

From: Rachel Matthews <r.matthews@npt.gov.uk>

Sent: 25 November 2021 14:37

To: Legal Regulatory Services <lrs@npt.gov.uk>

Subject: Licence Variation Kitty O'Shea's James Street Pontardawe

Dear Colleagues

In order to prevent Public Nuisance from noise emanating from Kitty O'Shea's; I wish to impose the following conditions on the licence, for the use of the smoking area at the rear of the premises:

1. No more than 2 persons to be permitted in the smoking shelter at one time, after 23:00.
2. The door into the area from the main premises should have permanent door staff controlling this restriction
3. No drinks to be permitted outside

Reasons:

1. Officers witnessed a significant noise disturbance emanating from a group of people in the rear beer garden area during September 18th-19th 2021, between the hours of 12:00-00:00.
2. When Mr Rees was asked about it; he said that he did not know the group was there, and when he went to get them in; there was about 10 people.
3. When the Environmental Health Officer raised this matter with Mr Rees, he advised that new controls had been put in place, limiting the area to 4 persons, confidence in management of the numbers using the area is uncertain, at this time.

Yours sincerely

Rachel Matthews

Environmental Health Officer

Neath Port Talbot County Borough Council

01639 685642

Peter Rees, Eileen Rees, Paula Rees,
Kitty O'Sheas
James Street Pontardawe

This report is to confirm the details of our conversation held on 30th September 2021 at 10.07am, the conversation was extensive, and involved 3 members of your family, and myself, and lasted for over 38 minutes. Peter Rees placed the call on speaker phone so that Eileen Rees and Paula Rees could hear what was being said.

I have summarised the issues that were discussed:

1. The letters of 22nd and 27th September 2021 are frightening and any allegations are unfounded, as the complaints are malicious.
2. The dates and times of the most recent complaints I have written to you about were:
 - a) Saturday 18th/19th September 2021 between 12 and 1am (music and voices)
 - b) Friday 24th September approximately between 11.30 and 12.30pm (door staff shouting, laughing outside the front entrance)
 - c) Sunday 25th September, between 2am and 3.30am. (fighting and shouting outside)
3. Peter Rees advised that Nick Bailey and Peter Malough of Legal Regulatory Services have viewed all CCTV footage for the recent complaints and are satisfied that these are malicious complaints and there was nothing happening on those times and dates.
4. Rachel Matthews advised that the Licesnsing Officers deal with the conditions on the premises license and Environmental Health deal with noise complaints.
5. Peter Rees advised that the complaints are lies and he is confident that there will be no evidence. He welcomes the investigation.
6. Peter Rees advised that those people in the community who are making the complaints must now step up and go to committee, and identify themselves, and that they should not allowed to be anonymous.

7. Peter Rees said that this has all started since Jackie Wildman complained about her windows being smashed. Rachel Matthews advised that she did not know who Jackie Wildman is, Peter Rees advised that she is a resident opposite who lives in the flats above the printing shop. Peter Rees advised that if she had come to him, he would have been able to look at the CCTV and see what had happened.
8. Peter Rees advised that he has sought legal advice yesterday from his solicitor: Peter Lynn in Pontardawe. Peter Lynn advised that the residents who are complaining who make a witness statement should be issued a writ for making unlawful complaints.
9. Rachel Matthews offered to speak with Peter Lynn to outline the Council's noise investigation procedure, and offered to phone him. It was agreed that Peter Rees will speak to Peter Lynn and ask him to give Rachel Matthews a call.
10. Peter Rees said that none of this has happened as Nick Bailey and Peter Malough have viewed all the CCTV.
11. Paula Rees advised that she is unhappy that the investigation is taking place. Rachel Matthews advised that she has a duty to investigate when complaints are made, and has been instructed to investigate by her Management Team. If they are unhappy about the investigation; they should contact the Managers of the Department to raise concerns.
12. Peter Rees referred to the night when Environmental Health Officers and Licensing Officers were present in Dynevor Terrace: (Saturday 22nd September approximately 12.15 pm). He advised that there were about 10 people in the smoking area and that he got them all in.
13. Since this time; the smoking area has been downsized, there are signs up saying no drinks allowed, only 4 people allowed and a doorman is present on the door.
14. Rachel Matthews advised that the acoustic report from Blake Lucas advised the area should not be used after 23.00.
15. Paula Rees advised that they had a further report from Blake Lucas to say provided there was expanding foam inserted into the gaps/ seals; then it would be OK to use.
16. Rachel Matthews advised that expanding foam does not have sound reduction properties, and would have little effect.
17. Peter Rees advised that at 2pm today glaziers are coming to double glaze all windows in the pub with 5mm laminate windows.
18. Rachel Matthews advised that they should ensure it has adequate sound insulation properties to prevent noise problems.

19. Peter Rees said that if there was a problem in Dynevor Terrace; then the residents would be complaining. Rachel Matthews advised that there are rumours in the community that have been reported to her by a third party; that threats and intimidation has been made by members of the Rees family to prevent the residents complaining.
20. All 3 Rees family members objected strongly to this and Paula Rees advised that it was unfair that Rachel Matthews should say that, and that it was harassment by Rachel Matthews to have said it.
21. Rachel Matthews advised that it was not what she was stating about them, but that she was reporting rumours to the family about what was being said about them in the community. Would they rather not know what people are saying about them? Or would they prefer to know that this is being claimed?
22. Peter Rees conceded and advised that they would prefer to know what was being said.
23. Peter Rees stated that they have had the 4am license for over 10 years, and never had a problem, and now all of a sudden this.
24. Rachel Matthews advised that they are the only premises in Pontardawe with a license until this time and that it is a quiet residential area, and so it should be managed so as not to affect the residents some of whom have to get up early for work.
25. Peter Rees advised that he bends over backwards to run the place without causing problems, spending over £500 per week on doormen. Rachel Matthews advised that she felt that was necessary for them to do that, and possibly more as 4am was unusual for that type of area.
26. Rachel Matthews advised that if their claims of it all being malicious are true, then they will have nothing to be concerned about. That Rachel Matthews is an independent Officer who will only take action when evidence is obtained.
27. Peter Rees said that one of the Council Officers had praise them during the Pontardawe Festival for being so well run, and not causing any problems over the festival weekend.
28. Peter Rees advised that the premises is rarely open after 2 or 2.30am, and is only open until 4 am if they have an occasion.
29. At those times, when everyone is leaving the doormen always move the customers along and people never congregate around the area.
30. Peter Rees advised that people in Dynevor Terrace used to complain, someone who was friendly with them had said: "they will never keep that fucking 4am license" but look, 10 years later; we still have it.

Prepared by
Rachel Matthews
Environmental Health Officer

Should you wish to query any of these matters, please do not hesitate to contact me, in writing with immediate effect.