer

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â safonaucymraeg@bromorgannwg.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact welshstandards@valeofglamorgan.gov.uk to register your language choice. If we do not receive your language choice, we will continue to correspond with you in accordance with current procedure. Corresponding in Welsh will not lead to any delay.



ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80

ABATEMENT NOTICE : STATUTORY NUISANCE

To: Mr Kastriot Rama

Of: Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH

1. TAKE NOTICE that the Shared Regulatory Service, an enforcement authority for The County Council of the City and County of Cardiff ("the local authority") for the purposes of the aforementioned legislation, is satisfied of the **existence** of a statutory nuisance under Section 79(1)(g) of that Act at the premises known as **Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH** arising from the playing of loud music.
2. HEREBY REQUIRE YOU as the **owner** to abate the nuisance **immediately** from the service of this notice **and to hereby prohibit reoccurrence of the same** and for that purpose require you to abate the nuisance.
3. If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine of any amount, together with a further fine of up to £500 for each day on which the offence continues after conviction. A person who commits an offence on an industrial, trade or business premises will be liable on summary conviction to a fine of any amount.
4. The person on whom this notice is served may appeal to a magistrates' court against the notice. Any appeal must be made within the period of 21 days beginning with the date of this notice.
5. This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal, this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the local authority; the nuisance to which the abatement notice relates **the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.**

Signed:

Dated:

20 March 2019

Name:

GILLIAN JONES, NEIGHBOURHOOD SERVICES OFFICER

Address:

Shared Regulatory Services, City Hall, Cathays Park, Cardiff CF10 3ND

Tel:

03001236696

Email:

gpjones@valeofglamorgan.gov.uk

S/R:

663325

N/R:

505601

Appeal

The Statutory Nuisance (Appeals) Regulations 1995.

Appeals under Section 80(3) of the Environmental Protection Act 1990 ("the 1990 Act")

- 2** (1) The provisions of this regulation apply in relation to an appeal brought by any person under Section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -
- (a) that the abatement notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under Section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within Section 79(1)(a),(d),(e),(f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and -
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under Section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under Section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under Section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

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- (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
 and that it would have been equitable for it to have been so served:
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,
 and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under Section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may -
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of Notice

- 3** (1) Where -
- (a) an appeal is brought against an abatement notice served under Section 80 or Section 80A of the 1990 Act, and
 - (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

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(2) This paragraph applies where -

- (a)** the nuisance to which the abatement notice relates -
 - (i)** is injurious to health, or
 - (ii)** is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b)** the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice –

- (a)** shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b)** shall include a statement as to which of the grounds set out in paragraph (2) apply.

A person served with an abatement notice may appeal against the notice to a magistrates' court within the period of 21 days beginning with the date on which this notice is served.

Cardiff Magistrates' Court , Fitzalan Place, Cardiff, CF24 0RZ

Email sw-cardiffmceng@justice.gov.uk Telephone 029 2046 3040 Fax 0870 324 0236

Additional Notes

Additional powers for local authority to secure abatement of nuisance - (Section 81(3) of the Environmental Protection Act 1990) (Section 10 of the Noise Act 1996)

Where an abatement notice has not been complied with the local authority may, whether or not they take proceedings for an offence as above, abate the nuisance and do whatever may be necessary in execution of the notice. This can involve the local authority carrying out the works in default and in relation to noise nuisance include the local authority seizing and removing any equipment which it appears to the authority is being or has been used in the emission of noise.

Any expenses reasonably incurred by a local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person by whose act or default the nuisance was caused and, if that person is the owner of the premises, from any person who is for the time being the owner thereof; and the court may apportion the expenses between persons by whose acts or defaults the nuisance is caused in such manner as the court consider fair and reasonable.

If a local authority is of opinion that proceedings for an offence as above would afford an inadequate remedy in the case of any statutory nuisance, they may, take proceedings in the High Court for the purpose of securing the abatement, prohibition or restriction of the nuisance, and the proceedings shall be maintainable notwithstanding the local authority have suffered no damage from the nuisance.

Recovery of expenses (Section 81(4) and 81(A) of the Environmental Protection Act 1990)

Any expenses reasonably incurred by a local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person by whose act or default the nuisance was caused. The expenses also carry interest, at such reasonable rate as the local authority may determine.

A demand for recoverable expenses will be served on each person from whom the local authority are seeking to recover them.

Where the local authority are seeking to recover expenses from an owner of the premises; until recovered, the expenses recoverable by the local authority together with any accrued interest on them, are a charge on the premises to which the abatement notice relates. This means that it will be recorded in the register of local land charges kept by the local authority. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register. For the purposes of enforcing the charge, the local authority have the same powers and remedies, under the Law of Property Act 1925(c.20) and otherwise, as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.



Mr Bernard Carlton
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: 03001236696

Gofynnwch am / Ask for: Gillian Jones

Ein cyf / Our ref: C1 / GJ3 / SR 663325 / NR 505602

Dyddiad / Date: 20 March 2019

Dear Mr Bernard Carlton,

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)

ALLEGED NOISE NUISANCE – KEVIN'S BAR, 161 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9AH

Further to a letter sent by Rebecca Williams on 12th January 2019, further complaints of excessive levels of noise due to the loud music from the above premises have been received by this Service. Further investigations by officers of this department have confirmed the existence of a statutory nuisance.

As a result, I enclose an Abatement Notice under Section 80 of the Environmental Protection Act 1990 that requires you to abate the nuisance. Failure to comply with this Notice is a criminal offence which could result in prosecution and/or confiscation of your sound equipment. If convicted of an offence, the Magistrate's Court may impose a fine of any amount with a further daily penalty of up to £500 for each day on which the offence continues after conviction.

You have the right to appeal this notice. An appeal must be made to a Magistrate's Court within 21 days of the date of this notice. The grounds for appeal can be found on the back of the notice.

If you have any queries regarding this matter, please do not hesitate in contacting me on the above number or by e-mail at [gjones@valeofglamorgan.gov.uk](mailto:gjjones@valeofglamorgan.gov.uk).

Yours faithfully

Gillian Jones
Neighbourhood Services Officer

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â safonaucymraeg@bromorgannwg.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact welshstandards@valeofglamorgan.gov.uk to register your language choice. If we do not receive your language choice, we will continue to correspond with you in accordance with current procedure. Corresponding in Welsh will not lead to any delay.



ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80

ABATEMENT NOTICE : STATUTORY NUISANCE

To: Mr Bernard Carlton

Of: Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH

1. TAKE NOTICE that the Shared Regulatory Service, an enforcement authority for The County Council of the City and County of Cardiff ("the local authority") for the purposes of the aforementioned legislation, is satisfied of the **existence** of a statutory nuisance under Section 79(1)(g) of that Act at the premises known as **Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH** arising from the playing of loud music.
2. HEREBY REQUIRE YOU as the **owner** to abate the nuisance **immediately** from the service of this notice **and to hereby prohibit reoccurrence of the same** and for that purpose require you to abate the nuisance.
3. If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine of any amount, together with a further fine of up to £500 for each day on which the offence continues after conviction. A person who commits an offence on an industrial, trade or business premises will be liable on summary conviction to a fine of any amount.
4. The person on whom this notice is served may appeal to a magistrates' court against the notice. Any appeal must be made within the period of 21 days beginning with the date of this notice.
5. This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal, this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the local authority; the nuisance to which the abatement notice relates **the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.**

Signed:

Dated:

20 March 2019

Name:

GILLIAN JONES, NEIGHBOURHOOD SERVICES OFFICER

Address:

Shared Regulatory Services, City Hall, Cathays Park, Cardiff CF10 3ND

Tel:

03001236696

Email:

gpjones@valeofglamorgan.gov.uk

S/R:

663325

N/R:

505602

Appeal

The Statutory Nuisance (Appeals) Regulations 1995.

Appeals under Section 80(3) of the Environmental Protection Act 1990 ("the 1990 Act")

- 2**
- (1)** The provisions of this regulation apply in relation to an appeal brought by any person under Section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
 - (2)** The grounds on which a person served with such a notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -
 - (a)** that the abatement notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b)** that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under Section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c)** that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d)** that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e)** where the nuisance to which the notice relates -
 - (i)** is a nuisance falling within Section 79(1)(a),(d),(e),(f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii)** is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii)** is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,
 - (iv)** is a nuisance falling within section 79(1)(fb) of the 1990 Act and -
 - (aa)** the artificial light is emitted from industrial, trade or business premises, or
 - (bb)** the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),
 that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
 - (f)** that, in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i)** any notice served under Section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii)** any consent given under Section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii)** any determination made under Section 67 of the 1974 Act (noise control of new buildings);
 - (g)** that, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h)** that the abatement notice should have been served on some person instead of the appellant, being -
 - (i)** the person responsible for the nuisance, or
 - (ii)** the person responsible for the vehicle, machinery or equipment, or
 - (iii)** in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv)** in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

./Continued overleaf

- (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served:
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under Section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may -
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
 - (c) dismiss the appeal;
 and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court -
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of Notice

3 (1) Where -

- (a) an appeal is brought against an abatement notice served under Section 80 or Section 80A of the 1990 Act, and
- (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

./Continued overleaf

(2) This paragraph applies where -

- (a)** the nuisance to which the abatement notice relates -
 - (i)** is injurious to health, or
 - (ii)** is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b)** the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice –

- (a)** shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b)** shall include a statement as to which of the grounds set out in paragraph (2) apply.

A person served with an abatement notice may appeal against the notice to a magistrates' court within the period of 21 days beginning with the date on which this notice is served.

Cardiff Magistrates' Court , Fitzalan Place, Cardiff, CF24 0RZ

Email sw-cardiffmcenq@justice.gov.uk Telephone 029 2046 3040 Fax 0870 324 0236

Additional Notes

Additional powers for local authority to secure abatement of nuisance - (Section 81(3) of the Environmental Protection Act 1990) (Section 10 of the Noise Act 1996)

Where an abatement notice has not been complied with the local authority may, whether or not they take proceedings for an offence as above, abate the nuisance and do whatever may be necessary in execution of the notice. This can involve the local authority carrying out the works in default and in relation to noise nuisance include the local authority seizing and removing any equipment which it appears to the authority is being or has been used in the emission of noise.

Any expenses reasonably incurred by a local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person by whose act or default the nuisance was caused and, if that person is the owner of the premises, from any person who is for the time being the owner thereof; and the court may apportion the expenses between persons by whose acts or defaults the nuisance is caused in such manner as the court consider fair and reasonable.

If a local authority is of opinion that proceedings for an offence as above would afford an inadequate remedy in the case of any statutory nuisance, they may, take proceedings in the High Court for the purpose of securing the abatement, prohibition or restriction of the nuisance, and the proceedings shall be maintainable notwithstanding the local authority have suffered no damage from the nuisance.

Recovery of expenses (Section 81(4) and 81(A) of the Environmental Protection Act 1990)

Any expenses reasonably incurred by a local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person by whose act or default the nuisance was caused. The expenses also carry interest, at such reasonable rate as the local authority may determine.

A demand for recoverable expenses will be served on each person from whom the local authority are seeking to recover them.

Where the local authority are seeking to recover expenses from an owner of the premises; until recovered, the expenses recoverable by the local authority together with any accrued interest on them, are a charge on the premises to which the abatement notice relates. This means that it will be recorded in the register of local land charges kept by the local authority. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register. For the purposes of enforcing the charge, the local authority have the same powers and remedies, under the Law of Property Act 1925(c.20) and otherwise, as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.



