

Appendix 3

HEDDLU GWENT POLICE

RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATION FOR REVIEW OF A PREMISES LICENCE

RESPONSIBLE AUTHORITY – Gwent Police

Name and Address of Applicant	Specialist Environmental Health Officer (Pollution Team) on behalf of Blaenau Gwent County Borough Council
Premises	Dukestown Workingmens Club, 1 Evans Terrace, Dukestown, Tredegar, NP22 4EH

Your Name	PC	Date 15/12/2021
Job Title	Licensing Officer	
E.mail Address		
Contact Telephone Number		

Which of the four Licensing Objectives does your representation relate to?	X	Please outline the reasons for your Representations
The Prevention of Crime and Disorder	X	
Public Safety		
The Prevention of Public Nuisance		
The Protection of Children from Harm		

Gwent Police have the following comments in relation to their submission of representations in support of the review of Dukestown Workingmens Club brought about by the local authority:

Gwent Police support the review brought about by the local authority and believe that the club is not operating correctly under its club certificate.

It would appear from a conversation between PC7 Allen, PC2066 Jones from Gwent Police licensing team, the Club Secretary Nigel Kinsey and Club Treasurer Ron Taylor on 15th November 2021, the club does not satisfy the conditions for being a ‘qualifying club’.

A Club Premises Certificate authorises the following:

The Supply of alcohol by or on behalf of the club to, or to the order of, members of the club.
The sale by retail of alcohol by or on behalf of the club to a guest of a member of the club for consumption on the premises where the sale takes place.

During the conversation with the committee members regarding an incident at the premise on 13th November 2021 when a fight occurred at the premise, the customer involved was described as a “stranger”, not a bone-fide guest and not club member. The committee stated

that the “stranger” involved was intoxicated and had been drinking at the premise. There was also evidence of events planned and events that had taken place for non-members. Posters were displayed in the foyer area advertising such events.

Mr Kinsey also stated that an incident at a 30th Birthday Party at the premise on 14th November 2021 was held for a non-member and non-members were in attendance and licensable activities were provided.

It was explained to Mr Kinsey and Mr Taylor that under its Club Premises Certificate licensable activities could only be provided to members and bone-fide guests.

PC Allen and PC Jones expressed concerns as to whether the Dukestown Workingmens Club retains its status as a Qualifying Members club for the purposes of its Club Premises Certificate. The committee were provided information regarding a Premise Licence and how to apply.

To date Gwent Police have not received an application for a Premise Licence, Temporary Event Notice for a non-member event or for an extension of hours for the supply of alcohol at the premise either before or since the meeting on 15th November 2021. Neither have Gwent Police received notification that they intend on surrendering their Club certificate.

As part of the conditions of licence at Dukestown Workingmens Club, it states:

- Rules as to admission of non-members not to be altered without consent of the Licensing Authority.
- The Licensing Authority to be notified within 14 days of the alteration to any rule.
- The Licensee shall ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premise which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premise.

Noise nuisance complaints received by Gwent Police regarding noise emanating from the premise is causing a nuisance to persons in the nearby vicinity. Evidence supplied by Blaenau Gwent Environmental Health officer supports these complaints. Complaints have also been raised regarding the lack of regard towards measures put in place by the Welsh Government to minimise the risk of exposure to Covid 19 under Regulation 12(2) of The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020.

Since 5th July 2021 Gwent Police have received several calls about the premise which required police attendance.

Gwent Police have highlighted the following incidents since this date which demonstrate their concern in respect of the promotion of the licensing objectives.

Break down of calls

Date	Police Reference	Time	Description of incident
19/11/21	565 2100407098	23.11	Reports of fighting. Caller states that a male is beating another male up and he needs an Ambulance. Caller stating that there are about 20 males involved and some have left in a vehicle. Caller stated that the landlady is having problems with keeping the boys out of the premise. Officers arrived and males involved had left prior to arrival.

This was a Public Order offence where two unknown offenders had been fighting which caused a member of the public to feel harassed, alarmed and distressed. All parties had left prior to police arrival. The caller had stated that it is becoming a regular occurrence whereby fights and anti-social behaviour is happening.

14/11/21	53 2100399463	01:23	Family member reporting that her niece has been spiked by way of injection. Caller describes a pin prick injury evident on her arm.
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Caller describes how her niece had been carried home after a 30th Birthday party at the premise. The victim had what appeared to be a small puncture wound and was non-responsive on the floor going in and out of consciousness. The victim was taken to hospital by a family member.

