



## LICENSING AND GAMBLING SUB COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN, YSTRAD  
MYNACH ON MONDAY, 29TH APRIL, 2019 AT 10.00 AM

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PRESENT

Councillor D.W.R. Preece – Chair

Councillors:

Ms J. Gale, D.C. Harse

Together with:

L. Morgan (Licensing Manager), R. Fumage (Licensing Officer) T. Rawson (Solicitor),  
R. Barrett (Committee Services Officer)

**Representing Gwent Police**

PC D. Allen

**Representing the Licensing Authority**

A. Dicks (Assistant Licensing Manager)

**Representing Trading Standards**

T. Keohane (Senior Trading Standards Officer)

**Representing Environmental Health (Pollution Team)**

K. Jennings (District Environmental Health Officer)

**Representing the Applicant**

Mr G. Murray and Mr S. Murray (Enterbizz Limited)

**1 APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest received at the commencement or during the course of the meeting.

### **3 APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF BLISTERS BARGOED, 63/65 HANBURY ROAD, BARGOED, CF81 8QX**

The Chair opened the meeting and introductions were made.

The Legal Advisor to the Sub Committee outlined the procedure for the meeting and reported that Members had previously familiarised themselves with the report of the Licensing Manager, the premises application and supporting documentation, together with the written representations of Responsible Authorities in relation to the application.

Mr Lee Morgan (Licensing Manager) presented the report and outlined the application submitted by Enterbizz Limited on behalf of Blisters Bargoed, 63/65 Hanbury Road, Bargoed, CF81 8QX, to vary the current premises licence as follows :-

- To extend hours for regulated entertainment from 03.30 to 04.15 (first floor only) on Friday and Saturday, Sundays preceding Bank Holiday, Christmas Eve and Boxing Day;
- To extend hours of opening from 04.00 to 04.30 on Friday and Saturday, Sundays preceding Bank Holiday, Christmas Eve and Boxing Day;
- No change to hours for the sale of alcohol;
- Closure of the smoking area and regulated entertainment to finish on the second floor and close to public at 03.30;
- Change of floor plan (as shown on the proposed premises plans reproduced as Appendix 2 of the report);
- Extra cooling down period 04.00 to 04.30 – only to be used if more than 80 customers are still in the venue/premises
- Admission times kept the same – no entry or re-entry after 00.30;
- Entertainment on the second floor to be kept the same, terminating at 03.30;
- To remove a number of conditions in Annex 2 of the existing premises licence;
- To remove all embedded conditions (old Public Entertainment conditions) within the operating schedule (as set out in Appendix 12 of the report);
- To add a number of conditions as set out in Section 1.1(a) of the Licensing Officer's report.

The Sub Committee were referred to the representations received from Responsible Authorities, namely Child Protection, Gwent Police, the Licensing Authority and Environmental Health. Trading Standards had also made a representation, but following mediation with the applicant, agreement had been reached relating to the proof of age scheme. The concerns mainly related to the proposed extension to licensable hours and the effect this could have on the surrounding area. Copies of the representations were attached to the report that was circulated with the agenda.

Attention was drawn to the local policy considerations and national guidance as set out in the report and to the way in which the Sub Committee would deal with the application. The Sub Committee must have regard to all the representations made and to the evidence heard, and take such steps as is considered necessary for the promotion of the licensing objectives.

Members were directed to the recommendation set out in the Licensing Manager's report, which recommended the refusal of the variation to extend the provision for live and recorded music, performance of dance and anything of a similar nature, together with the refusal of the request to remove the condition relating to the ceasing of entertainment and refreshment 30 minutes before premises close. However, the recommendation advocated the approval of the variation in relation to the amended plans, removal of the embedded conditions set out in Appendix 12 of the report and removal of the other conditions set out in Annex 2 of the existing premises licence. The Sub Committee were reminded that this was purely a recommendation and that they should take into account all the information before them when making their decision.

