

CYNGOR BWRDEISTREF SIROL RHONDDA CYNON TAF COUNTY BOROUGH COUNCI

LICENSING COMMITTEE

SITTING IN ITS ROLE UNDER THE LICENSING ACT 2003

Hannah Williams - Council Business Unit, Democratic Services (01443 424062)

A virtual meeting of the Licensing Committee (sitting in its role under the Licensing Act 2003) will be held on TUESDAY, 2ND FEBRUARY, 2021 at 4.30 PM.

Non Committee Members and Members of the public may request the facility to address the Committee at their meetings on the business listed although facilitation of this request is at the discretion of the Chair. It is kindly asked that such notification is made to the Executive and Regulatory Business Unit by Friday, 29 January 2021 on the contact details listed above, including stipulating whether the address will be in Welsh or English.

ITEMS FOR CONSIDERATION

1. DECLARATION OF INTEREST

To receive disclosures of personal interest from Members in accordance with the Code of Conduct.

Note:

- 1. Members are requested to identify the item number and subject matter that their interest relates to and signify the nature of the personal interest; and
- 2. Where Members withdraw from a meeting as a consequence of the disclosure of a prejudicial interest they <u>must</u> notify the Chairman when they leave.

2. HUMAN RIGHTS ACT 1997 AND CRIME AND DISORDER ACT

To note, that when Members determine the licensing and registration matters before them, they have a duty not to act in a manner that is incompatible with the convention on Human Rights and the Crime and Disorder Act.

3. MINUTES

To approve as an accurate record, the minutes of the Licensing Committee (Sitting in its role under the Licensing Act 2003) held on the 12th October 2020.

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REPORT OF THE DIRECTOR, PUBLIC HEALTH, PROTECTION & COMMUNITY SERVICES

4. REVIEW OF THE LICENSING ACT 2003 & GAMBLING ACT 2005

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5. TO CONSIDER PASSING THE UNDER-MENTIONED RESOLUTION:

"That the press and public be excluded from the meeting under Section 100A(4) of the Local Government Act 1972 (as amended) for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 13 of Part 4 of Schedule 12A of the Act".

6. LICENCES AND REGISTRATIONS ISSUED UNDER THE PROVISION OF DELEGATED POWERS FOR THE PERIOD: 28.09.20 - 17.01.21

- (i) Personal Licences
- (ii) Premises Licences

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7. URGENT BUSINESS

To consider any items which the Chairman, by reason of special circumstances, is of the opinion should be considered at the meeting as a matter of urgency.

Service Director of Democratic Services & Communication

Circulation:-

Members of the Licensing Committee

The Chair and Vice-Chair of the Licensing Committee (County Borough Councillor A Fox and County Borough Councillor D Williams respectively)

County Borough Councillors: Councillor S Bradwick, Councillor S Powderhill, Councillor T Williams, Councillor W Lewis, Councillor S Morgans, Councillor P Howe, Councillor L Hooper, Councillor A Cox and Councillor L Jones

Christian Hanagan, Service Director of Democratic Services & Communication Louise Davies, Director, Public Health, Protection and Community Services Paul Nicholls, Service Director, Legal Services Rhian Hope, Health Protection and Licensing Service Manager Martyn Owen, Assistant Licensing Manager Neil Evans, Licensing Enforcement Officer



Agenda Item 3



RHONDDA CYNON TAF COUNCIL LICENSING ACT 2003

Minutes of the meeting of the Licensing Act 2003 meeting held on Monday, 12 October 2020 at 4.30 pm at the Virtual.

County Borough Councillors - Licensing Act 2003 Members in attendance:-

Councillor A Fox (Chair)

Councillor D Williams
Councillor T Williams
Councillor S Morgans
Councillor D Williams
Councillor D Williams
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Councillor D Williams
Councillor D W Lewis
Councillor D W L

Officers in attendance:-

Mr C Hanagan, Service Director of Democratic Services & Communication
Ms L Davies, Service Director – Public Protection Services
Mr P Nicholls, Service Director, Legal Services
Mr M Owen, Assistant Licensing Manager

1 Announcement of the Chair

The Chair welcomed County Borough Councillors L. Jones and L. Hooper to their first meeting of the Licensing Committee following changes to the membership at the Council AGM.

On behalf of the Committee, the Chair thanked the Licensing team for their continuous hard work during the difficult time, commenting that officers had gone above and beyond.

2 Apologies for Absence

Apologies for absence were received from County Borough Councillors E. Webster, T. Williams and S. Powderhill.

3 Declaration of Interest

In accordance with the Council's Code of Conduct, there were no declarations made pertaining to the agenda.

4 Human Rights Act 1997 and Crime and Disorder Act

It was **RESOLVED** to note that when Members determine the licensing and registration matters before them, they have a duty not to act in a manner that is incompatible with the convention on Human Rights and the Crime and Disorder Act.