Officers attended the premise on 14/11/21 to obtain CCTV evidence and were told only one person can operate the system and they are away in Tenby.

Officers are aware from the meeting with committee members on 15/11/2021 that the only areas the CCTV covers are the foyer and car park.

A statement obtained from the victim and enquiries ongoing.

The licensing authority did not receive notification from the club regarding the admission of non-members within 14 days as per Club Premise Certificate conditions. During a visit to the premise on 15th November 2021 officers were told by committee members that the event was for a Non-member and non-members were in attendance.

As per the club licence:

- Rules as to admission of non-members not to be altered without consent of the Licensing Authority.

- The Licensing Authority to be notified within 14 days of the alteration to any rule.

The investigating officer for this incident placed an update on the police occurrence stating that a text message was received from committee member- Nigel Kinsey on 5th December 2021 stating that they have had new cameras installed since this incident and as a result, the workmen have wiped the hard drive including footage from the night of this incident.

13/11/21	46 2100398278	01:28	Anonymous report of persons fighting outside the club, officers attended and arrested a male.
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Officers arrived and all parties were heavily intoxicated. Officers spoke with a victim who stated that an argument had occurred inside the club and as he was walking out, he was

assaulted by the Chairman of the club. The offender was identified and arrested. CCTV viewed and clearly shows the victim being escorted out of the premise by staff before a fight occurred. Police enquiries ongoing.

As part of the Club Premise certificate, Supply of alcohol is midnight and closing times are 12:30am. This incident occurred at 01:28 hours which shows a lack of management control in removing customers from the location/ premise by the correct time. By failing to do this an incident of crime and disorder occurred. By allowing customers to remain at the premise after the time specified on the licence is not assisting in the promotion of the licensing objectives. During the meeting held on 15/11/2021 with committee members, Officers were told that the customer involved in the incident was a “stranger”, not a bone-fide guest and not club member. The committee also disclosed that they regularly struggle to get customers to leave the premise on time.

30/10/21	32	01:15	Caller reporting a group of people outside the premise who appear to be arguing and causing a lot of noise. Caller stated that music is still playing loud at the club. Due to the high volume of calls, Police officers attended premise at 03.24 hours where it was all in darkness, closed and no persons present.
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Caller reporting a breach in licensing conditions:

- The Licensee shall ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premise which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premise.

Call was made at 01:15 hours. As part of the Club Premise certificate, Supply of alcohol is midnight and closing times are 12:30am.

Unfortunately, due to the high volume of calls, officers did not attend until over 2 hours after the call was made so did not witness the reported breach.

20/10/21	335 2100368844	18.32	Report of a disturbance at a wake. Officers attended.
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Caller reporting a fight at a funeral. Officers arrived and advised people to leave and go home. Officers advised staff not to serve any more alcohol. Officers spoke to committee members who stated that there was an altercation at the wake, but persons involved had left prior to police arrival.

The licensing authority did not receive notification from the club regarding the admission of non-members within 14 days as per Club Premise Certificate conditions. During a visit to the premise on 15th November 2021 officers were told by committee members that at the event non-members were in attendance. As per licence:

- Rules as to admission of non-members not to be altered without consent of the Licensing Authority.
- The Licensing Authority to be notified within 14 days of the alteration to any rule.

10/7/21	568	23:39	Caller reporting music blasting from the premises, no social distancing and a male seen urinating against a wall.
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Caller reporting a breach in licensing conditions and COVID regulations.

- The Licensee shall ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premise which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premise.

Police officers did not attend due to call volume during the pandemic and therefore did not witness the breach.

5/7/21	109 2100234632	10:05	Caller reporting ongoing COVID breaches at the premises and Anti-Social Behaviour.
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Caller reporting COVID breaches, constant noise nuisance, rowdiness, bad language from drunken customers which is causing the caller and family great distress. Caller stated that drink driving, and drugs are a regular occurrence along with underage customers being sold alcohol.

Caller describes poor management control and the effects it is having on them and their lack of sleep.

PC2066 Jones attended the premise in company with Sarah Burchell from the licensing authority on 14th July 2021. Issues were raised regarding breach of COVID regulations.

Officers were told that a new committee was being formed and they are considering changing to a Premise Licence.

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Gwent Police are concerned with the amount of calls that are linked to this premise and believe that the current licence is outdated and requires strengthening to allow for the safe and responsible trading of the business. These conditions will also assist in the promotion of the licensing objectives.

Should the committee be minded to take this course of action, Gwent Police respectfully ask the committee to consider the following amendments/ additions to the licence:

1. CCTV cameras shall monitor all areas used by premise patrons (except the toilets) including any external area to monitor numbers and prevent crime and disorder.