All parties present were afforded the opportunity to ask questions and representations were then invited from Responsible Authorities.

Mr Tim Keohane (Senior Trading Standards Officer) confirmed that a representation had been made by Trading Standards which related to the Protection of Children from Harm Licensing Objective. The representation suggested an amended condition to provide consistency on the proof of age scheme being utilised at the premises. Mr Keohane confirmed that the applicant had subsequently accepted the amended condition to adopt a Challenge 21 policy at the premises.

There were no questions received and representations were then invited from Gwent Police.

PC Daniel Allen (Gwent Police) explained that his representation objected to the extended licensable hours on the grounds that all four Licensing Objectives would be undermined. PC Allen referred to the number of licensed premises in the vicinity and the high volume of alcohol-related disorder, and the Sub Committee were advised that over the past year, 945 incidents had been recorded for Bargoed across Friday, Saturday and Sunday. 100 of these incidents were to Hanbury Road where Blisters nightclub is located, with 25% of these incidents directly linked to Blisters, and a number of these calls related to serious incident or injury.

It was the view of Gwent Police that any extension to operating hours at the premises would increase the occurrence of such incidents. Although the applicant had stated that the intention of the application was to reduce instances of anti-social behaviour by allowing patrons to leave in a more controlled manner, Gwent Police feared that this would instead lead to customers remaining at the premises and leaving in a more intoxicated state at 4.30am. This could in turn lead to increased strain on police resources in the early hours of the morning. PC Allen also had particular concerns that a fixed price promotion of "all you can drink till 1.30am" in operation at the premises could encourage customers to stockpile their drinks and contribute to increased levels of intoxication around the 4.30 a.m. closing time.

All parties present were afforded the opportunity to ask questions, and Mr Gareth Murray (the applicant) sought clarification from PC Allen on his reference to the all-inclusive drinks promotion. He stated that this promotion had been cleared with Gwent Police 5 years ago and was not aware that this formed part of the objections to the variation. PC Allen explained that he was not objecting to the promotion but was reporting a fact in that the promotion is available at the premises.

The Sub Committee confirmed that they had noted the lack of reference to all-inclusive drinks promotions in the written representation from Gwent Police. Mr Murray was advised that he would have the opportunity to address this point later in the meeting.

Representations were then invited from the Licensing Authority.

Mrs Annette Dicks (Assistant Licensing Manager) explained that her representations related to the Prevention of Crime and Disorder, Public Safety, and the Prevention of Public Nuisance Licensing Objectives, and supported the representations of Gwent Police in regard to their concerns of further incidents of crime and disorder. She explained that in having regard to the location of the premises, there were particular concerns over whether there would be sufficient taxi services available in the early hours of the morning to transport customers away from the area quickly, to prevent possible disputes and disturbance to neighbouring residents. Mrs Dicks also had concerns regarding the proposed cooling down period if there were more than 80 customers in the venue between 4.00 a.m. and 4.30 a.m., and suggested that this would be difficult to monitor and enforce.

Additionally, the Licensing Authority had questions surrounding how the capacity of the first floor would be managed if the second floor were to close at 3.30 a.m., together with smoking arrangements after 3.30 a.m. (including ensuring that people are not smoking in the toilets). Mrs Dicks explained that in the view of the Licensing Authority, a suitable wind-down period of at least thirty minutes before the closing time of the premises should remain (in accordance with current licensing policy) together with other suggested conditions as set out in the report. Mrs Dicks also stated that she could not see how the extension of hours proposed by the applicant would allow for more controlled egress by the customers.

There were no questions for the Licensing Authority and representations were then invited from Environmental Health (Pollution Control).