Mrs Natasha Banner
Kevin's Bar
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services
Deialu uniongyrchol / Direct line: **03001236696**
Gofynnwch am / Ask for: **Gillian Jones**
Ein cyf / Our ref: **C1 / GJ3 / SR 663325 / NR 505603**
Dyddiad / Date: **20 March 2019**

Dear Mrs Natasha Banner,

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)

ALLEGED NOISE NUISANCE – KEVIN'S BAR, 161 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9AH

Further to a letter sent by Rebecca Williams on 17th January 2019, further complaints of excessive levels of noise due to the loud music from the above premises have been received by this Service. Further investigations by officers of this department have confirmed the existence of a statutory nuisance.

As a result, I enclose an Abatement Notice under Section 80 of the Environmental Protection Act 1990 that requires you to abate the nuisance. Failure to comply with this Notice is a criminal offence which could result in prosecution and/or confiscation of your sound equipment. If convicted of an offence, the Magistrate's Court may impose a fine of any amount with a further daily penalty of up to £500 for each day on which the offence continues after conviction.

You have the right to appeal this notice. An appeal must be made to a Magistrate's Court within 21 days of the date of this notice. The grounds for appeal can be found on the back of the notice.

If you have any queries regarding this matter, please do not hesitate in contacting me on the above number or by e-mail at **gpjones@valeofglamorgan.gov.uk**.

Yours faithfully

Gillian Jones
Neighbourhood Services Officer

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â safonaucymraeg@bromorgannwg.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact

welshstandards@valeofglamorgan.gov.uk to register your language choice. If we do not receive your language choice, we will continue to correspond with you in accordance with current procedure. Corresponding in Welsh will not lead to any delay.

ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80


ABATEMENT NOTICE : STATUTORY NUISANCE

To: Mrs Natasha Banner

Of: Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH

1. TAKE NOTICE that the Shared Regulatory Service, an enforcement authority for The County Council of the City and County of Cardiff ("the local authority") for the purposes of the aforementioned legislation, is satisfied of the **existence** of a statutory nuisance under Section 79(1)(g) of that Act at the premises known as **Kevin's Bar, 161 Cowbridge Road East, Riverside, Cardiff, CF11 9AH** arising from the playing of loud music.
2. HEREBY REQUIRE YOU as the **person responsible for the said nuisance** to abate the nuisance **immediately** from the service of this notice **and to hereby prohibit** and for that purpose require you to abate the nuisance.
3. If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine of any amount, together with a further fine of up to £500 for each day on which the offence continues after conviction. A person who commits an offence on an industrial, trade or business premises will be liable on summary conviction to a fine of any amount.
4. The person on whom this notice is served may appeal to a magistrates' court against the notice. Any appeal must be made within the period of 21 days beginning with the date of this notice.
5. This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal, this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the local authority; the nuisance to which the abatement notice relates **the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.**

Signed:



Dated:

20 March 2019

Name:

GILLIAN JONES, NEIGHBOURHOOD SERVICES OFFICER

Address:

Shared Regulatory Services, City Hall, Cathays Park, Cardiff CF10 3ND

Tel:

03001236696

Email:

gpjones@valeofglamorgan.gov.uk

S/R:

663325

N/R:

505603

Appeal

The Statutory Nuisance (Appeals) Regulations 1995.

Appeals under Section 80(3) of the Environmental Protection Act 1990 ("the 1990 Act")

- 2**
- (1)** The provisions of this regulation apply in relation to an appeal brought by any person under Section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
 - (2)** The grounds on which a person served with such a notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -
 - (a)** that the abatement notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b)** that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under Section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c)** that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d)** that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e)** where the nuisance to which the notice relates -
 - (i)** is a nuisance falling within Section 79(1)(a),(d),(e),(f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii)** is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii)** is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,
 - (iv)** is a nuisance falling within section 79(1)(fb) of the 1990 Act and -
 - (aa)** the artificial light is emitted from industrial, trade or business premises, or
 - (bb)** the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),

that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
 - (f)** that, in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i)** any notice served under Section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii)** any consent given under Section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii)** any determination made under Section 67 of the 1974 Act (noise control of new buildings);
 - (g)** that, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h)** that the abatement notice should have been served on some person instead of the appellant, being -
 - (i)** the person responsible for the nuisance, or
 - (ii)** the person responsible for the vehicle, machinery or equipment, or
 - (iii)** in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv)** in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

./Continued overleaf

- (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served:
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under Section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may -
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
 - (c) dismiss the appeal;
 and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court -
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of Notice

- 3** (1) Where -
- (a) an appeal is brought against an abatement notice served under Section 80 or Section 80A of the 1990 Act, and
 - (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

./Continued overleaf

(2) This paragraph applies where -

- (a)** the nuisance to which the abatement notice relates -
 - (i)** is injurious to health, or
 - (ii)** is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b)** the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice –

- (a)** shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b)** shall include a statement as to which of the grounds set out in paragraph (2) apply.

A person served with an abatement notice may appeal against the notice to a magistrates' court within the period of 21 days beginning with the date on which this notice is served.

Cardiff Magistrates' Court , Fitzalan Place, Cardiff, CF24 0RZ

Email sw-cardiffmcenq@justice.gov.uk Telephone 029 2046 3040 Fax 0870 324 0236

Additional Notes

Additional powers for local authority to secure abatement of nuisance - (Section 81(3) of the Environmental Protection Act 1990) (Section 10 of the Noise Act 1996)

Where an abatement notice has not been complied with the local authority may, whether or not they take proceedings for an offence as above, abate the nuisance and do whatever may be necessary in execution of the notice. This can involve the local authority carrying out the works in default and in relation to noise nuisance include the local authority seizing and removing any equipment which it appears to the authority is being or has been used in the emission of noise.

Any expenses reasonably incurred by a local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person by whose act or default the nuisance was caused and, if that person is the owner of the premises, from any person who is for the time being the owner thereof; and the court may apportion the expenses between persons by whose acts or defaults the nuisance is caused in such manner as the court consider fair and reasonable.

If a local authority is of opinion that proceedings for an offence as above would afford an inadequate remedy in the case of any statutory nuisance, they may, take proceedings in the High Court for the purpose of securing the abatement, prohibition or restriction of the nuisance, and the proceedings shall be maintainable notwithstanding the local authority have suffered no damage from the nuisance.

Recovery of expenses (Section 81(4) and 81(A) of the Environmental Protection Act 1990)

Any expenses reasonably incurred by a local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person by whose act or default the nuisance was caused. The expenses also carry interest, at such reasonable rate as the local authority may determine.

A demand for recoverable expenses will be served on each person from whom the local authority are seeking to recover them.

Where the local authority are seeking to recover expenses from an owner of the premises; until recovered, the expenses recoverable by the local authority together with any accrued interest on them, are a charge on the premises to which the abatement notice relates. This means that it will be recorded in the register of local land charges kept by the local authority. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register. For the purposes of enforcing the charge, the local authority have the same powers and remedies, under the Law of Property Act 1925(c.20) and otherwise, as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.



Kevin's Bars and Pubs Ltd
20-22 Wenlock Road
London
N1 7GU

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **03001236696**

Gofynnwch am / Ask for: **Gillian Jones**

Ein cyf / Our ref: **C1 / GJ3 / 663325/505600**

Dyddiad / Date: **25th March 2019**

Dear Kevin's Bars and Pubs Ltd,

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)

ALLEGED NOISE NUISANCE – KEVIN'S BAR, 161 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9AH

Further to the Abatement Notice served upon you dated 20th March 2019, I write to advise that there was a clerical error in the body of the letter. The first paragraph stated that a letter was sent to you by Mrs Rebecca Williams on 12th January 2019, this date is incorrect, the date the letter was sent to you was in fact 12th March 2019.

The remainder of the letter is correct, as is the Abatement Notice.

If you have any queries regarding this matter, please do not hesitate in contacting me on the above number.

Yours faithfully

Gillian Jones, Neighbourhood Services Officer

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â safonaucymraeg@bromorgannwg.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact welshstandards@valeofglamorgan.gov.uk to register your language choice. If we do not receive your language choice, we will continue to correspond with you in accordance with current procedure. Corresponding in Welsh will not lead to any delay.



Mr Kastriot Rama
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: **02920 871371**

Gofynnwch am / Ask for: **Rebecca Williams**

Ein cyf / Our ref: **C1 / GJ3 / 663325/505601**

Dyddiad / Date: **25th March 2019**

Dear Mr Kastriot Rama,

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
ALLEGED NOISE NUISANCE – KEVIN'S BAR, 161 COWBRIDGE ROAD EAST, RIVERSIDE,
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Mr Bernard Carlton
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: 03001236696

Gofynnwch am / Ask for: Gillian Jones

Ein cyf / Our ref: **C1 / GJ3 / 663325/505602**

Dyddiad / Date: **25th March 2019**

Dear Mr Bernard Carlton,

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
ALLEGED NOISE NUISANCE – KEVIN'S BAR, 161 COWBRIDGE ROAD EAST, RIVERSIDE,
CARDIFF, CF11 9AH