(i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully operational by the grant of the licence.

(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards;

(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;

- (iv) The correct time and date will be generated onto both the recording and the real time image screen;
- (v) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;
- (vi) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;
- (vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during licensable hours.

2. An incident report logbook shall be held at the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request. It shall contain the details of persons involved, incident description, time and date, actions taken and final outcome of the situation. These records shall be kept for a minimum of 12 months.

3. A 'Challenge 25' policy will be in place for checking persons suspected of being underage. No alcohol shall be supplied to a person who appears to be under the age of 25 unless they provide identification that proves that they are 18 years of age or older when the alcohol is supplied. The only acceptable forms of identification for proof of age shall be a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card. The proof of age scheme will be robustly enforced by the DPS and all staff. Posters stating that the age verification scheme is in operation shall be clearly displayed in the area of the bar.

4. All refusals will be kept in a refusals book detailing the time, date, and the goods the person serving refuses and the name of the persons who tried to purchase. If no name is given, then a good description will be recorded. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable.

5. Any person working in the premises is to be trained with respect to underage sales, proxy sales and how to refuse sales to difficult customers. Safeguarding training should also be undertaken with all staff. Such training shall be updated as necessary when legislation changes. Training should be clearly documented, signed and dated by both the trainer and the person receiving it. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable and kept for a period of 12 months.

6. The premises supervisor, manager or other competent person shall manage any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.

7. Clear notices must be displayed at all points where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.

8. The licence holder/DPS or responsible person shall risk assess the need for polycarbonate or toughened glasses to be used in the premises, especially for outdoor events/use.

9. The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.

10. The use of the outside licensed area of the premises is not permitted after 23:00 hours. Other than access solely for the use of the smoking area.

11. No bottles, cans or glasses are to be taken outside after 23:00 hours. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.

12. Staff shall ensure that any bottles or glasses are removed from persons leaving the premises.

13. Children to be accompanied by a responsible adult and supervised at all times.

14. The licence holder or DPS shall risk assess the need for SIA door supervisors to be present in the premises.

If door supervisors are present then the premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:

- (i) Full name;
- (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation);
- (i) The time they began their duty;
- (iv) The time they completed their duty.

This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.

15. Outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.

16. Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

17. Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence.

18. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

19. Whilst licensable activities are taking place, the toilets at the premises must be checked regularly for illegal drug use or supply. A written log of all checks must be kept at the premises for 31 days and made available for immediate inspection on the request of Gwent Police or an authorised officer of the licensing authority.

Gwent Police reserve the right to add any additional information in support of the review.

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.
Please remember if you intend to make representations to copy this file to all other RA's

RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATION FOR REVIEW OF A CLUB PREMISES CERTIFICATE

RESPONSIBLE AUTHORITY – Licensing Authority – Blaenau Gwent County Borough Council

Name and Address of Applicant	Specialist Environmental Health Officer (Pollution Team) on behalf of Blaenau Gwent County Borough Council
Premises	Dukestown Workingmens Club, 1 Evans Terrace, Dukestown, Tredegar, NP22 4EH

Your Name		Date 5/1/2022
Job Title	Licensing Enforcement Officer	
E.mail Address		
Contact Telephone Number		

Which of the four Licensing Objectives does your representation relate to?		Please outline the reasons for your Representations
The Prevention of Crime and Disorder	X	
Public Safety		
The Prevention of Public Nuisance	X	
The Protection of Children from Harm		

The licensing enforcement officer have the following comments in relation to their submission of representations in support of the review of Dukestown Workingmens Club brought about by the Environmental Health Department of Blaenau Gwent County Borough Council:

The licensing authority/licensing enforcement officer support the review brought about by the Environmental Health Department and believe that the club is not operating correctly under its club certificate.

On the 12th July 2021 information was received via email from a local Councillor who had received complaints from a number of local residents with concerns about the use of the beer garden of the premises and noise coming from the premises. A joint visit arranged to be made to the club on the 14th July 2021 by Licensing Enforcement Officer and PC Adrian Jones of Gwent Police. The aim of the visit was to discuss with key member of the management committee the concerns highlighted, which included on-going noise nuisance issues and anti

social behaviour of patrons of the club. Present at the meeting was Nigel Kinsey – Club Secretary, Ron Taylor – Club Treasurer and Claire Hillman – Bar Manager. It was advised at the meeting that local residents have concerns over noise emanating from the premises and by patrons using the external areas of the premises. It was stated by Mr Kinsey that outside areas were monitored for such matters and were addressed if observed. All present were reminded of the licensing objectives and to be seen to promote these at all times. Further advice was given on the use of external areas to manage the noise and behaviour of patrons, such as reducing number of people outside at any one time and a restriction on the time permitted on the use of the area. Advice was also given to the club on applying for a premises licence to allow non members and general public entry to the premises. A letter was hand delivered to the club on the 20th July 2021 outlining the visit made on the 14th July 2021 and what was discussed.