Mr Kristian Jennings (District Environmental Health Officer) outlined the representation on behalf of Miss Abbie Brown (Environmental Health Officer), which related to the Prevention of Crime and Disorder, Public Safety, and the Prevention of Public Nuisance Licensing Objectives. Environmental Health shared the concerns of Gwent Police and the Licensing Authority on the basis that an additional 45 minutes to regulated entertainment times will extend attendance and will encourage customers to drink more alcohol, which could in turn have a negative effect on residents in the vicinity. Mr Jennings also referred to a number of amended conditions proposed by Environmental Health which were set out in the report, including ceasing the use of the beer garden after 3.30 a.m.

There were no questions for Environmental Health and representations were then invited from the applicant, Enterbizz Limited.

Mr Gareth Murray and Mr Sean Murray (the applicants) addressed the Sub Committee and responded to the points raised by the Responsible Authorities. In relation to smoking controls, it was confirmed that the premises already has an attendant in both sets of toilets to ensure no-one is smoking indoors.

In regard to the cooling-down period, the applicants explained that they had brought along video evidence from 7 random nights at the premises to demonstrate how quickly customers leave the nightclub. With the approval of the Chair, the first of the video files was played to the Sub Committee, which had been recorded the previous night (28th April 2019), and via a number of CCTV vantage points around the nightclub, showed the egress of customers from the nightclub following closing time at 3.30 a.m.

Mr Gareth Murray explained that the aim of the variation was to provide greater control for the egress of customers on busy nights, in that it was hoped for people to slowly drift out between 3.30 a.m. and 4.30 a.m. following the closure of the bar at 3.30 a.m., rather than leaving en-masse at 3.30 a.m. as was currently the case. He confirmed that the smoking area would close at 3.30 a.m. and anyone wishing to smoke after that time would have to leave the premises and not be allowed re-entry. The second floor would also close at 3.30am. Mr Murray explained that very few drinks were being sold leading up to 3.30 a.m. in any case and reiterated that the aim of the variation was simply to filter out customers in a controlled

manner at the end of the night.

Mr Gareth Murray responded to queries from the Sub Committee regarding premises capacity, and confirmed in accordance with guidance from the Fire Service, the second floor has a capacity of 296 and the first floor has a capacity of 300. The Chair asked how the first floor would absorb the capacity from the second floor following the closure at 3.30 a.m., and Mr Sean Murray explained that this would not be an issue in that the club usually has a maximum attendance of around 300 customers.

The Sub Committee were referred to the first video clip which had finished playing, and observed that it had taken approximately 10 minutes for the premises to clear following closing time. The applicants offered to play the other video files to the Sub Committee, but it was determined that there was no need as they were very similar in nature.

Discussion took place regarding the current smoking area capacity and the reduction proposed by Environmental Health. The applicants were of the view that 8 persons after 11.00 p.m. was rather low, and asked for it to be reworded to 12-15 patrons. They also provided to the Sub Committee a detailed explanation of the smoking area configuration as set out in the premises plans included in the application. They confirmed that although staff regularly monitor both sets of toilets to ensure smoking is not taking place inside, they felt this would become a problem if customers were restricted to 8 persons at any one time in the smoking area.

Mr Jennings explained that this condition had been suggested by Environmental Health to mitigate disturbance to residents in the nearby vicinity. In response, Mr Gareth Murray stated that around 60% of his customer base are smokers and although not currently a condition of licence, the premises had voluntarily reduced the capacity from 20 to 12 persons following complaints from nearby residents. In response to a query from the Sub Committee, it was confirmed that the nearest residential area is approximately 30 metres from the premises. Mr Murray reiterated that if this were to be put as a condition, then a capacity of 12 persons would be a more realistic number than 8 persons.