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<p>Bridgend County Borough Council, Vale of Glamorgan Council, Bridgend Council, The County Council of the City of Cardiff</p> <p>Shared Regulatory Services</p> <p>Authorisation to act as an Authorised Officer</p> <p>o Craig William Lewis o ID Number 9314</p> <p>Designation: Specialist Services Officer (Specialist Services Enforcement)</p> <p>In accordance with the powers delegated to the Regulatory Shared Services Joint Committee by:</p> <p>o The Cabinet and Council of the Vale of Glamorgan County Borough Council on 23rd September 2014 and 12th November 2014 respectively</p> <p>o The Cabinet and the Council of the County Council of the City of Cardiff on 9th October 2014 and 23rd October 2014 respectively.</p> <p>o The Cabinet and the Council of Bridgend County Borough Council on 7th October 2014 and 15th October 2014 respectively.</p> <p>and further delegated to me by:</p> <p>Clause 9.2 of the Joint Working Agreement between the Councils of Bridgend, Cardiff and the Vale of Glamorgan:</p> <p>AND in accordance with the powers delegated to me by the Licensing and Public Protection Committees of Bridgend County Borough Council, the Vale of Glamorgan County Borough Council and the County Council of the City of Cardiff</p> <p>I authorise you to enforce the legislation listed in the attached Schedule and any future legislation assigned to the Shared Regulatory Services as an enforcement authority</p> <p>Signed: </p> <p>Head of Shared Regulatory Services</p> <p>Date: 12th Apr 2017</p>	<p>SCHEDULE</p> <p>To enforce the legislation listed below, and any modification or re-enactment to that legislation, relevant to the Councils statutory functions, or powers, and any future orders or regulations assigned to the Councils, the officer identified above may exercise the powers of an authorised officer, including the issuing of licences, permits or registrations, the service of notices*, and any other power necessary:-</p> <ul style="list-style-type: none"> • Anti-Social Behaviour Act 2003 • Building Act 1984 • Cardiff City Council Act 1984 • Cardiff Corporation Acts 1961-1969 • Clean Air Act 1993 • Clean Neighbourhoods and Environment Act 2005 • Consumer Rights Act 2015 • Control of Pollution (Amendment) Act 1989 • Control of Pollution Act 1974 • Criminal Justice and Public Order Act 1974 • Environment Act 1995 • Environmental Protection Act 1990 • Food Safety Act 1990 • Health Act 2006 • Health and Safety at Work etc Act 1974** • Licensing Act 2003 • Local Government (Miscellaneous Provisions) Act 1976 • Local Government (Miscellaneous Provisions) Act 1982 • Local Government and Housing Act 1949 • Merthyr Tydfil County Council Act 1987 • Mobile Homes (Wales) Act 2013 • Noise Act 1996 • Noise and Statutory Nuisance Act 1993 • Pollution Prevention and Control Act 1999 • Prevention of Damage by Pests Act 1949 • Public Health (Control of Diseases) Act 1984 • Public Health Acts 1875 - 1984 	<p>SCHEDULE CONT.</p> <ul style="list-style-type: none"> • Refuse Disposal (Amenity) Act 1978 • Safety of Sports Grounds Act 1975 • Scrap Metal Dealers Act 2013 • Section 215 of the Town and Country Planning Act 1990 • South Glamorgan Act 1976 • The Town Police Clauses Act 1847-1859 • Water Industry Act 1991 • Bathing Water Regulations 2013 • Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 • Environmental Permitting Regulations (England and Wales) 2010 • Food Hygiene (Wales) Regulations 2006 • Private Water Supplies (Wales) Regulations 2010 • The Health Protection (Local Authority Powers) (Wales) Regulations 2010 • The Health Protection (Notification) (Wales) Regulations 2010 • The Health Protection (Part A Orders) (Wales) Regulations 2010 • The Smoke and Free Premises (Wales) Regulations 2007 <p>The above authorisations are subject to the qualification and experience criteria specified in the relevant code of practice. Where the Food Law Code of Practice (Wales) and the Food Law Code of Practice (Wales) are applicable the authorised officer identified above may exercise the powers of an authorised officer in respect of entry to premises and the inspection and sampling of products or articles</p> <ul style="list-style-type: none"> • The service of notices does not extend to the following notices which may only be issued with the consent of the Head of Shared Regulatory Services:- <p><i>Closure Notices</i></p>	<p>*INSTRUMENT OF APPOINTMENT</p> <p>Instruments of Appointment under the Health & Safety at Work Act</p> <p>INSTRUMENT OF APPOINTMENT (LEVEL 4)</p> <p>1. In this Appointment unless the context otherwise requires the following words, expressions and phrases shall have the meanings hereby ascribed to them:-</p> <p>(i) "The Councils" shall mean the Bridgend County Borough Council, the Vale of Glamorgan County Borough Council and the County Council of the City of Cardiff</p> <p>(ii) "The 1974 Act" shall mean the Health and Safety at Work etc Act 1974</p> <p>2. In exercise of the power conferred upon the Councils by Section 19(1) of the 1974 Act and being satisfied that Craig William Lewis has suitable qualifications, the Councils hereby appoint him to be an Inspector for the purposes of the 1974 Act and hereby authorise him to enforce the 1974 Act within the field of the responsibility of the Councils and for that purpose to exercise the powers of an Inspector specified in:</p> <p>(i) The following sections of the 1974 Act:-</p> <p>Section 20(1), (2) (a-f)</p> <p>(ii) Any health and safety regulations; and</p> <p>(iii) The provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule and of the regulations, orders or other instruments of a legislative character made or having effect under any provision so specified as in force from time to time</p> <p>3. This instrument revokes any previous instrument of appointment of the said Inspector and shall remain in force until revoked by the Councils. For the avoidance of doubt, this Appointment shall be automatically revoked upon the said Craig William Lewis ceasing for whatever reason to occupy a post as Specialist Services Officer, Specialist Services Environment in the employment of the Councils or its successors</p> <p>Authorised Signatory: </p> <p>Date: 12.4.17</p>
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663335

61

00:42 arrive to Kevin's bar

Comp [redacted] Officer & attendant

Craig Lewis & Richard Remeslo

00:43 sat in front room on [redacted]

[redacted] of apartment. Windows are

closed and no electrical appliances

are on. The music from Kevin's

bar is highly intrusive - a very

very heavy bass is vibrating

through the living room. The music

is fast rhythmic bass & b

serve. 00:46 heavy bass music

continues. You would not be able

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

00:40 heavy bass music
continues. You would not be able
to perform activities such as

reading or writing or laptop 00:47

bass is vibrating the floor aggressively

This is definitely classed as a

statutory nuisance. 00:48 heavy

bass music continues. A DJ can

be heard over the music. A notice

should be served based on accounts

+ level of noise witnessed. 00:51

heavy rhythmic bass continues.

00:52 floor continues to vibrate

with the timing + volume of music.

00:53 track change to a reggae

themed heavy bass music.

62

00:55 reggae bass music continues

guitar vibrations also continue. 00:56

playing again "locked up" with a

heavy bass tone. 00:57 track change.

00:58 reggae / rnb styled music

continues. 00:59 track change to

rnb music with very heavy bass.

would not be able to sleep with

the levels being observed. 01:02

D) starts talking over track

snouting "brap" "brap" "brap".

01:03 track change to "sear it out"

01:03 track change to "Sean, Paul"

"like alive". At these levels you ^{could} ~~could not~~ ^{could} struggle to make conversation with someone in the apartment.

01:05 Sean, Paul track continues with heavy bass; the floor continues to vibrate. Worker noting that flooring is good quality wooden flooring.

01:06 track change to again a heavy bass track. DJ is shouting over track. As concluded statutory nuisance is apparent. 01:08 agreed to leave cnp property.

30.03.19 visit to [redacted]
 [redacted] to witness amplified
 music and voices generated by
 Kevin's Bar. Samantha Page and
 Craig Lewis are officers or attendants.
 Arrived at [redacted]
 Exit at 22:15. Sat in front
 upstairs lounge of [redacted] Window's

are closed. Music generated by
 Kevin's Bar is highly intrusive
 22:20 song playing is "Kevin's little"
 22:23 track change to "Drake -
 one dance". Lyrics of song are extremely
 clear. At this level you would not
 be able to sleep or undertake any
 tasks requiring a level of concentration
 ie read a book. 22:26 track change
 to song "Sambuca" by wideboys
 Feet are vibrating with the
 level at which the music is
 being played. At this level, one
 is a statutory nuisance. 22:29

track change. Music continues to be highly intrusive and vibration⁶⁶ of gear continues. Genre of song is very repetitive and very monotonous. The bass which supports this song is very loud and considerably frustrating to listen to. Track change 22:34 to "Jug Ro" "lets do it again". 22:35 Jug Ro song continues, lyrics are very clear. 22:36 track change to an 80's / 90's aged theme tune song. The rhythm drum to the track

is extremely loud. Vibration of gear continues due to the levels being experienced. 22:39 track continues, can hear the lyrics "Do you ever..." 22:40 track change to ashanti "always on time" lyrics are extremely loud and supporting bass is highly intrusive. Voices can also be heard singing along to the song. Voices appear to be coming from persons congregating outside front entrance to Kevin's Bar. 22:42 ashanti song continues sections which feature the Rule apply

is very clear to understanding.

67

22:43 song by alicia is drawing a close. 22:44 track change, lyrics heard "in Kingston town" UB40. there does not

appear to be any continuity to the genres, reggae, RnB, 80's etc

22:46 UB40 continues. 22:47

track change to "Duke Pink got lucky." Music continues to

be incoherent. Again would not be

able to perform any day to day

tasks requiring mental concentration

at this level. 22:50 "up all

night to get wacky" lyrics are

very clear. 22:51 track change

"this is how we do it" by

Montell Jordan. 22:53 Montell

Jordan continues with a deep

repetitive bass- microphone can

be heard being used to hype

up crowd inside Kevin's Bar.

22:55 voice of DJ can be heard

"womans voice" 22:55 track change



sounds like someone is on a

karaoke machine singing the

words 22:58 track change to a

CLOS

very "dance" vibe "drum + bass"
 overrated. Again at this level **68**
 regarded as intrusive. Song known
 as "Just in case". 23:02 track change
 23:04 track continues which is
 very repetitive. 23:05 female DJ
 heard calling out to crowd. 23:06
 track change to "Bird ^{at} ~~turner~~"
 Cardi B version. 23:08 "one heart!!"
 23:10 track change, cheering also
 heard. 23:10 Karaoke singing
 "Valerie" - women's voices singing
 words are very clear.
 23:13 lady DJ continues. Bawling
 on evidence I would turn that
 to start nuisance is present
 23:14 Track change "Next
 till baby u'll be mine" 100%
 seat marks observed. DJ can
 be heard getting the crowd
 hyped. "woop ^a ~~woop~~ woop"
 I hear of nuisance witnessed
 and a definitely a statutory
 nuisance. 23:20 "Happy by
 Pharrell" being played from
 Kevin's