5 Minutes

It was **RESOLVED** to approve the minutes of the 25th February 2020 as an accurate reflection of the meeting.

6 Review of the Licensing Act 2003 & Gambling Act 2005

The Service Director, Public Protection provided the Committee with the report on relevant issues with regard to the Licensing Act 2003 and the Gambling Act 2005, together with ancillary matters arising from the responsibilities charged to the Committee.

It was reported that there had been a decrease in number of Temporary Events Notices (TEN's), which could be attributed to the Covid-19 pandemic, resulting in the closure of licensed premises and the inability of the community to partake in the events that would usually occur during those months. Following the lifting of restrictions, a number of TEN's were received to allow premises to trade outdoors during the challenging time.

The Service Director reported that since the last Committee report, there were two pending contested applications, one of which was an Application for Variation of a Premises Licence; and the other was for a Variation of Designated Premises Supervisor.

The Service Director referred Members to section 4.3 of the report where the premises inspections and infringements were outlined. Members learned that 90.5% of premises inspected were broadly compliant, which was the same as the previous period due to a lack of inspections because of the coronavirus, and resultant safety measures placed on council staff.

The Service Director spoke of the virtual training session run by Mr D Lucas from the Institute of Licensing, which had been well attended by Licensing Committee. The session was described as a valuable learning opportunity to advance or refresh the knowledge, understanding and practical expertise of Elected Members in relation to the role of the licensing authority, its Councillors and the conduct of licensing hearings.

The Service Director described the situation for Trade during the Covid-19 pandemic, explaining that it had been severely impacted and incredibly challenging. Members were informed that the ever-changing circumstances and Government advice had caused stress for both officers and the Trade, but were pleased to learn that officers had taken a proactive approach and contacted individual premises to guide them through. The Service Director continued and spoke of the number of complaints received in respect of licenced premises operating indoors at the beginning of the lockdown period and advised that officers had successfully worked with South Wales Police to further investigate these. The Service Director advised that following the reopening of premises on 3rd August 2020, the Licensing team had begun undertaking visits to premises, which, to date, had resulted in three premises receiving closure notices and a number of premises issued with improvement notices. The Service Director praised the team, explaining that despite the increase in workload, they had gone above and beyond. Speaking of the premises, the Service Director stated that it was evident that the majority were trying to do the right thing and assured Members that those who were not were being appropriately dealt with.

Members took the opportunity to thank the Licensing Team for their continuous work, acknowledging the ever-changing environment.

One Member queried whether refunds could be provided for submitted TEN's, which had been cancelled as a result of Covid-19 and the local restrictions. The Service Director informed the Councillor that the funds could either be carried over until a later date or a refund could be provided by contacting the Licensing department.

It was **RESOLVED:-**

- a) To note the contents of the report in respect of the Licensing Act 2003 and:
- b) To note the contents of the report in respect of the Gambling Act 2005.

7 To consider passing the under-mentioned Resolution:

It was **RESOLVED** that the press and public be excluded from the meeting under Section 100A(4) of the Local Government Act 1972 (as amended) for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 13 of Part 4 of Schedule 12A of the Act.

8 Licences and Registrations issued under the provision of Delegated Powers for the period: 10.02.20 - 27.09.20

The Service Director, Public Protection provided the Committee with details of licences and registrations issued during the period 10th February 2020 to 27th September 2020.

Following discussions, it was **RESOLVED** to note the content of the report.

This meeting closed at 4.45 pm

CLLR A FOX CHAIR.





RHONDDACYNONTAFCOUNTY BOROUGH COUNCIL

LICENSING COMMITTEE

2ND FEBRUARY 2021

REVIEW OF THE LICENSING ACT 2003 & GAMBLING ACT 2005

REPORT OF THE DIRECTOR PUBLIC HEALTH, PROTECTION AND COMMUNITY SERVICES

1. PURPOSE OF THE REPORT

The purpose of the report is to update Members on relevant issues, with regard to

- the Licensing Act 2003
- the Gambling Act 2005

2. **RECOMMENDATION**

Members are requested to: -

- (i) note the contents of the report in respect of the **Licensing Act 2003** which has been provided for information;
- (ii) note the contents of the report in respect of the **Gambling Act 2005**, which has been provided for information.

3. BACKGROUND

Members will be aware that a quarterly meeting is convened to review and discuss the implementation and progress of the Licensing Act 2003, together with any ancillary matters arising from responsibilities with which this particular Committee is charged.

Such ancillary matters include the Gambling Act 2005. (There may also be ancillary matters arising from the impact of the Smoke-Free Premises Regulations, which have the potential to affect all licensed premises).



