

COUNTY BOROUGH OF BLAENAU GWENT

**REPORT TO: THE CHAIR AND MEMBERS OF THE
STATUTORY LICENSING COMMITTEE**

**SUBJECT: STATUTORY LICENSING SUB-COMMITTEE
3RD FEBRUARY, 2022**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR W. HODGINS (CHAIR)

Councillors K. Pritchard
L. Winnett

WITH: Team Leader, Trading Standards and Licensing
Senior Licensing Officer
Licensing Officer
Senior Trading Standards Officer
Specialist Environmental Health Officer
Solicitor

AND: P.C. D. Allen, Gwent Police (Licensing)
Mr. P. McGrath, Resident

Dukestown Club Representatives
Mr. N. Kingsley, Club Secretary
Mr. R. Sandercock, Chairman of the Club
Mr. P. Williams, HR Consultant
Mr. L. Garret, Sound Engineer
Mr. R. Taylor, Treasurer
Club Committee Member x 3

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>
No. 1.	<p data-bbox="341 327 922 365"><u>SIMULTANEOUS TRANSLATION</u></p> <p data-bbox="341 416 1453 495">It was noted that no requests had been received for the simultaneous translation service.</p>
No. 2.	<p data-bbox="341 546 564 584"><u>APOLOGIES</u></p> <p data-bbox="341 629 1123 667">There were no apologies for absence received.</p>
No. 3.	<p data-bbox="341 719 1254 757"><u>DECLARATIONS OF INTEREST & DISPENSATIONS</u></p> <p data-bbox="341 801 1417 840">There were no declarations of interest or dispensations reported.</p>
No. 4	<p data-bbox="341 891 1366 1055"><u>LICENSING ACT 2003 – REVIEW OF CLUB PREMISES CERTIFICATE – DUKESTOWN WORKINGMEN’S CLUB, 1 EVANS TERRACE, DUKESTOWN, TREDEGAR, GWENT. NP22 4EH</u></p> <p data-bbox="341 1106 1453 1184">Consideration was given to the report of the Senior Licensing Officer.</p> <p data-bbox="341 1236 1453 1480">The Chair advised that the report had been presented to determine an application for the review of a club premises certificate, in relation to Dukestown Workingmen’s Club, 1 Evans Terrace, Dukestown, Tredegar, Gwent. NP22 4EH in accordance with the Licensing Act 2003. The application had been submitted by Mr. Wayne Best, Specialist Environmental Health Officer.</p> <p data-bbox="341 1532 1453 1655">At the invitation of the Chair, the Team Manager Trading Standards and Licensing gave an overview of the process to be followed at the meeting.</p> <p data-bbox="341 1706 1453 1785">The Applicant and representatives present was introduced to Officers and Members of the Sub-Committee.</p>

At the invitation of the Chair the Team Manager – Trading Standards and Licensing advised that the report had been presented to determine an application for the review of a club premises certificate, in relation to Dukestown Workingmen’s Club in accordance with the Licensing Act 2003. The application had been submitted by Mr. Wayne Best, Specialist Environmental Health Officer and the location map of the premises was noted which was attached at Appendix 1.

The Team Manager referred the Sub-Committee to the current club premises certificate, permits licensable activities and noted the activities which does not need a certificate. The Team Manager added that in addition to standard mandatory club premises certificate conditions, the certificate was subject to the following conditions:-

- The Licensee shall ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.
- All children must be accompanied by an adult

It was further reported that in accordance with the Licensing Act 2003, the Licensing Authority had served copies of the application on the following Responsible Authorities, in addition to the licence holder:-

- Gwent Police;
 - South Wales Fire and Rescue Service;
 - Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement, Planning, Environmental Health, and Social Services departments; and
 - the Aneurin Bevan Health Board
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A notice of the application was displayed at the Council's General Offices, and advertised on the Council's website. A notice of the application was also displayed at the premises for 28 days to enable 'other persons', i.e. local residents and businesses, to make representations. However, the licence holder failed to display the notice at the premises for 7 days, therefore the application process was restarted commencing 14th December, 2021 for a period of 28 days ending on the 10th January 2022. It was informed that no representations were received from South Wales Fire and Rescue Service, Planning, Social Services departments or Aneurin Bevan Health Board. Although representations were received from Gwent Police, Blaenau Gwent County Borough Council Trading Standards Team and Licensing Enforcement which were detailed in Appendix 3 and 10 representations received from 'other persons' were detailed in Appendix 4.