<p>Bridgend County Borough Council, Vale of Glamorgan County Borough Council, The County Council of the City of Cardiff</p> <p>Shared Regulatory Services</p> <p>Authorisation to act as an Authorised Officer</p> <ul style="list-style-type: none"> Richard Romero ID Number 6580 <p>Designation: Technical Officer (Neighbourhood Services)</p> <p>In accordance with the powers delegated to the Regulatory Shared Services Joint Committee by:</p> <ul style="list-style-type: none"> The Cabinet and Council of the Vale of Glamorgan County Borough Council on 22nd September 2014 and 12th November 2014 respectively; The Cabinet and Council of the County Council of the City of Cardiff on 9th October 2014 and 23rd October 2014 respectively; The Cabinet and Council of Bridgend County Borough Council on 7th October 2014 and 13th October 2014 respectively; <p>and further delegated to me by:</p> <p>Clause 9.2 of the Joint Working Agreement between the Councils of Bridgend, Cardiff and the Vale of Glamorgan;</p> <p>AND in accordance with the powers delegated to me by the Licensing and Public Protection Committees of Bridgend County Borough Council, the Vale of Glamorgan County Borough Council and the County Council of the City of Cardiff</p> <p>I authorise you to enforce the legislation listed in the attached Schedule and any future legislation assigned to the Shared Regulatory Service as an enforcement authority</p> <p>Signed: </p> <p>Head of Shared Regulatory Services</p> <p>Date: 9th January 2017</p>	<p>SCHEDULE</p> <p>To enforce the legislation listed below, and any modification or re-enactment to that legislation, relevant to the Councils statutory functions, or powers, and any future orders or regulations assigned to the Councils, the officer identified above may exercise the powers of an authorised officer, including the issuing of licences, permits or regulations, the service of notices* and any other power necessary:-</p> <ul style="list-style-type: none"> Anti-Social Behaviour Act 2003 Anti-Social Behaviour, Crime and Policing Act 2014 Building Act 1984 Caravan Sites Act 1968 Cravan Sites and Control of Development Act 1960 Cardiff City Council Act 1984 Cardiff Corporation Acts 1961-1969 Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 Criminal Rights Act 2015 Control of Pollution (Amendment) Act 1989 Control of Pollution Act 1974 Criminal Justice and Police Act 2001 Animal Justice and Public Order Act 1974 Dangerous Dogs Act 1973 & 1991 Dangerous Wild Animals Act 1976 Environment Act 1995 Environmental Protection Act 1990 Food Safety Act 1990 Health Act 2006 Health and Safety at Work etc Act 1974*** Housing Act 1955 Housing Act 2004*** Housing Grants, Construction and Regeneration Act 1996 Licensing Act 2003 Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982 Local Government and Housing Act 1989 Local Government and Housing Act 1987 Mid Glamorgan County Council Act 1987 Mobile Homes (Wales) Act 2013 Noise Act 1996 Noise and Statutory Nuisance Act 1993 Pollution Prevention & Control Act 1999 Prevention of Damage by Pests Act 1949 Public Health (Control of Diseases) Act 1984 Public Health Acts 1875 1984 	<p>SCHEDULE CONT...</p> <ul style="list-style-type: none"> Refuse Disposal (Amenity) Act 1978 Safety of Sports Grounds Act 1975 Scrap Metal Dealers Act 2013 Section 215 of the Town and Country Planning Act 1990 South Glamorgan Act 1976 The Town Police Clauses Act 1847-1889 Water Industry Act 1991 Bathing Water Regulations 2013 Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 Environmental Permitting Regulation (England and Wales) 2010 Food Hygiene (Wales) Regulations 2006 Private Water Supplies (Wales) Regulations 2010 The Health Protection (Local Authority Powers) (Wales) Regulations 2010 The Health Protection (Notification) (Wales) Regulations 2010 The Health Protection (Part 2A Orders) (Wales) Regulations 2010 The Smoke-Free Premises etc (Wales) Regulations 2007 <p>The above authorisations are subject to the qualification and experience criteria specified in the relevant code of practice. Where the Food Law Code of Practice (Wales) and the Food Law Code of Practice (Wales) are applicable the authorised officer identified above may only exercise the powers of an authorised officer in respect of entry to premises and the inspection and sampling of any products or articles</p> <ul style="list-style-type: none"> The service of notices does not extend to the following notices which may only be issued with the consent of the Head of Shared Regulatory Services:- <p>Closure Notices</p>	<p>SCHEDULE CONT</p> <p>**STATUTORY POWER - HOUSING</p> <p>Section 239 of the Housing Act 2004, gives the power to:</p> <p>1 Enter premises at any reasonable time for the purpose of survey and examination to determine whether any functions under parts 1-4 and 7 should be exercised, including:</p> <ol style="list-style-type: none"> Determining whether a category 1 or 2 hazard exists Determining whether any enforcement action to remedy a Category 1 or 2 hazard has been complied with Inspection in connection with licensing of houses in multiple occupation and selective licensing of residential accommodation Inspection in connection with Interim and Final Management Orders Inspection in connection with Empty Dwelling Management Orders <p>2. The power to enter premises to carry out works in connection with Interim and Final Management Orders (section 311), Improvement Notices (schedule 3 (3)(4)) or Empty Dwelling Management Orders (schedule 7).</p>	<p>**INSTRUMENT OF APPOINTMENT</p> <p>Instruments of Appointment under the Health & Safety at Work Act</p> <p>INSTRUMENT OF APPOINTMENT (LEVEL 4)</p> <p>1. In this Appointment unless the context otherwise requires the following words, expressions and phrases shall have the meanings hereby ascribed to them:-</p> <p>(i) "The Councils" shall mean the Bridgend County Borough Council, the Vale of Glamorgan County Borough Council and the County Council of the City of Cardiff</p> <p>(ii) "The 1974 Act" shall mean the Health and Safety at Work etc Act 1974.</p> <p>2. In exercise of the power conferred upon the Councils by Section 19(1) of the 1974 Act and being satisfied that Richard Romero has suitable qualifications, the Councils hereby appoint him to be an Inspector for the purposes of the 1974 Act and hereby authorise him to enforce the 1974 Act within the field of the responsibility of the Councils and for that purpose to exercise the powers of an Inspector specified in:</p> <p>(i) The following sections of the 1974 Act:-</p> <p>Section 29(1), (2) (a-i)</p> <p>(ii) Any health and safety regulations; and</p> <p>(iii) The provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule and of the regulations, orders or other instruments of a legislative character made or having effect under any provision so specified as in force from time to time.</p> <p>3. This instrument revokes any previous instrument of appointment of the said inspector and shall remain in force until revoked by the Councils. For the avoidance of doubt, this Appointment shall be automatically revoked upon the said Richard Romero ceasing for whatever reason to occupy a post as Technical Officer, Neighbourhood Services in the employment of the Councils or its successors.</p> <p>Authorised Signatory: </p> <p>Date: 9.1.17</p>
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Monday 23:18pm.
Friday 26th April.
23:45pm 159 Cambridge
Road East. Regent

kevin's bar mostly
in the living room of
the Complainant 78

property music can
be clearly heard —
loud enough to —
disturb sleep or —
prevent a person going
to sleep / reading or
beds or watching
TV. 23:48pm

loud music can
still be heard
in the living room.
Quite clearly Bass

is clearly audible
in the living room.

23:52pm music

loud and clearly
audible in the

living room. 00:00am

music still clearly

audible in the

living room 00:04am music

still ongoing and clearly

audible in the living room.

The bass is very noticeable

00:11am 679 Felt

Wup. first track change

to Tupac "California"

Love. music clearly
Audible in the
livingroom and enough
to prevent sleep or
great enjoyment of the
property. 00:17 am

This is how we
do it by Montell
Jordan. Clearly Audible
in the livingroom 00:20
G-Hello Gossip by Tupac
& Eminem still clearly
audible in the livingroom.
00:24 - options by NSG
feat. Timbaland. Can

be clearly heard in the
livingroom. bass is loud
enough to prevent or
disturb sleep. 00:28

"No Brainer" playing
Can be clearly heard
in the livingroom -

00:32 song called -
Chalice by Donae'o
feat. Kelly Rowland
Others still clearly
audible in the livingroom

00:36 song "Wow" by
Post Malone. 00:38
Track "Needed Time

by Yang Bone can
be heard in the
luncheon. 00:42 80

music still ongoing
still loud and Va
clear bread of
the voice.

Annex B

***Representation submitted by Cardiff Council's
Licensing Department***

Griffiths, Paul (PPE)

From: Morgan, Rhys
Sent: 14 June 2019 14:49
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Review of Kevin's Bar Premises Licence
Attachments: Witness Statement AB.pdf; Witness Statement RM.pdf; Exhibit RM02 KB review.pdf; Exhibit RM01 KB review.pdf

Good Afternoon,

Please find attached representations in relation to the review application for Kevin's Bar Premises Licence. The Licensing Authority have received complaints and believe the premises to operate in breach of conditions imposed on the licence.

Please find attached a statement from Myself along with Enforcement Officer Andrew Brown.

Kind regards

Rhys Morgan

Licensing Section / Adran Drwyddedu

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan
Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg
Telephone | Ffôn 02920 871123

Language Preference

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â 029 20871651/ trwyddedu@caerdydd.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact 029 20871651/ licensing@cardiff.gov.uk to register your language choice. If we do not receive your language choice, we will continue to correspond with you in accordance with current procedure. Corresponding in Welsh will not lead to any delay.

From: Hartrey, Claire

Sent: 23 May 2019 16:35

To: Bond, Graham <G.Bond@cardiff.gov.uk>; Safeguarding Children - Diogelu Plant <SafeguardingChildren@cardiff.gov.uk>; DC Consultations / Ymgynghoriadau DC <DCConsultations@cardiff.gov.uk>; Fire Service <safety-south@southwales-fire.gov.uk>; Food Safety <FoodSafetyCardiff-SRSWales@valeofglamorgan.gov.uk>; Health & Safety Enforcement Section / Is-adran Gorfodaeth Iechyd a Diogelwch <HealthandSafetyEnforcement@cardiff.gov.uk>; Hotchkiss, Jackie <JHotchkiss@cardiff.gov.uk>; Kelly, Cerys <Cerys.Kelly@cardiff.gov.uk>; NHS1 <Kate.roberts6@wales.nhs.uk>; NHS2 <Caroline.mullins@wales.nhs.uk>; Planning Assistants / Cynorthwyr Cynllunio <PlanningAssistants@cardiff.gov.uk>; Police Licensing Mailbox <SWPCardiffLicensing@south-wales.pnn.police.uk>; Pollution <pollution-cardiff-srswales@valeofglamorgan.gov.uk>; Sian Pollution <esjames@valeofglamorgan.gov.uk>
Cc: Barker, Kirstie <kibarker@cardiff.gov.uk>; Evans, Kirsty <Kirsty.Evans@cardiff.gov.uk>; Brown, Andrew (SRS TUPE) <Andrew.Brown@cardiff.gov.uk>; Cook, Daniel <Daniel.Cook2@cardiff.gov.uk>; Curry, Peter <PCurry@cardiff.gov.uk>; Griffiths, Emily (Regulatory) <emily.griffiths1@cardiff.gov.uk>; Hartrey, Claire <CHartrey@cardiff.gov.uk>; Haughton, Tim <THaughton@cardiff.gov.uk>; Hotchkiss, Neil <Neil.Hotchkiss@cardiff.gov.uk>; Morgan, Rhys <rhys.morgan@cardiff.gov.uk>

Subject: Licensing Act 2003: Premises Licence Review -Kevin's Bar, 161 Cowbridge Road East, Canton, Cardiff, CF11 9AH

I am writing to advise you that an application for a Review of the above Premises Licence under the Licensing Act 2003 was received by this Authority on 23 May 2019 .

Representations may be made in respect of this application by 20 June 2019.

Details of the application are attached.

If you have any queries regarding this matter please do not hesitate to contact me.

I trust that this is of assistance.

Regards



Claire Hartrey | Team Manager, Licensing (Cardiff)

Rheolwraig Tîm, Trwyddedu (Caerdydd)

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir

Bridgend, Cardiff and the Vale of Glamorgan

Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg

Phone | Ffôn: 029 20871852

Email: chartrey@cardiff.gov.uk

Follow us on Twitter / Dilynwch ni ar Twitter

The Council welcomes correspondence in English and Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or bilingual as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn eich dewis iaith boed yn Gymraeg, yn Saesneg neu'n ddwyieithog dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

WITNESS STATEMENT/DATGANIAD TYST

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, Rule 16)
(Deddf CT 1967, a.9; Deddf LIY 1980, au.5A(3) (a) a 5B, Rheolau Gweithdrefnau Troseddol 2015, rh.16)

Statement of Rhys Morgan

Age if under 18/Oed os o dan 18: Over 18 (over 18 insert 'over 18'/os yw dros 18 rhwch 'dros 18')

Occupation/Galwedigaeth: Senior Licensing Officer (Enforcement)

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true. / Mae'r datganiad hwn (sy'n cynnwys 3 tudalen(nau) a phob un wedi'i llofnodi gennyf) yn wir hyd eithaf fy ngwybodaeth a'm cred ac fe'lgwnaf gan wybod, os caiff ei gyflwyno fel tystiolaeth, y gallaf gael fy erlyn os byddaf o fwriad wedi mynegi unrhyw beth y gwn sy'n anwir neu na chredaf ei fod yn wir.

Signature/ Llofnod:



Date/ Dyddiad: 18/01/2018

I am Rhys Morgan, I am employed as a Senior Licensing Enforcement Officer for the Vale of Glamorgan Council which forms part of the Shared Regulatory Service covering Bridgend, Cardiff and the Vale of Glamorgan. I have a BSc (Hons) Environmental Health Degree, I also hold the Professional Licensing Practitioners Qualifications and the Diploma in Acoustics and Noise Control from the Institute of Acoustics.

This Statement is in relation to the review of the Premises Licence for Kevin's Bar, 161 Cowbridge Road East, Canton, Cardiff, Premises Licence reference CCCP02095. The Premises Licence was granted following a Licensing Sub Committee hearing in November 2018. The premises application gave rise to representations from South Wales Police, Neighbourhood services Officers from Environmental Health/ Noise Pollution, Interested Parties and Local Residents.

Prior to the Licensing Sub Committee hearing the applicant and South Wales Police had agreed on conditions within their representation so on this bases the objection had been withdrawn subject to those conditions being placed on the Premises Licence.

Environmental Health made representations at the hearing, for which the sub committee had consideration for in their decision. On this occasion the sub committee resolved to grant the application with conditions which are captured in the decision notice for which a copy is exhibited as RM01.