4. LICENSING ACT 2003

4.1 Application Process

Applications received since the last update (28th September, 2020 to 2nd February, 2021) are as follows:-

Application Type	Number received
Personal Licence	21
Premises Licence	4
Transfer (Premises Licence)	19
Vary (Premises Licence)	0
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	18
Application to Review	4
Interim Authority Notice	0
Change of DPS	71
Minor Variation	4
Disapply provision of DPS	0
(Community Premises)	
Notification of Interest in	0
Premises	
Performance of Hypnotism	0
Total Number Applications	141

The number of Temporary Event Notices (TEN's) notifications have decreased considerably during this period, with only 18 being submitted. It needs to be noted that for 16 days Wales had a 'firebreak' lockdown, soon to be followed by another complete lockdown. These Covid restrictions have curtailed the notifications that we would usually expect to receive at this time of the year for events in the community and extended hours and/or other licensable activities on licensed premises and Private Members Clubs.

The number of transfers and changes of DPS is still considerable, given the uncertain nature of the pub/club trade this has been expected. With many DPS moving onto new positions. The usual change of DPS with superstores remains consistent.

Analysis of the TEN's applications indicate, 14 for existing premises licences, 4 for permitted community events and none received from Private Members Clubs

A summary of TEN's, is reproduced for Members information as Appendix 1A.



In accordance with the advice received in respect of data protection matters, the summaries of Personal Licences and Premises Licences issued under delegated authority are now reproduced for information as a Part II restricted item.

4.2 Contested Applications

Since the last summary report, there are two contested applications that have been determined:-

Application Type	Name of Applicant	Name of Premises	Date of Hearing	Outcome
Variation of Premises Licence	Gold Bar Two Ltd Unit 7C, Llwyncelyn Industrial Estate, Porth	Soul Suite 14 High Street Pontypridd CF37 1QJ	22 nd October 2020	Granted variation of hours but refused to remove the condition specifying the use of plastic glasses after 21:00hrs
Variation of Designated Premises Supervisor	Lianne Lewis 6, Typica Cottage Hopkinstown Pontypridd CF37 2SG	Players Sports Bar 2-3, Broadway Pontypridd CF37 1 BA	22 nd October 2020	The applicant withdrew her application on the day of the Hearing

Reviews

Two reviews have been determined during this period:-

Name of Applicant requesting Review	Name of Premises	Premises Licence Holder	Date of Hearing	Outcome
South Wales Police	The Legion 17, Cambrian Avenue, Gilfach Goch Porth CF39 8TF	Mr. Tyrone Davies and Miss Hilary Allison	26 th November, 2020	Licence suspended for 2 weeks with a variation of conditions



South Wales Police	Treorchy Hotel 165, Bute Street, Treorchy, CF42 6DA	Miss Nikki Barnes	15 th December, 2020	Premises Licence amended to incorporate
				several conditions and remove other
				unnecessary conditions that have been superseded
				by more current legislation

Two reviews are now pending:-

Name of Applicant requesting Review	Name of Premises	Premises Licence Holder	Date of Hearing	Outcome
South Wales Police	The Red Lounge 71 Wood Road Treforest CF37 1RJ	Mohammed Miah	23 rd February 2021	Pending
South Wales Police	The White Lion Hotel 59, Gadlys Road Aberdare CF44 8AD	Kevin Moses	19 th February 2021	Pending

Appeals

No Appeals have been determined since the last report

4.3 Premises Inspection & Infringements

The relevant Performance indicator for the Licensing Team is "the premises licences found to be broadly compliant following inspection by Licensing Officers". Officers will consider confidence in management, compliance with licence conditions and business competency when determining the risk rating of the premises when considering whether they are broadly compliant.



There has been minimal inspections of licenced conditions during this period due to officers conducting coronavirus inspections, therefore the current performance level for inspected premises has remained at 90.5%

4.4 Complaints, Advice and Guidance

This has been an extremely busy period for officers due to the Welsh Government implementing coronavirus restrictions. The hospitality sector has been impacted considerably due to this, whether it being complete lockdown for pubs, clubs etc or stringent restrictions being imposed.

Officers have been tirelessly conducting covid compliance visits to premises ensuring that appropriate measures are in place within each and every premises in order to minimise the risk of exposure to coronavirus.

The licensing trade has been broadly compliant and have been trying to input the necessary measures. It has been difficult for them especially due to the ever changing Government guidelines. This has also been true for officers who have had to keep abreast of the guidelines in order to provide appropriate advice and enforce the correct procedures.

The licensing section is providing much advice on a daily basis, this not only includes licenced premises but also requests such as singing in parks and streets, choir practices and a Santa parade.

There have been 359 recorded visits during this period not including those that South Wales Police have undertaken. During this period there have been premises that have failed to adhere to the standards, some of which have been served closure notices due to severity of breaches or because of ignorance to regulations after having adequate advice provided.

