

APPENDIX J

RE-EVOLUTION REPRESENTATIONS

Further to the review application submitted by South Wales Police in relation to Re-Evolution, I would like to make the following representations in support of the review application on behalf of the Licensing Department as a Responsible Authority.

The current premises licence has been in place since May 2018. The premises has changed hands a number of times since then. The most recent change was in December 2019 when it was taken over by Mr William Morgan and his company Re-Evolution Ltd. Mr Morgan chose to open the premises as a "Sports Bar and Nightclub".

The first contact the Licensing Department had with Mr Morgan was on 10th December 2019 when he met with the Licensing Team Leader and SWP Licensing Officer. Also present was the person who was to be dj'ing at the premises. Advice was given to Mr Morgan as to the sensitive location of the premises and previous issues that local residents have encountered as a result of the premises. The officers went through the premises licence in detail, covering the hours permitted for each licensable activity and every one of the 27 conditions listed in Annexes 2 & 3. It was explained to Mr Morgan that the outside area could not be used as a beer garden as no alcohol was permitted in that area. Officers advised Mr Morgan to ensure that all conditions were being met prior to the re-opening of the premises. Mr Morgan was encouraged to be mindful of the local residents. Mr Morgan indicated that he would be employing a bar manager so the Licensing Department offered to meet with her also to ensure that she fully understood the licence. This meeting took place on 16th December 2019. Mr Morgan was also present during the meeting. The contents of the licence were covered in detail, including the permitted hours and all conditions attached to the licence. Mr Morgan was made aware that the Licensing Department had received a number of queries from local residents over the re-opening of the business as a "nightclub" and their concerns over this.

A transfer application was submitted on 17th December 2019 to transfer the premises licence to Re-Evolution Ltd. Mr Morgan did not hold a personal licence at that time so the existing DPS, Narinder Singh, provided written confirmation that he was retaining the role of DPS.

The opening night for Re-Evolution was Friday 20th December 2019. The Licensing Department received a number of complaints over that weekend in relation to excessive noise and operating beyond the permitted hours. The Licensing Department and SWP Licensing Officer attended the premises on 23rd December 2019 to discuss the complaints. Mr Morgan confirmed that music had been played after the permitted hour of 11.30pm. His explanation was that there was confusion between himself and the dj (despite both being present when the timings were explained previously). Mr Morgan also confirmed that there had been a person under the age of 16 present at the premises after 11pm, which was a breach of the licence conditions. Whilst Mr Morgan was able to show CCTV footage to the Officers, he was unable to download any footage. This was a breach of the licence condition which states that downloaded footage must be provided at the time of request. The Licensing Department therefore issued a Section 19 Closure Notice on the premises. This prevented licensable activities taking place at the premises until the CCTV breach had been rectified.

The Licensing Team Leader attended the premises on the afternoon of 24th December 2019. A new CCTV hard drive had been installed from which footage could be downloaded. Therefore the Closure Notice was lifted.

A final warning letter was sent by the Licensing Department on 27th December 2019 in relation to the breaches identified between 20th and 23rd December.

Over the Christmas and New Year period, the Licensing Department received a number of complaints in relation to excessive noise and operating beyond the permitted hours. However, the Licensing Officer viewed CCTV footage and all complaints were deemed to be unfounded.

On 20th January 2020, SWP made the Licensing Department aware of two reports that they had received in relation to the premises, namely:

- Under 18s from Garth Newydd Court attending the premises, with the claim that a male 17 year old was working premises but being paid in “shots”;
- A 15 year old male involved in a domestic incident had been drinking at the premises.

The father of the 15 year old male contacted the Licensing Department on 20th January. He explained that his son had been out with a group of friends who were all 15/16 years old on 18th January. He had located his son at Re-Evolution so he attended the premises to bring him home. His group of friends were also there so the father advised the door staff on duty that they were all underage. He alleges that the door staff said that it was nothing to do with them and allowed the youths to remain in the premises.