Since the grant of the application it has become apparent that the premises has failed to comply or sufficiently take steps in order to demonstrate they are working towards compliance with some conditions of their Premises Licence. Complaints detailed in the review documentation have been received by Pollution Control/Environmental Health over a considerable time period along with complaints being received directly to the Licensing Authority. The first complaint being received by the Licensing Authority on the 11th January 2019 in relation to alleged regular serving, and consumption of alcohol and operating past licensable hours. Details of the complaints received by the Licensing authority and the associated actions are detailed in the Witness Statement of Licensing Enforcement Officer Andrew Brown.

Signature/ Llofnod:



Continuation Statement of / Parhad o Ddalganiad:

Referring back to Exhibit RM01 the decision notice from November's Licensing Sub Committee hearing and the subsequent conditions of Premises Licence exhibited as RM02 it has been the case since granting the application that conditions 18 and 25 of Annex 2 have not been sufficiently complied with.

Condition 18 which stipulates the premises shall operate so as to not cause a nuisance to nearby properties, signage will be displayed in prominent areas informing customers to have regard to the residents when leaving the premises, it is evident that signage is displayed at the premises; however, the signage forms just one part of the condition and can be seen to not having the intended effect. The initial part of this condition remains uncompliant as music continues to cause disturbance. This point is evidenced by the serving of a noise abatement notice and subsequent continued complaints.

Condition 25 refers to the requirement for a qualified consultant to produce a report of any necessary noise mitigation measures to be submitted to the Licensing Authority. This to my knowledge has not been completed and until the meeting held on the 8th March the licensing authority had not been made aware of any consultant being formally appointed to make such an assessment. Paul Trew of Acoustics and Noise Ltd who attended on the 8th April stipulated he had not been formally appointed before this date and as such no prior assessment or testing had been carried out. Issues surrounding condition 18 and 25 were discussed in details with Natasha Banner (Designated Premises Supervisor) and Kastriot Rama (Managing Director) along with past DPS Dane Marks all present at the meeting. No informative solutions or reasons for non-compliance were given at the time of this meeting. Mr. Rama resulted to simply apologising. A written action plan was recommended and Mr Rama agreed this would be completed and submitted by Friday 12th April 2019. To date a copy of this action plan has not been submitted to the licensing authority.

Noncompliance with condition 25 is in stark contrast to the information given to the committee by the applicants solicitor Mr. Patterson where it was intimated that a report would be forthcoming, as this was the reasoning behind not previously replying to Environmental Health's consultation response.

It is also evident from the decision notice Exhibited RM01 that the representations made at the time of the committee hearing have not transposed themselves into the day to day running of the premises. Representations were made in relation to a 'mature clientele' with a 'relaxed' 'Jazz' style atmosphere and 'the premises did not want to work against the local community'. This again is at odds with the evidence presented from Noise pollution in the witnessing of statutory noise nuisance.

The concern for prevention of public nuisance must have played a significant role in the thought process in coming to the decision to grant as significant discussion surrounding the points of nuisance are contained in the decision notice and a condition being subsequently attached specifically requesting a report to be submitted. It can only be concluded that the representations from the applicant at the time of the hearing were false claims or that once granted the Premises Licence they had little to no intention of acting in accordance to comply with condition 25 given the continued enforcement action of Environmental Health and significant delay in appointing a suitable consultant.

It is also clear from consultation with the planning department that planning consent for the extended hour till 01.30am has not been sought and no application has been received to extend these hours beyond the current permission of 23.00. Again this is contrary to the representations made at the initial hearing where Mr. Patterson on behalf of the applicant acknowledged the planning restrictions, but provided and undertaking that should the application to grant be successful it would be addressed. This again demonstrates that information provided to the committee for mitigating concerns has not been brought forward into the running of the business.

Signature / Llofnod:



It is the Licensing Authorities' position that since the grant of the Premises Licence the standard of management for the premises has been far less than what is expected of a licensed premises within the Cardiff Licensing Authority district. The mitigation and assurances made at the time of the hearing in order to grant the Licence have not come to fruition and as such have led to significant enforcement action from Environmental Health for Noise Nuisance and Involvement from South Wales Police in relation to Crime and Disorder at the premises.

Signature / Llofnod:

A handwritten signature in cursive script, appearing to be 'R. Allen', written in dark ink.

DECISION OF THE SUB COMMITTEE

The Sub Committee has before it an application in connection with a Premises Licence - Grant in respect of the Kevin's Bar, 161 Cowbridge Road East, Canton, Cardiff, CF11 9AH, reference No.027870.

Applicants: Bernard Carlton, Director
Dave Marks, DPS;
represented by Cameron Patterson

Responsible Authority: Gwyn Mapp,
Neighbourhood Services, Shared Regulatory Services

Other Persons: Mark McDonald, Solicitor for leaseholder

The Application

An application for the grant of a Premises Licence was been received from Kevin's Bars and Pubs Ltd in respect of 161 Cowbridge Road East, Canton, Cardiff

The applicant has applied for the following:

- (1) In respect of the following licensable activities:
 - (i) The sale by retail for consumption on and off the premises
 - (ii) The provision of regulated entertainment in the form of live music and recorded music (indoors)
 - (iii) The provision of late night refreshment (indoors)
- (2) Unless otherwise indicated the premises may be open to the public during the following hours and for any hours consequential to the non-standard timings:

Sunday to Thursday: 11:00 to 00:00
Friday and Saturday: 11:00 to 02:00
New Years Eve: 11:00 to the start of permitted hours on New Years Day
- (3) To provide licensable activities during the following hours:
 - (i) The sale by retail for consumption on and off the premises:

Sunday to Thursday: 11:00 to 00:00
Friday and Saturday: 11:00 to 02:00
New Years Eve: 11:00 to the start of permitted hours on New Years Day

- (ii) The provision of regulated entertainment in the form of live music and recorded music (indoors):
Sunday to Thursday: 23:00 to 00:00
Friday and Saturday: 23:00 to 02:00
New Years Eve: 23:00 to the start of permitted hours on New Years Day
- (iii) The provision of late night refreshment (indoors):
Sunday to Thursday: 23:00 to 00:00
Friday and Saturday: 23:00 to 02:00
New Years Eve: 23:00 to 05:00

Responsible Authority Representations

Gwyn Mapp, Neighbourhood Services Officer, Cardiff Council, addressed the Sub Committee. Members were advised that upon receipt of the application Gwyn Mapp attended the premises and the Cowbridge Street East area. A comparison of the hours applied for and the hours operated by other licenced premises in the vicinity was carried out. The hours applied for considerably exceeded those currently being operated.

There are 75 residential properties within 50 metres of the premises and concerns would expressed that music from regulated entertainment would cross boundaries, resulting in public nuisance being caused. Mr Mapp advised that he emailed the applicants in order to get more information regarding the management of noise breakout and any proposed mitigation measures. He did not receive a response to his email.

Mr Cameron Patterson asked whether Mr Mapp had been made aware that the application had been varied as a result of an agreement between the applicant and South Wales Police. Mr Mapp stated that he became aware the day before the hearing.

Mr Patterson stated that no response to Mr Mapp's email was sent because the applicants were anticipating a request for an acoustic report to be forthcoming. Mr Patterson advised his clients to ascertain what measures Neighbourhood Services would like to see put in place. t

The Legal Officer asked Mr Mapp to clarify whether his concerns related to the terminal hour for regulated entertainment or to noise breakout in general. Mr Mapp stated that both issues gave him cause for concern.

Mr Patterson acknowledged that a planning restriction was in place with prevented the use of the premises beyond 2300 hours. An undertaking was provided that that issue would be addressed if a premises licence is granted.

Applicants Representations

Mr Patterson presented the application. Mr Patterson stated that South Wales Police had requested 15 conditions, all of which were accepted by the applicant. The only issue of contention related to the provision of regulated entertainment between 2300 and 0100 hours.

Mr Patterson stated that the applicants intend to attract a more mature clientele. The premises would accommodate up to 70 people in a relaxed, informal atmosphere. Live artists would perform on an occasion basis, such as the provision of jazz on a Sunday between 1400 hours and 18 hours.

The Sub Committee was informed that the applicants are prepared to undertake a noise impact assessment at the premises but first they would like to understand more about the guidelines they

would be reporting to. Therefore it was suggested that the Sub Committee may like to adjourn that part of the application relating to regulated entertainment.

Mr Mapp asked whether the applicants had considered the impact of regulated entertainment beyond 2300 hours. Mr Patterson stated that they certainly did – they did not want to work against the local community in this regard and they were happy to liaise with officers from Neighbourhood Services regarding the aspects of noise which they wish to see addressed.

Members were advised that the premises were being redeveloped. Members asked whether it would be better to put soundproofing in now, rather than wait. Members were advised that the applicants did not want to incur unnecessary expense putting sound proofing into the premises at this stage. However, soundproofing would be installed if necessary.

Mr Carlton stated that the external area would be used as a smoking area. No drinking would be permitted in that area beyond 2100 hours. No music would be played externally and all drinks would be served at the bar.

Decision

We have heard from the applicant and listened to all the evidence and submissions and have reread the material again. We have also considered the Licensing Act 2003 the Section 182 Guidance and our own Statement of Licensing Policy.

We have also heard the representations made today by Neighbourhood Services and we have considered all written representations made to us.

We have given weight to the evidence provided by the Neighbourhood Services Officer that the regulated entertainment at the premises could cause noise disturbance to local residents. With this in mind, we have granted the application in respect of the sale of alcohol and late night refreshment, but with regards to the regulated entertainment we consider it appropriate to attach the following condition to the Premises Licence:

The premises must employ a suitably qualified acoustic consultant (who is a member of the Institute of Acoustics or similar organisation) to produce an acoustic report to the satisfaction of the Shared Regulatory Service's Neighbourhood Services Team. Any noise mitigation measures recommended in the report that are agreed to be necessary by a Neighbourhood Services Officer must be fully implemented prior to any regulated entertainment being performed at the premises.

Given the location of the premises and its proximity to residential properties we feel that appropriate opening hours are:

Sunday to Thursday: 11:00 to 00:30

Friday and Saturday: 11:00 to 01:30

New Years Eve: 11:00 to the start of permitted hours on New Years Day

All the conditions which have been suggested by the applicant or responsible authorities and have been agreed are accepted. These conditions have been considered individually and are considered to be appropriate.

Licensing Sub-Committee: 23 November 2018

WITNESS STATEMENT/DATGANIAD TYST

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2015, Rule 16)
(Deddf CT 1967, a.9; Deddf LIY 1980, au.5A(3) (a) a 5B, Rheolau Gweithdrefnau Troseddol 2015, rh.16)

Statement of **Andrew Brown**

Age if under 18/Oed os o dan 18: **Over 18** (over 18 insert 'over 18'/os yw dros 18 rhwch 'dros 18')

Occupation/Galwedigaeth: **Licensing Enforcement Officer**

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true. / Mae'r datganiad hwn (sy'n cynnwys tudalen(nau) a phob un wedi'i llofnodi gennyf) yn wir hyd eithaf fy ngwybodaeth a'm cred ac fe'lgwnaf gan wybod, os caiff ei gyflwyno fel tystiolaeth, y gallaf gael fy erlyn os byddaf o fwriad wedi mynegi unrhyw beth y gwn sy'n anwir neu na chredaf ei fod yn wir.