In conclusion, the Team Manager noted the options for consideration by the Sub-Committee: -

1. To modify the conditions of the club premises certificate, or
2. To remove a licensable activity from the scope of the club premises certificate; or
3. To suspend the club premises certificate for a period not exceeding three months, or
4. To revoke the club premises certificate;
5. Take no action.

The Chair thanked the Officer for the detailed overview of the report and invited the Specialist Environmental Officer to present his case.

The Specialist Environmental Officer advised that he had been dealing with noise complaints in relation to Dukestown Club since May 2021. The complaints had been mainly due to loud music and disturbance from patrons. There had been correspondence sent to the Club in May 2021 which informed them of the complaints, however no response from the Club had been received. A second letter was sent on the 7th July 2021 as the issues were still causing a noise disturbance to residents in the area. A telephone call was held with Mr. Kingsley on the 14th July 2021 to verbally inform him of the issues being reported and the repercussions if no action was taken.

The Officer added that no improvements were made to address the concerns of residents, therefore a notice was served on the 23rd August 2021. Due to continued lack of response from the Club and no interest shown to work with the Enforcement Team the matter was passed to Licensing.

It was concluded that at the time of drafting the report there had been 119 recordings received using the Noise App with a further 23 since the Licensing Review Application had been submitted to Licensing. In addition, noise monitoring equipment had been installed into a resident's premises on 3 separate occasions being the 8-10 October, 5-7 November and 19-21 November 2021 with loud music and disturbances recorded. The Specialist Environmental Officer stated that the situation at Dukestown Club had not improved.

The Chair invited questions from the representatives present at the meeting. There were no questions raised from P.C. Allen (Gwent Police), Mr. McGrath (resident) or Trading Standards.

A question was asked by the Secretary of Dukestown Club in relation to the noise levels as all windows and doors are closed to prevent noise emanating from the Club.

The Specialist Environmental Officer advised that the noise levels were not measured in decibels but were subjective based on the officer's professional opinion as to whether noise levels were excessive however the general rule of thumb was if it could be heard outside the club premises it was too loud.

At this juncture the Chair invited questions from Elected Members of the Sub-Committee.

A Member noted the comments in relation to medium to loud music and asked how loud was the noise at its highest.

The Specialist Environmental Health Officer advised that the noise had been assessed on officer's professional opinion and that the music recorded had been loud, clear and the words clearly audible from inside the property as if they had been listening to loud music in their own property and therefore clearly disturbing residents.

It was added that the Noise App had been adopted by Blaenau Gwent Council as a result of COVID and was also being used successfully in other authorities and Housing Associations and also provided a good assessment of the situation.

The Chair invited Mr. McGrath (resident) to address the Sub-Committee at this juncture.

Mr. McGrath advised the Sub-Committee that the representations made was on behalf of the residents of the 3 properties situated next door to Dukestown Club. Mr. McGrath informed that the problems experienced by residents had been only been happening for the last 2 years. The residents had submitted complaints to the Police and Environmental Health in relation to noise and anti-social behaviour. Mr. McGrath added that he had also approached the Club and although their help was offered the requests was never carried out.

Mr. McGrath continued that the music could be heard all around the house from 10.15 p.m. It was felt that noise levels increased from around 12 midnight until early hours. The high levels of music and noise from patrons had been worsened during the pandemic as an outside area had been created in line with government guidelines as the loud/live music continued outside which caused greater stress to residents due to increased noise. Mr. McGrath referred to a speaker which was placed in the Club's car park which was controlled by a mobile phone. The music levels were exasperated by loud talking, swearing and the general poor behaviour of the customers which could also be heard by residents in their homes.