On 21st January 2020, the Licensing Team Leader and SWP Licensing Officer attended the premises to discuss the reports with Mr Morgan. CCTV footage was viewed of the night of 18th January. Mr Morgan and one other member of staff were working behind the bar and there were door staff on duty. Footage showed a group of youngsters in the bottom room who appeared to be around 15/16 years old. One of the individuals was identified by Officers as the 15 year old male mentioned above. There was a young female in this area who appeared to be heavily intoxicated and it was noted that two of the other young females appeared intoxicated as they fell over a number of times. The 30 minutes of footage which was viewed did not show any monitoring of the area by bar staff, however there were door staff present around this area.

When challenged over the footage, Mr Morgan advised that he had relied on door staff to carry out the age verification checks and no checks were made at the bar. He was advised that the wording of the condition on the premises licence was that “any persons appearing under the age of 25 will be subject to challenge in respect of **alcohol**”. This means that bar staff are responsible for carrying out identification checks also.

The SWP Licensing Officer discussed the issues regarding underage residents of Garth Newydd Court with Mr Morgan and appropriate advice was given.

On 22nd January 2020, a report was made to the Council by a neighbour of the premises regarding a rise in anti-social behaviour since the re-opening of Re-Evolution. The report alleges that drunken teenagers stand around outside their front garden, on one occasion causing damage to the wall, and on another occasion vomiting into the garden. There were also concerns raised regarding drunk people leaving or being refused entry causing a nuisance in the street outside their home. The issues in this report were raised with Mr Morgan and he advised that he would task his door staff to monitor this area and deal with any issues.

Due to the underage issues which had been identified, the Licensing Department contacted the named DPS, Narinder Singh, to make him aware as he was responsible for all alcohol sales. Mr Singh attended the Civic Centre on 23rd January 2020 and after hearing details of the underage issues, he removed himself as DPS with immediate effect. Mr Morgan was made aware of this and later that

day, an application was submitted to name Rebecca Dando as DPS. Rebecca Dando was the bar manager who Licensing Officers met with prior to the premises opening in December 2019 so she was aware of the permitted hours and conditions on the premises licence.

Following reports of underage persons being present in the premises on 25th January 2020, CCTV footage was requested. The footage did not identify anyone who was obviously under the age of 18. It did however show that drinks were being taken out into the outdoor area to the side of the premises continually throughout the 3 hour period. This is a further breach of the conditions attached to the current premises licence.

Footage was also requested on behalf of SWP for the night of 18th January 2020. This had been viewed at the premises by Officers but not downloaded at the time of viewing. Mr Morgan was unable to provide this downloaded footage as he had changed his CCTV system and gotten rid of the previous hard drive. This is a breach of the CCTV condition which states that images must be retained for 31 days.

CCTV footage was requested for 8th February 2020. There was a 6 Nations Rugby match on this date. The CCTV footage showed that despite the condition mandating that all drinks be dispensed into non-glass plastic receptacles, this was not happening during the afternoon. Footage also identified a group of 3 males and 1 female who clearly appear to be under the age of 25 but were not challenged for identification at the bar when purchasing alcohol. This is a breach of the Challenge 25 condition on the licence. The footage also identified persons taking alcohol into the outdoor area to the side of the premises which is again a breach of the premises licence.

On 10th February 2020, Rebecca Dando attended the Civic Centre to remove herself as DPS with immediate effect. Mr Morgan was made aware and advised that until an application to name a new DPS was submitted, the sale of alcohol could not take place from the premises. The premises remained closed for the rest of the week, until a last minute application was submitted on the afternoon of Friday 14th February to name Wayne Gutierrez as DPS and allow the premises to open on the weekend. Mr Gutierrez is the owner of the door staff company that Mr Morgan uses. Within an 8 week period, there have been 3 different DPS's named on the premises licence and this undermines confidence in the control of the premises.

Mr Morgan passed a personal licence qualification on 11th December 2019. Therefore, at the time of opening the business, his knowledge and awareness of Licensing legislation and the licensing objectives should have been at the forefront of his mind. However over the 7 week period between 20th December 2019 and 8th February 2020, 10 breaches of varying natures have been identified. This is despite intensive intervention from Licensing Officers even before the premises re-opened as Re-Evolution. The manner in which the premises has been run over this period is of concern to the Licensing Department and there is a lack of confidence in the management of Mr Morgan over the business. It is not acceptable that within a 7 week period so many breaches have occurred and 3 out of the 4 licensing objectives have been undermined.

JOANNE BABER

LICENSING TEAM LEADER