Signature/ Llofnod:



Date/ Dyddiad: **06/06/2019**

My name is Andrew Brown. I am a Licensing Enforcement Officer for Cardiff Council which forms part of the Shared Regulatory Service covering Bridgend, Cardiff and the Vale of Glamorgan. My role is to administer and enforce the licensing functions of the Shared Regulatory Service. I attach a copy of my authority, exhibit: (AB/1341/01)

On the 11th of January 2019, a complaint (**Com 1341**) was received by the Cardiff Licensing Team from a member of the public, pertaining to **Kevin's Bar** which is located at **161 Cowbridge Road East, Canton Cardiff**. The complaint alleged that the premises regularly stays open until 4.00 or 5.00am daily, whereas the premises is only licensed until 1.00-1.30.

The complaint was passed to me to investigate, and in the process of investigating the complaint, I discovered that a separate complaint had been received by the Noise Pollution Team, and that the designated officer was in the process of sending a letter out to the Premises Licence Holder and the Designated Premises Supervisor (DPS).

Following a discussion with the designated Noise Pollution Officer, Mrs Rebecca Williams, I drafted a section from a Licensing perspective to include in her initial letter. Outlining the permissible licensing activities and their respective permitted hours, and instructing them to cease all unauthorized activity immediately (Exhibit AB/1341/02)

In conjunction with colleagues I undertook 2 late night observational visits to the premises on the 20th of January at 01.30am and the 3rd of February 2019 at 01:50. We parked close to the junction of Kings Road and Cowbridge Road East (directly opposite the premises). On the first visit, the premises was closed with shutters down, whilst on the 2nd visit the shutters were down, however a group of patrons could clearly be seen (through the shutters) standing inside the premises with bar staff visible behind the bar. During the 15 minute period that the premises was under observation, I did not evidence money changing hands, or alcohol being sold, however there was music being played at the premises, which was clearly audible from our place of observation across the road.

Signature/ Llofnod:



Signature witnessed by/ Tystiwyd y llofnod gan:

Continuation Statement of / Parhad o Ddalganiad: **Andrew Brown**

On the 5th of February 2019 I notified the Police Licensing Team, to make them aware of the reported issues at the bar, including the details of our recent observational visits.

On the 24th of February 2019 The Licensing Team received another complaint (**Com 1397**) from a member of the public, pertaining to Kevins Bar. The complaint alleged a number of issues, that included, the premises playing music and staying open past its licensed time, regularly selling alcohol without a Designated Premises Supervisor being present, and that the bar attracts an unruly clientele who are taking and selling drugs in and around the bar.

On the 1st of March 2019, my colleague Neil Hotchkiss and I, undertook a compliance visit to the premises, and met with the Designated Premises Supervisor (DPS) Ms Natasha Banner. The details of the new complaint was raised with the DPS who stated that the premises complies with all of its licensed conditions, and explained that the premises closes down as per its licence conditions, but explained that the owner of the premises Mr Rama often holds private get-togethers, but the DPS stressed that alcohol was not being sold after their permitted hours (during these get-togethers) and offered to show my colleague and I some till rolls to evidence this, should it be required

Prior to leaving, the DPS was reminded verbally, of the importance of complying to the Licence conditions, and further advised that the premises would continue to be monitored to ensure compliance.

On the 19th of March 2019 a 3rd complaint (**Com 1460**) was received by the Cardiff Licensing Team, from an ex-member of staff alleging that the premises holds regular lock- ins, through the night until 11.00am, and that some bar staff were selling cocaine from the bar.

Due to the nature of the allegations made, this information was immediately passed onto to the Police Licensing Team via email on the 20th March 2019, with the recommendations that this needs to be escalated to South Wales Police.

On the 25th March 2019 I discussed the complaints with Noise Pollution Officer RW, who informed me that she was in the process of arranging a meeting in the near future with the Premises Owner and DPS together with a member of the Police Licensing Team.

Signature/ Llofnod:

Signature witnessed by/ Tystiwyd y llofnod gan:

SCHEDULE		SCHEDULE CONT.	
<p>Bridgehead County Borough Council, Vale of Glamorgan County Council, The County Council of the City of Cardiff</p> <p>Shared Regulatory Services</p> <p>Authorisation to act as an Authorised Officer:</p> <ul style="list-style-type: none"> Andrew Brown ID Number 6553 <p>Designation: Enforcement Officer (Licensing)</p> <p>In accordance with the powers delegated to the Regulatory Shared Services Joint Committee by:</p> <ul style="list-style-type: none"> The Cabinet and Council of the Vale of Glamorgan County Borough Council on 22nd September 2014 and 12th November 2014 respectively The Cabinet and the Council of the County Council of the City of Cardiff on 9th October 2014 and 23rd October 2014 respectively The Cabinet and the Council of Bridgend County Borough Council on 7th October 2014 and 15th October 2014 respectively <p>and further delegated to me by:</p> <p>Clause 9.2 of the Joint Working Agreement between the Councils of Bridgend, Cardiff and the Vale of Glamorgan;</p> <p>AND in accordance with the powers delegated to me by the Licensing and Public Protection Committees of Bridgend County Borough Council, the Vale of Glamorgan County Borough Council and the County Council of the City of Cardiff</p> <p>I authorise you to enforce and administer the legislation listed on the attached Schedule and any future legislation assigned to the Shared Regulatory Service as an enforcement authority</p> <p>Signed: <i>[Signature]</i></p> <p>Head of Shared Regulatory Services</p> <p>Date: 8th November 2016</p>		<p>To enforce the legislation listed below, and any modification or re-enactment to that legislation, referred to the Councils statutory functions, or powers, and any future orders or regulations assigned to the Councils of a licensing nature, the officer identified above may exercise the powers of an authorised officer, including the issuing of licences, permits, or regulations, the service of notices and any other power necessary:</p> <ul style="list-style-type: none"> Animal Boarding Establishments Act 1963 Animal Welfare Act 2006 Breeding of Dogs Act 1973 Cardiff Corporation Acts 1961 Charities Act 2006 Civil Partnership Act 2004 Commons Act 2006 Commerce Registration Act 1968 Control of Pollution Act 1974 County of South Glamorgan Act 1976 Criminal Justice and Public Order Act 1994 Dangerous Wild Animals Act 1976 Disability Discrimination Act 1995 Environmental Protection Act 1990 Equalities Act 2010 Gambling Act 2005 Game Act 1831 Guard Dogs Act 1975 Health Act 2006 Houses to House Collections Act 1939 Licensing Act 2003 Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982 Marriage Act 1949 Noble Act 1996 Performing Animals (Regulations) Act 1925 and Performing Animals Rules 1925 Pet Animals Act 1981 Police, Fireworks etc (Miscellaneous Provisions) Act 1916 Private Security Industry Act 2001 Public Health Act Amendment Act 1907 Trading Establishments Act 1954 Road Safety Act 2006 Road Traffic Regulation Act 1984 Street Vending Act 2013 	



Shared **Regulatory Services**
Gwasanaethau **Rheoliadol** a Rennir



Mr Dane Marks
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services
Deialu uniongyrchol / Direct line: **02920 871371**
Gofynnwch am / Ask for: **Rebecca Williams**
Ein cyf / Our ref: **«c1» / RW2 / 663325**
Dyddiad / Date: **17th January 2019**

Dear Mr Dane Marks,

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
LICENSING ACT 2003
ALLEGED NOISE NUISANCE
161 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9AH

I am writing to advise you that complaints have been received by Shared Regulatory Services alleging noise nuisance due to amplified music.

At present I have no way of knowing if the complaints are justified. However, if further complaints are received, investigations will be undertaken, which will include noise monitoring, to establish whether the noise amounts to a nuisance. Should it be confirmed that a statutory noise nuisance exists or is likely to occur or recur, an Abatement Notice will be served under section 80 of the above legislation requiring the nuisance to be abated. Failure to comply with the Notice is an offence for which you can be prosecuted, with fines of any amount being imposed upon summary conviction in a Magistrates Court.

You should also note that as one of the Responsible Authorities, we can call your premises licence in for review if repeated complaints are received and you are found to be breaching the licensing objective of preventing public nuisance.

In order to minimise any disturbance being caused to residents from amplified music, it is advisable that doors and windows are kept closed when regulated entertainment is being played, and that if any music is played externally, then it is only considered to be background. It is also recommended that regular patrols are undertaken around the area and the volume adjusted accordingly and that you have door staff to control the noise from patrons leaving the premises/congregating outside.

I would therefore ask for your co-operation by taking whatever steps are necessary to prevent a noise or public nuisance from occurring and ensuring that you comply with the conditions of your premises licence at all times.

Furthermore, I write on behalf of the Cardiff Licensing Team who have also received a complaint which alleges that unauthorised licensable activities may have been carried out at the premises, and that the premises is frequently remaining open into the early hours of the morning.(5.00am)

May I remind you that your current Premises licence allows for;

The performance of Live and recorded music (indoors)
Sunday to Thursday from 11.00 till Midnight
Friday and Saturday from 11.00pm-1.00am

The provision of late night refreshment (indoors)



Miss Natasha Banner
Kevin's Bar
161 Cowbridge Road East
Riverside
Cardiff
CF11 9AH

Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services

Deialu uniongyrchol / Direct line: 02920 871371

Gofynnwch am / Ask for: Rebecca Williams

Ein cyf / Our ref: «c1» / RW2 / 663325

Dyddiad / Date: 17th January 2019

Dear Miss Banner

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)

LICENSING ACT 2003

ALLEGED NOISE NUISANCE

KEVIN'S BAR 161 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9AH

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At present I have no way of knowing if the complaints are justified. However, if further complaints are received, investigations will be undertaken, which will include noise monitoring, to establish whether the noise amounts to a nuisance. Should it be confirmed that a statutory noise nuisance exists or is likely to occur or recur, an Abatement Notice will be served under section 80 of the above legislation requiring the nuisance to be abated. Failure to comply with the Notice is an offence for which you can be prosecuted, with fines of any amount being imposed upon summary conviction in a Magistrates Court.

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May I remind you that your current Premises licence allows for;

The performance of Live and recorded music (indoors)

Sunday to Thursday from 11.00 till Midnight

Friday and Saturday from 11.00pm-1.00am

The provision of late night refreshment (indoors)
Sunday to Thursday from 11.00pm till Midnight
Friday and Saturday from 11.00pm till 01.00am

The supply of alcohol for consumption On and Off the premises:
Sunday to Thursday from 11.00am till Midnight
Friday and Saturday from 11.00am till 01.00am

With the opening hours
Sunday to Thursday from 11.00 till 12.30am
Friday and Saturday from 11.00 till 1.30am

As the current premises licence does not currently hold a licence to provide licensable activities beyond the times detailed above, (other than New Years Eve) **You are therefore instructed to ensure that any unauthorised activity at the premises is ceased immediately.**

In the event of a special event, where you need to extend the licensing hours then the premises could look to apply for a Temporary Event Notice, (TEN) to cover the period of the special event. Information regarding TENs can be obtained via the Cardiff Council Website (licensing) or via Licensing on telephone number 02920 871651.

The above premises will be monitored by Licensing Enforcement Officers of the Authority, to ensure that the premises is in compliance with the requirements of the Licensing Act 2003 and the premises licence. Should evidence be obtained of any unlicensed activity being carried out at the premises, then it may result in legal action being instigated via Cardiff Magistrates Court and/or a review of your premises licence.

A copy of this letter has also been sent to South Wales Police and the Licensing Authority for their attention.

If you have any queries regarding this matter, please do not hesitate in contacting me on the above number or by e-mail at rlwilliams@valeofglamorgan.gov.uk.