In conclusion, Mr. McGrath advised that he had lived next door to Dukestown's Club for a number of years and had never experienced such high levels of noise from music and disturbances from customers.

The Chair invited questions at this juncture and no questions were posed to the resident.

At this juncture, P.C. Allen, Gwent Police addressed the Sub-Committee.

P.C. Allen advised that he had supported the review of the Club's licence as he felt that that the Club had not been operating correctly under current Club certificate and there was a lack of control from the management.

P.C. Allen informed the Sub-Committee of the conversations which had taken place with the Club Secretary and Treasurer in November 2021 in relation to licence certificates. P.C. Allen referred the Sub-Committee to representations detailed in the report and noted an incident which involved a customer that was a stranger to the Club and not a member as permitted by the current certificate. It was noted under the current licence only Members and guests were allowed to drink at the Club. The stranger was intoxicated due to drinking at the Club and there were events for non-members displayed within the Club. P.C. Allen also stated that there was a 30th Birthday party to be held at the Club for a non-member. It was explained under current Club Certificate only members or guests could frequent the Club and the Club was reminded of the difference between the licence certificates. P.C. Allen reported that no such licence had been applied for to date following the aforementioned conversations.

Further reference was made to the representations as detailed in the report in relation to certificate licence and noise from the Club. P.C. Allen noted the noise nuisance complaints which were reported by the resident and supported by Blaenau Gwent Council.

P.C. Allen further gave an overview of the calls which had been logged by Gwent Police and made reference to the amount of calls received. It was felt that the Club should change the licence currently in place and asked that the Sub-Committee take into consideration this action along with the incidents which had taken place.

The Chair invited questions at this juncture and no questions were posed to P.C. Allen.

At the invitation of the Chair, the Team Manager – Trading Standards and Licensing addressed the Sub-Committee on behalf of the Licensing Enforcement Officer.

The Team Manager – Licensing and Trading Standards Officer referred the Sub-Committee to the Licensing Enforcement' representations as detailed in the report.

The Senior Trading Standards Officer advised that the only contact with Dukestown Club in last two years had been in relation to COVID-19.

The Senior Trading Standards Officer provided a brief overview of the matters related to COVID-19 restrictions which had changed throughout the various lock downs. It was added that there had been 26 complaints in terms of breaches made in Dukestown Club and all had been followed up. There had been visits to the Club and a responsible approach had been taken by the Club in response to these visits.

At the invitation of the Chair the Licence Holder addressed the Sub-Committee.

The Dukestown's Club representative noted the concerns raised and expressed his apologies for the issues reported. The representative advised that that the last two years had been horrendous since the start of the pandemic. The Club along with other establishments had been asked to manage the changing regulations and the representative felt that now these regulations were easing he was of the opinion that a lot of the nuisance had gone away. The representative added that there had been a number of different customers using the Club due to the COVID-19 regulations put in place by Welsh Government. The Club had now banned customers who had presented with unruly behaviour, built extra gates and doors, drinking was no longer allowed outside and on special licenced occasions the appropriate drinkware would be used. A number of these changes had been taken on board following conversations with Gwent Police. There had been extra security put in place in form of CCTV which covered all areas of the

Club excluding toilets. The representative reiterated that he felt things were now getting back to normal and settling down.

It was added that the Manager had been reprimanded and given their last warning. There are also other ways of reducing noise being explored which included adding sound proofing to the Club. The Club sympathised with the residents who had experienced noise nuisance and the representative had explained to Mr. McGrath that he was of the opinion that this was down to the pandemic as the Club had attracted non-members and now the Club were trying to address with these complaints the best they could. There had been a suggestion that the Club applied for a different premises licence which would be considered following this hearing.