The applicants were asked if there was any other points they wished to address. Mr Gareth Murray queried the condition suggested by Environmental Health which proposed that the vicinity of the premises be patrolled to ensure noise nuisance does not occur. He explained that the same sound system had been used for over 20 years with no issues, and did not understand why this was now being requested. Mr Lee Morgan (Licensing Manager) explained that in the event of a variation, Responsible Authorities are entitled to propose additional conditions in cases where the Licensing Objectives could potentially be undermined. Mr Jennings confirmed that this had been proposed in order to mitigate any risks and was a fairly standard condition across licensed premises. It also allows premises owners to take prompt action in the event of any noise breach. Mr Sean Murray stated that the sound system has a decibel limiter to protect the equipment and he was confident that there was no noise escaping from the premises.

Mr Gareth Murray referred to the stockpiling of drinks concern that had been raised by PC Allen. He referred to the CCTV footage and explained that this is not the usual practice of customers at the premises. The Legal Advisor to the Sub Committee questioned whether this was demonstrated on the CCTV footage. Mr Gareth Murray explained that the footage was more to demonstrate that customers leave promptly once the bar is closed. PC Allen suggested that if the premises were to stay open until 4.15 a.m., then customers would buy extra drinks before the bar closes at 3.30 a.m. to cover this additional period. Mr Sean Murray responded that the bar does occasionally close at 3.00 a.m. and is near to closing at 2.30 a.m. Mr Gareth Murray added that customers tend to run low on funds and slow down on their alcohol consumption later in the evening, and that bar sales are very low after 3.00 a.m.

Mr Gareth Murray elaborated on the application and explained that the extension would create additional costs for the premises, as they would have to pay the door staff for the extra time but the bar would not be open to generate additional revenue. He explained that the reason for the extension is to stop incidents occurring in Hanbury Road after the premises closes, and it was his view that customers would stagger their exit across the additional period if the extension was granted. The Sub Committee queried if the situation might alter if the music continues past 3.30 a.m., with customers wishing to stock up on alcohol for this extra period. In response, Mr Gareth Murray explained that this would not be the case as most of his customers have had enough to drink by 2.30 a.m. Mr Sean Murray also cited licensable hours at the premises some years back and explained that they had been changed to avoid customers descending en-masse upon nearby fast food outlets upon closure of the premises.

The Sub Committee expressed the need for a suitable compromise to be reached between the applicants and the Responsible Authorities in regards to the closing time, and highlighted the need for egress to be monitored. The applicants confirmed that they utilise clickers on the doors and that their intention is to avoid putting a large crowd on Hanbury Road at any one time.

Mr Gareth Murray referred to the incident figures cited by Gwent Police and the claim that 25% of the 100 incidents the previous year in Hanbury Road, Bargoed, were linked directly to Blisters. He explained that he had discussed the reports with PC Allen and had received confirmation that a number of reports were later dropped. PC Allen explained that occasionally complainants do not wish for follow up action to be taken, although it is a matter for Gwent Police as to whether or not they wish to subsequently investigate each matter further.

Mr Gareth Murray responded to the concerns from the Licensing Authority regarding a limited taxi service around Bargoed in the early hours. He stated that a number of companies in the area offer a 24-hour service and that the details are offered to customers upon exit. A sign is also displayed at the exit which details the telephone numbers for local taxi companies. A photograph showing the signage was tabled to the Sub Committee.

Mrs Annette Dicks referred to the CCTV footage of 28th April 2019 and explained that she had estimated around 50-60 people leaving during the course of the footage. She asked the applicants for total numbers in Blisters that night. Mr Gareth Murray explained that he had not yet run his analysis from the weekend but there were probably around 130 customers in the club that night. He explained that this had been a quieter weekend, although the previous weekend had been the Easter Bank Holiday and had been exceptionally busy on certain nights. He reiterated that the extension would be in order for the premises to have a contingency for busy occasions.

All parties were then afforded the opportunity to sum up before the Licensing and Gambling Sub Committee retired to make its decision.

The Licensing Manager highlighted the range of information presented during the course of the meeting and referred the Sub Committee to the considerations set out in the report requiring determination.

Mr Tim Keohane confirmed that he had nothing further to add, and then gave his apologies and left the meeting.