Yours faithfully



Rebecca Williams, Neighbourhood Services Officer

Mae'r Cyngor yn croesawu gortalebwrth yn Gymraeg a baesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ddi ddiw, bod yn Saesneg, yn Gymraeg neu'n dwyieithog os ydych chi bod yn ymwybodol o'ch dewis. Cysylltwch â safonacymraeg@bromorgannwg.gov.uk i nodi dewis iaith. Os na fyddwn yn darbyn i'ch dewis iaith, byddwn yn parhau'n gyfathrebu â chi yn unol â'r we nodrefn broserinol. Ni fydd gohebau yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact welshstandards@valeofglamorgan.gov.uk to register your language choice. If we do not receive your language choice, we will continue to correspond with you in accordance with current procedure. Corresponding in Welsh will not lead to any delay.

Premises Licence**ANNEXES: CONDITIONS****Annex 1 - Mandatory Conditions****Mandatory conditions where licence authorises supply of alcohol**

- (1) No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions where licence authorises supply of alcohol for consumption on the premises

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the



ANNEXES: CONDITIONS continued ...

permitted price:

6. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

<http://www.legislation.gov.uk/ukdsi/2014/9780111109120/images/ukdsi_9780111109120_en_001>
where-

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

7. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Condition: door supervision

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to-

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the operating schedule

1. A CCTV system shall be installed to a standard as approved by South Wales Police and maintained and operated at all times the premises are open to the public. The system will cover all internal areas of the premises where the public have access (excluding toilets) including all entrances and exits and any external areas associated with the premises. The images shall be kept for a minimum of 31 days and shall be produced to a Police employee in a readily playable format immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.



ANNEXES: CONDITIONS continued ...

2. At least 70% of the public space within the licensable area of the premises will be occupied by tables and chairs.
3. The sale or consumption of alcohol in the external area, described as the patio area in the application for the premises licence reference CEP.1123, shall cease at 21:00hrs daily.
4. SIA registered door supervisors will be employed at the premises on Fridays, Saturdays and those Sundays immediately prior to Bank Holidays, from 21:00hrs until the premises closes. They will be employed on a ratio of 1-75 with a minimum of two door supervisors at the premises at any one time on these days.
5. On any date when any regulated football match is being played at the Cardiff City Stadium, all beverages, alcoholic or otherwise, will be served in non-glass vessels for a period of two hours prior to the time of kick-off and for a period of two hours following the final whistle.
6. On any date when any regulated football match is being played at the Cardiff City Stadium, SIA registered door supervisors will be employed on a ratio of 1-75 (with a minimum of two door supervisors at any one time) at the premises from either 4pm that day or no less than two hours before the commencement of the event, whichever is earlier, until closure of the premises.
7. There shall be no entry or exit to or from the premises by way of the gates in the rear external area associated with the premises described as the patio area in the application for the premises licence reference CEP.1123, except in an emergency.
8. On any date when any regulated football match is being played at the Cardiff City Stadium, the rear gates to the external area shall be monitored by an SIA registered door supervisor, who will be positioned in the rear external area of the premises, described as the patio area in the application for the premises licence reference CEP. 1123.
9. When SIA registered door supervisors are employed at the premises they will utilise at least one body worn video device. Any such device will be capable of recording both audio recordings and visual images. The recordings will be kept for a minimum of 31 days and will be produced to a Police employee in a readily available format immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.
10. The DPS will ensure that an adequate system for measuring the number of patrons in the premise is used by Door Supervisors such as counting clickers. Numbers of patrons on the premises will be recorded hourly in the door supervisor log book.
11. A register/log of door supervisors shall be kept at the premises. The register shall show the full name and SIA registration number of each door supervisor stating the start and end duty times from each door supervisor. The register/log shall be kept by the DPS for a minimum of 12 months and will be made available to a Police employee or representative of a relevant agency on request.
12. An incident book shall be kept at the premises and maintained on site for a period of twelve months. It shall be made available on request to an authorised officer of the local authority or a member of police staff, which will record the following:
 - i) All crimes reported to the venue
 - ii) Any complaints received (of a Criminal or Licensing nature)
 - iii) Any incidents of disorder
 - iv) Any refusal of the sale of alcohol
 - v) Any visit by a representative of a relevant authority or a member of the emergency services.
 - vi) Any failures of the CCTV system.
13. Open containers of alcohol shall not be removed from the premises, save for consumption in the external area associated with the premises described as the patio area in the application for the premises licence reference CEP.1123.
14. The DPS or a personal licence holder will be on the premises at all times licensable activities are taking place.
15. There will be no mobile alcohol sales persons of any sort.
16. The premises will operate a 'Challenge 25' Policy.



ANNEXES: CONDITIONS continued ...

17. A notice will be displayed at the premises warning customers of our zero tolerance policy with anti-social, drunken, and quarrelsome behaviour and that they could be banned from all licensed premises within the vicinity under the Behave or be Banned Scheme.

18. The premises will be operated so as not to cause a nuisance to nearby properties. Signage will be displayed in prominent areas informing customers to have regard to the residents when leaving the premises.

19. All outside lighting will be operated on a timer and will be turned off at close of business.

20. The premises has a waste collection contract with Cardiff County Council who will remove waste on a weekly basis.

21. Staff undertake a litter pick to a distance of 5 meters around the premises every week.

22. No person under the age of 18 shall be employed on the premises whether paid or unpaid for the purpose of serving alcohol.

23. No children under the age of 16 years will remain on the premises after 21.00, unless they are accompanied by an adult, or they are attending a pre-booked event or function.

24. Staff shall frequently walk the premises to ensure that the Licensing Objectives are being promoted.

25. The premises must employ a suitably qualified acoustic consultant (who is a member of the Institute of Acoustics or similar organisation) to produce an acoustic report to the satisfaction of the Shared Regulatory Service's Neighbourhood Services Team. Any noise mitigation measures recommended in the report that are agreed to be necessary by a Neighbourhood Services Officer must be fully implemented prior to any regulated entertainment being performed at the premises.

Annex 1 - Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

- (1) No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions where licence authorises supply of alcohol for consumption on the premises

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably



Premises Licence**ANNEXES: CONDITIONS****Annex 1 - Mandatory Conditions****Mandatory conditions where licence authorises supply of alcohol**

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 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
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 (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
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 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
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ANNEXES: CONDITIONS continued ...

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where-

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(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

7. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Condition: door supervision

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to-

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the operating schedule

1. A CCTV system shall be installed to a standard as approved by South Wales Police and maintained and operated at all times the premises are open to the public. The system will cover all internal areas of the premises where the public have access (excluding toilets) including all entrances and exits and any external areas associated with the premises. The images shall be kept for a minimum of 31 days and shall be produced to a Police employee in a readily playable format immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.



ANNEXES: CONDITIONS continued ...

2. At least 70% of the public space within the licensable area of the premises will be occupied by tables and chairs.
3. The sale or consumption of alcohol in the external area, described as the patio area in the application for the premises licence reference CEP.1123, shall cease at 21:00hrs daily.
4. SIA registered door supervisors will be employed at the premises on Fridays, Saturdays and those Sundays immediately prior to Bank Holidays, from 21:00hrs until the premises closes. They will be employed on a ratio of 1-75 with a minimum of two door supervisors at the premises at any one time on these days.
5. On any date when any regulated football match is being played at the Cardiff City Stadium, all beverages, alcoholic or otherwise, will be served in non-glass vessels for a period of two hours prior to the time of kick-off and for a period of two hours following the final whistle.
6. On any date when any regulated football match is being played at the Cardiff City Stadium, SIA registered door supervisors will be employed on a ratio of 1-75 (with a minimum of two door supervisors at any one time) at the premises from either 4pm that day or no less than two hours before the commencement of the event, whichever is earlier, until closure of the premises.
7. There shall be no entry or exit to or from the premises by way of the gates in the rear external area associated with the premises described as the patio area in the application for the premises licence reference CEP.1123, except in an emergency.
8. On any date when any regulated football match is being played at the Cardiff City Stadium, the rear gates to the external area shall be monitored by an SIA registered door supervisor, who will be positioned in the rear external area of the premises, described as the patio area in the application for the premises licence reference CEP. 1123.
9. When SIA registered door supervisors are employed at the premises they will utilise at least one body worn video device. Any such device will be capable of recording both audio recordings and visual images. The recordings will be kept for a minimum of 31 days and will be produced to a Police employee in a readily available format immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.
10. The DPS will ensure that an adequate system for measuring the number of patrons in the premise is used by Door Supervisors such as counting clickers. Numbers of patrons on the premises will be recorded hourly in the door supervisor log book.
11. A register/log of door supervisors shall be kept at the premises. The register shall show the full name and SIA registration number of each door supervisor stating the start and end duty times from each door supervisor. The register/log shall be kept by the DPS for a minimum of 12 months and will be made available to a Police employee or representative of a relevant agency on request.
12. An incident book shall be kept at the premises and maintained on site for a period of twelve months. It shall be made available on request to an authorised officer of the local authority or a member of police staff, which will record the following:
 - i) All crimes reported to the venue
 - ii) Any complaints received (of a Criminal or Licensing nature)
 - iii) Any incidents of disorder
 - iv) Any refusal of the sale of alcohol
 - v) Any visit by a representative of a relevant authority or a member of the emergency services.
 - vi) Any failures of the CCTV system.
13. Open containers of alcohol shall not be removed from the premises, save for consumption in the external area associated with the premises described as the patio area in the application for the premises licence reference CEP.1123.
14. The DPS or a personal licence holder will be on the premises at all times licensable activities are taking place.
15. There will be no mobile alcohol sales persons of any sort.
16. The premises will operate a 'Challenge 25' Policy.



ANNEXES: CONDITIONS continued ...

17. A notice will be displayed at the premises warning customers of our zero tolerance policy with anti-social, drunken, and quarrelsome behaviour and that they could be banned from all licensed premises within the vicinity under the Behave or be Banned Scheme.
18. The premises will be operated so as not to cause a nuisance to nearby properties. Signage will be displayed in prominent areas informing customers to have regard to the residents when leaving the premises.
19. All outside lighting will be operated on a timer and will be turned off at close of business.
20. The premises has a waste collection contract with Cardiff County Council who will remove waste on a weekly basis.
21. Staff undertake a litter pick to a distance of 5 meters around the premises every week.
22. No person under the age of 18 shall be employed on the premises whether paid or unpaid for the purpose of serving alcohol.
23. No children under the age of 16 years will remain on the premises after 21.00, unless they are accompanied by an adult, or they are attending a pre-booked event or function.
24. Staff shall frequently walk the premises to ensure that the Licensing Objectives are being promoted.
25. The premises must employ a suitably qualified acoustic consultant (who is a member of the Institute of Acoustics or similar organisation) to produce an acoustic report to the satisfaction of the Shared Regulatory Service's Neighbourhood Services Team. Any noise mitigation measures recommended in the report that are agreed to be necessary by a Neighbourhood Services Officer must be fully implemented prior to any regulated entertainment being performed at the premises.

Annex 1 - Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

- (1) No supply of alcohol may be made under the premises licence-
- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions where licence authorises supply of alcohol for consumption on the premises

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably



Annex C

***Representation submitted by Cardiff Council's
Planning Department***

Hartrey, Claire

From: Planning Assistants / Cynorthwywyr Cynllunio
Sent: 13 June 2019 15:59
To: Hartrey, Claire
Subject: RE: Licensing Act 2003: Premises Licence Review -Kevin's Bar, 161 Cowbridge Road East, Canton, Cardiff, CF11 9AH
Attachments: 14.00751.DCI decision notice.pdf; 14.02608.MNR decision notice.pdf

Dear Claire,

Please note the following in regards to the review of the premises licence;

Condition 2 of planning permission 14/00751/DCI states;

The premises shall be used as a restaurant or café and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).