Another Club representative, Mr. Williams endorsed the comments raised and concurred that the report provided by Gwent Police would be taken on board. Mr. Williams noted the complaints in relation to noise and added that there was now a hedge in place which separated the houses from the Club. Although, Mr. Williams stated that he was not rejecting concerns of neighbours and wanted to work together to address these issues. The Club had appointed an expert to look at the noise and health and safety issues. Mr. Williams added that in the last two years the Club had experienced an issue with young people who had frequented the Club due to the pandemic regulations. The Club would continue to attempt to address the noise issues and had hoped all relevant bodies could work together to address these issues, particularly the noise element as it was a key matter to be addressed.

In conclusion, the Club representative reported the following actions which had already been undertaken at the Club:-

- CCTV to be installed in all areas of the Club (excluding toilets)
 - Signage to keep noise down to respect neighbours
 - No consumption of alcohol outside after 21:00
 - No alcohol to be taken outside to smoke
 - Regulated entertain would only be provided outdoors only when temporary entertainment notice/licence had been applied for and these would be in the afternoons on special occasions
 - Noise device limiter was in place and sound proofing to be added in areas within the Club when funds available.
 - Extra installation in club to lower noise
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- Noise from club to be monitored and regulated
 - The manager to receive and respond to complaints in relation to sound, ensure no any unruly behaviour inside or outside the Club
 - Waste would not be taken out between the hours of 23:00-0700 to prevent further noise complaints
 - On advice of the Police a log book and refusals had been introduced to record incidents (which would include CCTV incidents)
 - No under 25 years' policy
 - A full complement of staff to be at the Club – elections taking place to appoint new Members to help support the Club
 - All staff to be sent on the relevant training courses

At this juncture questions were invited from the responsible authorities.

The Specialist Environmental Officer stated that the sound limiter needed to be set at acceptable level so the Club did not breach the Abatement notice. The Officer also suggested that staff walk around the Club to ensure sound checks are carried out and these also be logged. It was felt that these actions also needed to be undertaken to work towards compliance.

No questions were brought forward from the residents.

The Specialist Environmental Officer was invited to sum up his case at this juncture.

The Specialist Environmental Officer welcomed the actions put in place and the actions being worked towards by the Club. However, since the report further complaints are continuing to be received and therefore it was important that these measures are put in place and adhered to. This would prevent further action including prosecution being taken forward.

In summary, Gwent Police advised that there had only been one call received in relation to Dukestown Club since November and the Club had shown great interest in working with the Police to address the issues reported.

There was nothing further from the Licensing Enforcement Officer.

The resident, Mr. McGrath did not wish to sum up, however asked if a question would be permitted to the Licensing Team. The Chair allowed the question.

Mr. McGrath asked the Licencing Team if the licence covered the noise and consumption of alcohol outside the Club, i.e. in the car park and would it be considered in the new licence application. The licence stated now that no noise was to be transmitted through the building would that be alleviated within the new licence.

The Senior Licensing Officer advised that the consumption of alcohol outside was not a licensable activity. The Senior Licensing Officer appreciated the concerns and advised that it would be the responsibility of staff to monitor the outside area and address any noise issues.

The Chair invited the Applicant to sum up at this juncture.

The Club representative reiterated his apologies on behalf of Dukestown Club and had hoped that the Sub-Committee could see that the Club had tried to address the issues raised in the report. It was hoped that now the pandemic restrictions had begun to ease there would be significant improvements as the resident stated these issues had only occurred in the last two years prior to the pandemic the Club had not caused any noise/ inappropriate customer behaviour for residents in and around the Club.

The Applicant, Officers left the meeting at this juncture for Members to consider the application.

The Committee discussed the application at length and a decision was made, and the Applicant and Officers were invited back into the meeting.

The Solicitor thereupon informed the Applicant of the Sub-Committee's decision.