PC Allen referred to the objections of Gwent Police and reiterated his concerns that the extension would not prevent crime and disorder. Rather, he feared that any extension to the licensable hours would create extra calls to Gwent Police and place an extra strain on police resources, which could impact on public safety elsewhere in the borough.

Mrs Dicks confirmed that her objections still stood, based on the potential number of customers in the premises after 3.30 a.m. and a lack of clarity from the applicants over what time they wished to cease the music and clear the premises. She suggested that the extended period could lead to confusion and that any wind down period would be difficult to enforce. She reiterated her belief that there may not be sufficient taxis available in the area around 4.00 a.m. She also referred to the suggested condition to restrict numbers in the smoking area after 11.00 p.m. and stated that these restrictions were in place to minimise crime and disorder.

Environmental Health referred to the suggested conditions within their representation and asked that they be placed on the licence if the Sub Committee were minded to grant the variation.

Mr Sean Murray reiterated that the intention of the application was to mitigate problems in the area and avoid a mass exodus from the nightclub at 3.30 a.m.

The Legal Advisor informed all parties present that the Sub Committee would retire to consider the representations made at the meeting and they would be informed in writing of the decision in the next 5 days.

The Chair thanked all parties for their attendance and the Sub Committee retired at 11.30 a.m. to make its decision.

Following consideration of the application to vary the premises licence for Blisters Bargoed, 63/65 Hanbury Road, Bargoed, and having regard to the Licensing Manager's report and all the representations made, the Licensing and Gambling Sub Committee unanimously RESOLVED that :-

- 1) The request to extend the hours for regulated entertainment from 03.30 to 04.15 (first floor only on Friday and Saturday, Sundays preceding Bank Holiday, Christmas Eve and Boxing Day, be refused;
- 2) The amended floor plan comprising Appendix 2 of the report before the Sub Committee be approved and replace the existing plans within the licence;
- 3) The requested removal of the licence condition "*All entertainment and refreshment will cease 30 minutes before premises close to the public*" be refused;
- 4) The embedded conditions of the licence as set out in Appendix 12 of the report be removed from the licence;
- 5) The following licence conditions be removed from the licence:
  - "*Active use of the radio net system with communications direct to CCTV and police, constant monitoring of the premises with in-house CCTV*"
  - "*To ensure that staff are aware that it is prohibited to sell alcohol to children*"
  - "*To request proof of age where there is any doubt as to the age of anyone at the premises*".

In making their decision, the Sub Committee considered all four Licensing Objectives, the Licensing Act 2003, revised Home Office Guidance and Caerphilly Council's Licensing Policy.

The Sub Committee gave weight from Gwent Police as to the proposed variation to the entertainment hours being counter-productive. The Sub Committee accepted that there was a prospect of alcohol being purchased in advance of the 03.30 a.m. cut-off and patrons being able to continue to drink until potentially 04.15 a.m. - 04.30 a.m. before leaving the club. The

Sub Committee were mindful of the duty to prevent anti-social behaviour and nuisance, and there was an unacceptable prospect that this would be undermined by having patrons exit the club at a later hour, potentially more intoxicated. The Sub Committee gave weight to the problems of transporting patrons away from the premises at 04.30 a.m. The Sub Committee determined that the maintenance of a 30 minute "wind down" period was more conducive to preventing harm under the four pillars of the Licensing Objectives than the Applicant's proposal.

The Sub Committee agreed that the embedded conditions be removed to "modernise" the licence. The internal plan of the premises layout showed minor variation which the Sub Committee were content to endorse. The Sub Committee further took the common sense view to remove the 3 conditions as requested by the Applicant (as set out above) on the basis that these are currently covered by mandatory conditions or are no longer workable.

The decision notice advised any person aggrieved by the decision of their right to appeal to the local Magistrates Court within 21 days from the date of written notification of the decision.

The Chair declared the meeting closed at 12.50 p.m.