Condition 3 of planning permission 14/02608/MNR states;

No member of the public shall be admitted to or allowed to remain on the premises outside of the hours of 06:00 - 23:00 Mondays to Fridays and 08:00 – 23:00 Saturdays and Sundays.

The operation of the premises contrary to the requirements of the planning permission could result in the pursuit of formal action where a maximum fine of £20,000 may be imposed upon conviction at Magistrates' Court.

Kind Regards

Gareth Starling

Cynorthwy-ydd Cynllunio / Planning Assistant
 Rheoli Datblygiadau / Development Management
 Gweithrediadau'r Ddinas / City Operations
 Cyngor Caerdydd / Cardiff Council
 E-bost/Email: gstarling@caerdydd.gov.uk / gstarling@cardiff.gov.uk
 Ffôn/Tel: 029 2233 0835
 Ystafell 201, Neuadd y Sir, Glanfa'r Iwerydd CAERDYDD CF10 4UW
 Room 201, County Hall, Atlantic Wharf CARDIFF CF10 4UW

From: Hartrey, Claire
Sent: 23 May 2019 16:42
To: Bond, Graham; Safeguarding Children - Diogelu Plant; DC Consultations / Ymgynghoriadau DC; 'Fire Service'; 'Food Safety'; Health & Safety Enforcement Section / Is-adran Gorfodaeth Iechyd a Diogelwch; Hotchkiss, Jackie; Kelly, Cerys; 'NHS1'; 'NHS2'; Planning Assistants / Cynorthwywyr Cynllunio; 'Police Licensing Mailbox'; 'Pollution'; 'Sian Pollution'
Cc: Barker, Kirstie; Evans, Kirsty; Brown, Andrew (SRS TUPE); Cook, Daniel; Curry, Peter; Griffiths, Emily (Regulatory); Hartrey, Claire; Haughton, Tim; Hotchkiss, Neil; Morgan, Rhys
Subject: FW: Licensing Act 2003: Premises Licence Review -Kevin's Bar, 161 Cowbridge Road East, Canton, Cardiff, CF11 9AH

Sorry forgot to attach the form

Claire

From: Hartrey, Claire

Sent: 23 May 2019 16:35

To: Bond, Graham <G.Bond@cardiff.gov.uk>; Safeguarding Children - Diogelu Plant <SafeguardingChildren@cardiff.gov.uk>; DC Consultations / Ymgynghoriadau DC <DCConsultations@cardiff.gov.uk>; Fire Service <safety-south@southwales-fire.gov.uk>; Food Safety <FoodSafetyCardiff-SRSWales@valeofglamorgan.gov.uk>; Health & Safety Enforcement Section / Is-adran Gorfodaeth Iechyd a Diogelwch <HealthandSafetyEnforcement@cardiff.gov.uk>; Hotchkiss, Jackie <JHotchkiss@cardiff.gov.uk>; Kelly, Cerys <Cerys.Kelly@cardiff.gov.uk>; NHS1 <Kate.roberts6@wales.nhs.uk>; NHS2 <Caroline.mullins@wales.nhs.uk>; Planning Assistants / Cynorthwyyr Cynllunio <PlanningAssistants@cardiff.gov.uk>; Police Licensing Mailbox <SWPCardiffLicensing@south-wales.pnn.police.uk>; Pollution <pollution-cardiff-srs-wales@valeofglamorgan.gov.uk>; Sian Pollution <esjames@valeofglamorgan.gov.uk>
Cc: Barker, Kirstie <kibarker@cardiff.gov.uk>; Evans, Kirsty <Kirsty.Evans@cardiff.gov.uk>; Brown, Andrew (SRS TUPE) <Andrew.Brown@cardiff.gov.uk>; Cook, Daniel <Daniel.Cook2@cardiff.gov.uk>; Curry, Peter <PCurry@cardiff.gov.uk>; Griffiths, Emily (Regulatory) <emily.griffiths1@cardiff.gov.uk>; Hartrey, Claire <CHartrey@cardiff.gov.uk>; Haughton, Tim <THaughton@cardiff.gov.uk>; Hotchkiss, Neil <Neil.Hotchkiss@cardiff.gov.uk>; Morgan, Rhys <rhys.morgan@cardiff.gov.uk>
Subject: Licensing Act 2003: Premises Licence Review -Kevin's Bar, 161 Cowbridge Road East, Canton, Cardiff, CF11 9AH

I am writing to advise you that an application for a Review of the above Premises Licence under the Licensing Act 2003 was received by this Authority on 23 May 2019 .

Representations may be made in respect of this application by 20 June 2019.

Details of the application are attached.

If you have any queries regarding this matter please do not hesitate to contact me.

I trust that this is of assistance.

Regards



Claire Hartrey | Team Manager, Licensing (Cardiff)

Rheolwraig Tîm, Trwyddedu (Caerdydd)

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir

Bridgend, Cardiff and the Vale of Glamorgan

Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg

Phone | Ffôn: 029 20871852

Email: chartrey@cardiff.gov.uk

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The Council welcomes correspondence in English and Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or bilingual as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn eich dewis iaith boed yn Gymraeg, yn Saesneg neu'n ddwyieithog dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

Application No: 14/00751/DCI

PERMISSION FOR DEVELOPMENT

To:
Mr T Nunns
Terry Nunns Architect
Bedw Arian
School Lane
Gwaelod-y-Garth
Cardiff
CF15 9HN

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (Wales) Order 2012

WHEREAS you submitted an application for Full Planning Permission received on 26/03/2014 for: CHANGE OF USE FROM COMPUTER SCIENCE SERVICE CENTRE AND OFFICE (A2) TO RESTAURANT (A3) at 161 COWBRIDGE ROAD EAST, CANTON, CARDIFF, CF11 9AH (hereinafter called "the development");

CARDIFF COUNTY COUNCIL, as the Local Planning Authority for the County of Cardiff, in pursuance of its powers under the above mentioned Act and Orders, hereby PERMITS the development to be carried out in accordance with the application and plans submitted therewith, subject to compliance with the conditions specified hereunder:

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The premises shall be used as a restaurant or café and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).
Reason: The use of the premises for other purposes within Class A3 could detract from the amenities of nearby occupiers.
3. No member of the public shall be admitted to or allowed to remain on the premises outside of the hours of 09:00 and 23:00 on any day.
Reason: To ensure that the amenities of other premises in the vicinity of the site are protected.
4. Refuse storage containers shall be provided within the rear yard

prior to beneficial use, and shall thereafter be retained.

Reason: To secure an orderly form of development and to protect the amenities of the area.

5. The extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
6. The rating level of the noise emitted from the kitchen extraction on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997 (or any British Standard amending or superseding that standard).
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy 2.24 of the deposit unitary Development Plan and guidance contained within the adopted planning guidance, Restaurants, Takeaways and other Food and Drink Uses (1996).
7. The developer shall provide a suitable grease trap to prevent entry into the public sewerage system of matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.
Reason: To protect the integrity of the public sewerage system, and sustain an essential and effective service to existing residents.

All policies and proposals in the Development Plan which are relevant to this decision are listed in the report on the Application.

IT IS IMPORTANT THAT YOU SHOULD READ THOSE NOTES ON THE ATTACHED

SHEET WHICH ARE RELEVANT TO THIS TYPE OF APPLICATION.

Dated: 12/05/2014

**Phil Williams
HEAD OF PLANNING
CITY HALL, CARDIFF CF10 3ND**

It should also be noted that:

1. The applicant is advised that a commercial contract is required for the collection and disposal of all commercial wastes under section 34 of the Environmental Protection Act 1990, therefore is advised to contact the Commercial Services dept. (tel: 029 2071 7500).

Application No: 14/02608/MNR

PERMISSION FOR DEVELOPMENT

To:
MR. A. GRIFFITHS
THE BREAKFAST BAR
161 COWBRIDGE ROAD EAST
CANTON
CARDIFF
CF11 9AH

Town and Country Planning Act 1990

WHEREAS you submitted an application for Variation of conditions received on 06/11/2014 for: VARIATION OF CONDITION 3 OF 14/00751/DCI TO ALLOW OPENING FROM 06:00 MONDAY TO FRIDAY AND 08:00 SATURDAY AND SUNDAY at 161 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9AH (hereinafter called "the development");

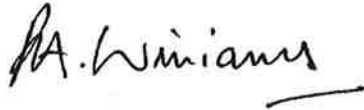
CARDIFF COUNTY COUNCIL, as the Local Planning Authority for the County of Cardiff, in pursuance of its powers under the above mentioned Act and Orders, hereby PERMITS the development to be carried out in accordance with planning permission no. 14/00751/DCI, without compliance with the previously imposed condition 3, but subject to the following replacement condition:

3. No member of the public shall be admitted to or allowed to remain on the premises outside of the hours of 06:00 - 23:00 Mondays to Fridays and 08:00 – 23:00 Saturdays and Sundays.
Reason: To ensure that the amenities of other premises in the vicinity of the site are protected.

All policies and proposals in the Development Plan which are relevant to this decision are listed in the report on the Application.

IT IS IMPORTANT THAT YOU SHOULD READ THOSE NOTES ON THE ATTACHED SHEET WHICH ARE RELEVANT TO THIS TYPE OF APPLICATION.

Dated: 19/12/2014

A handwritten signature in black ink, appearing to read 'P. Williams', with a horizontal line underneath.

Phil Williams
HEAD OF PLANNING
County Hall, Cardiff, CF10 4UW

It should also be noted that:

1. The applicant is advised of the need to comply with all other conditions attached to permission 14/00751/DCI.

Annex D

Representation submitted by ‘other person’

From: [REDACTED]
Sent: 24 May 2019 13:52
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Licence Review - Kevin's Bar, Canton

Dear Sir/Madam,

It was with no shock, and a little delight, to witness a notice outside the premises of Kevin's Bar, 161 Cowbridge Road East this afternoon.

As a local resident that has witnessed what I consider to be various breaches, I would like to state my support for a licence review of this premises.

As I submitted my concerns when the original application was filed, I have a copy of the final licencing agreement provided by yourselves. In this, the business answered concerns regarding live music and volume with claims that the entertainment will be similar to 'jazz artists'. They also advertise themselves online as an 'over 25 jazz cocktail bar', which could not be further from the truth.

While I have not witnessed any breaches of their 'over 25' rules, they are certainly not a 'jazz bar' and their live entertainment has consisted of live dance and reggae DJ's and singers, with music that resonates into the nearby buildings.

I am a resident of The Cube, 165-167 Cowbridge Road East, and the noise from Kevin's Bar has been a constant nuisance since they started trading, with the music clearly audible in the internal 2nd floor corridors of the building, let alone the apartments themselves.

They seem to adhere to their guarantee that their smoking area at the rear of the building will not be used after 9pm, but this results in a large congregation of people on the pavement outside their door from 9pm until they close. The amount of people, and additional noise from the open front door, then spreads up Cowbridge Road East with no consideration to the many residential properties in the (very) close proximity.

I hope these points, and others doubtless raised by other local residents, will be taken into account.

Many thanks,

[REDACTED]



CHIEF EXECUTIVE

Neuadd y Sir, Glanfa'r Iwerydd
CAERDYDD CF10 4UW
Tel: 029 20872088

County Hall, Atlantic Wharf
CARDIFF CF10 4UW
Tel: 029 20872087

Cyngor Caerdydd

Cardiff Council



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