The Solicitor stated that considering this application, the Sub-Committee had taken into account the provisions in the Licensing Act 2003 in particular, the licensing objectives which are:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The Solicitor advised that Section 87 of the Licensing Act 2003, the Guidance issued under the Licensing Act 2003 and the Council's licensing policy had been taken into account when the Sub-Committee considered this application.

The Sub-Committee had considered the written representations received as presented in the Officer's report, together with the oral representations given at the hearing on behalf of the Applicant and the other persons present.

The Sub-Committee was informed of the serious problems which had been experienced in the area concerning persons using the Licensed premises subject to this Application. It had been reported that patrons who used the premises had been heard swearing, shouting and acting in a rowdy manner in the early hours of the morning. There had also been reports of fighting within the vicinity of the premises and these incidents along with noise emanating from the Club was generally disturbing to residents in the area and residents felt this was unacceptable. The Solicitor added that the Police had been called to the premises on a number of occasions because of incidents at the Club and they had attempted to liaise with the Club's Committee to reach a solution.

The Sub-Committee considered the numerous incidents and events that had occurred in and around the Club and also gave due consideration to the conditions set out in the report which were attached to the Club Certificate as well as those set out in Appendix 3 by the Police, and sought to achieve a fair and balanced decision.

In reaching its decision, the Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Section 4) and the guidance issued under Section 182 of the Act and the Licensing Policy of Blaenau Gwent County Borough Council.

The Solicitor thereupon advised that the Sub-Committee had reached the following decision:-

- To suspend the Club's premises certificate for a period of 28 days.

The following modifications be made to the Club's activities:-

- Supply of Alcohol from Monday to Sunday from 11.00 am to 11.00 pm
- Opening hours from Monday to Sunday from 11.00 a.m. to 11.30 p.m.
- All other qualifying Club activities from Monday to Sunday from 11.00 a.m. to 11.00 p.m.

The following conditions were agreed to be attached to the Club Premises Certificate:-

- 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.
 - Where a CCTV system was to be installed, extended or replaced, it must be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system was to be installed, it shall be fully operational by the grant of the licence.
 - 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.
 - 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.
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- The correct time and date must be generated onto both the recording and the real time image screen;
 - 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 was reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

- The premises 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;
 - There shall be clear signage indicating that CCTV equipment was in use and recording at the premises during licensable hours.
 - 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.
 - A 'Challenge 25' policy would 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 proved that they are 18 years of age or older when the alcohol was supplied.
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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 would 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.

- 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.
 - Any person working in the premises was 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.
 - 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.
 - 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.
 - 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.
 - The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.
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- The use of the outside licensed area of the premises was not permitted after 11.00 p.m. Other than access solely for the use of the smoking area.
 - No bottles, cans or glasses are to be taken outside after 11.00 p.m. Adequate notices shall be displayed in appropriate locations to ensure that this information was brought to the attention of patrons.
 - Staff shall ensure that any bottles or glasses are removed from persons leaving the premises.
 - Children to be accompanied by a responsible adult and supervised at all times.
 - 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 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:
 - Full name;
 - 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);
 - The time they began their duty; and
 - The time they completed their duty.
 - The register was to be kept at the premises at all times and shall be 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.
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- Outdoor lighting shall be positioned, so far as was 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.
 - Amplified music shall not be played at a level that would cause unreasonable disturbance to the occupants of any properties in the vicinity.
 - Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence.
 - 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.
 - 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.

The Solicitor reported that the Sub-Committee wished to thank the Club's Committee for their honesty and to remind them that a suspension of up to three months could have been imposed in relation to the Club Premises Certificate. However, the Committee felt that a 28-day suspension was proper and proportionate. The Sub-Committee also wanted to relay that they sincerely hoped that they would not see this Club and its Members before the Licensing Sub-Committee again in the future and that the issues with the Club would now be resolved.

Right to Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision. Any responsible authority or other person has the right to request a review of the Licence.

The Chair thanked everyone for attending and declared the meeting closed.