On the 19th July 2021 a further email was received by the licensing department with further concerns of noise nuisance and anti social behaviour of patrons held by local residents. Contact was made to Environmental Health Officer, [redacted] who was able to confirm that he was in receipt of active noise nuisance complaints by local residents and were being investigated.

As part of the conditions of the club premises certificate held by Dukestown Workingmens Club, it states:

- The Licensee shall ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premise which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premise.

Information provided by [redacted], in that his investigation resulted in a noise abatement notice being served on the club and since, evidence obtained of breach of that notice. Therefore, the club do not appear to have not taken the advice provided to them on the 14th July 2021. As noise nuisance has been substantiated at the premises, the club have breached the above condition of its club premises certificate. It is on this basis that the review application made by the Environmental Health Department is supported.

LICENSING ACT 2003

RE: Application for the review of a premises licence or club premises certificate

Premises: Dukestown Workingmen's Club
1 Evans Terrace
Dukestown
Tredegar
NP22 4EH

Club premises certificate number: BG-Club-0056

Date of Receipt: 14.12.2021

Date sent to Licensing Authority: 7.1.2022

Representations made by Blaenau Gwent CBC Trading Standards, as a Responsible Authority, to support the above application.

During the COVID Pandemic, Trading Standards received a number of intelligence reports/complaints and service requests related to the premises and Officers have undertaken significant numbers of visits to the premises. These are briefly summarised as follows to assist the Licence Review.

Complaints

There have been 26 Complaints alleging breaches of COVID restrictions rules (16 in 2020 and 10 in 2021) These complaints relate to alleged breaches of Welsh Government Coronavirus Restrictions Regulations which were in force at a particular time. The complaints include allegations of: being open during lockdown restrictions; lack of social distancing on premises; failure to provide hand sanitiser; required PPE/facemasks not being worn; staff not isolating following positive result; table service not being provided; overcrowding and lack of social distancing; club open after 10pm curfew; track and trace information not being recorded; no social distancing combined with dancing and music and a funeral wake in excess of permitted numbers.

Complaint follow up Contact

Following the receipt of each of the above complaints contact was made with the club (usually the Secretary- Nigel Kinsey) by telephone and the details discussed. Warnings and penalties for non-compliances outlined along with information that the Department was conducting spot checks. In general, a positive response was provided from the club. Many of the allegations were denied and regarded by the club to be malicious complaints. On other occasions, where issues were identified that had merit, improvement measures were agreed for the club to ensure compliance with Covid restrictions.

Formal Covid Restrictions Advice Requests

During the COVID period Trading Standards were proactively contacted on 7 separate occasions by Dukestown Club Committee members requesting specific advice on COVID Measures they were required to adopt.

Formal Trading Standards COVID on premise inspections

There were 3 inspections carried out on 01/10/20, 07/10/20 and 18/12/20.

The first two visits entailed providing practical advice on how the premises should be set up to comply with the restrictions e.g. a complete overhaul of the room layout and table spacing.

The club showed a responsible attitude to these changes and also to advice given on hand sanitiser, enhanced cleaning and track and trace recording.

The third meeting (which was held jointly with a Gwent Police Licensing Officer) and 2 club committee members was called as a result of the increasing number of complaints regarding Covid restrictions breaches from members of the public. The club generally considered there to be a malicious element, blaming ongoing disputes with residents living in proximity to the club. Measures were discussed to resolve issues including adopting CCTV covering whole premises.

Trading Standards/ LA Support COVID Spot Checks

Unannounced spot checks were carried out on 51 occasions up to 28/8/21. Non-compliances were identified on one occasion. This was a fairly minor breach and involved customers from one outside table(Car Park) of 6 standing and talking to customers on another table without distancing.

Track and Trace Reports

During the COVID period, Trading Standards were made aware of COVID cases alleged to be related to the Club on 5 separate occasions between 26th Oct 2020 and 6th November 2021.

Signature:

Name: Senior Trading Standards Officer

Date: 7.1.2022