Some of the premises to be closed are:

- Legion, Gilfach Goch
- Tynte, Mountain Ash
- Red Lounge, Treforest
- Rock Inn, Aberdare
- White Dragon, Treorchy
- Prince of Wales, Treorchy
- Gelli Comrades Club, Gelli

There have also been 12 Improvement Notices issued to premises, this allows the premises time to rectify the issues identified. A follow up visit would be conducted and if officers deemed the new measures appropriate the Notice would be lifted with no further sanctions.



Following the service of one Improvement Notice, a complaint was made of Institutional Racism. The complainant has since been spoken to and an officer accompanied with a police officer attended to conduct the required checks.

Officers dealt with a serious assault at one premises, this resulted in South Wales Police applying for a Review of the premises licence. A Committee Hearing was held and a decision made to suspend for 2 weeks in order for the staff to make improvements at the premises to enable promotion of the licensing objectives.

There have been various complaints against one premises concerning lack of Covid measures as well as the use of drugs within the place. Officers have visited the premises however management have refused to allow access to CCTV footage. South Wales Police have since applied for a Review of the premises licence. The Review Hearing is pending.

Pre-opening advice has been provided to numerous pubs/clubs one such premises closed due to an outbreak of Covid amongst customers and the death of the chairman.

Officer have also assisted training of new Public Protection Enforcement Officers by allowing shadowing on visits. These enforcement officers now assist the licensing department in conducting Covid compliance visits.

Since the current Tier 4 restrictions prior to the festive period enforcement visits have been minimal due to police and other enforcement section monitoring.

Since the turn of 2021 we are delighted to say complaints have been less frequent. Hopefully this will continue during this coming period.

4.5 Recovery of Annual Fees

Total Income Received;	Outstanding Invoices;
As at 31/12/20	As at 31/12/20
£103,660	£13,990

The licensing department previously took a decision not to chase immediate payment of the fees during the current period due to the economic hardship placed on premises due to the Covid pandemic.

Legislation species payment must be received annually therefore officers have had to now chase payment.

During this reporting period officers have been proactively contacting Licence holders to obtain payment, those who are not providing payment following request are to have their licence suspended. This is ongoing and at the moment appears to be positive in retrieving payments.



You may note that income received has increased from £19,540 at the time of the last committee report to £103,660 at this time. This has been exceptional work from the work in contacting licence holders both by phone and through formal letters.

There are still some who have failed to make payment and have had their licence suspended.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 25/11/20
Bingo Premises Licences	4	2
Betting Premises	46	23
Adult Gaming Centre	10	6
Licensed Family	1	4
Entertainment Centre		
Lotteries/ Registered	N/A	169
Societies		

5.2 Trade profile – Gaming Permits

Complimentary to Premises Licences are a wide range of Gambling Permits that allow lower level gaming in primarily alcohol licensed premises. A summary of existing permissions is as follows:-

Premises Type	Number of Permits		
	Licensed Premises	Licensed Premises	
	Gaming Machine	Gaming Machine	
	Notification (2	Permit (>2 Machines)	
	Machines)	,	
Public Houses (Premises License	187	9	
with Retail Alcohol 'On Sales')			

Premises Type	Number o	Number of Permits		
	Club machine Permit (3 Machines)	Club Gaming Permit		
Qualifying Member Clubs (Club Premises Certificate)	57	8		



5.3 Recovery of Annual Fees

Because of the static nature of the trade, there is little change to the position, where 100% recovery of annual fees is the standard, primarily due to the robust provisions contained within the legislation which allow for withdrawal of the licence/permit for non-payment of appropriate fees.

L Davies

Director for Public Health, Protection and Community Services

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL PUBLIC HEALTH & PROTECTION – LICENSING

Temporary Event Applications
Received: from 28th September 2020 to 17th January 2021

Appendix 1A

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
440130 Late TENS	Barry Sidings Cafe Barry Sidings Country Park Gyfeillion Road Hopkinstown Pontypridd CF37 2PP	Mr Jamie Rowland	10 October 2020 To 11 October 2020	Alcohol with 16 tables outside - 10-11/10/20
440176 Late TENS	Co-operative Group Ltd 2-6 Southgate Avenue Llantrisant Pontyclun CF72 8DQ	Mr Jason Delaitre	16 October 2020 To 20 October 2020	Temp pop up in car park - 16/10/20 - 20/10/20
440177 Standard TENS	Co-operative Group Ltd 2-6 Southgate Avenue Llantrisant Pontyclun CF72 8DQ	Mr Jason Delaitre	22 October 2020 To 27 October 2020	Temp pop up tent in carpark - 22/10/20 - 27/10/20

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL **PUBLIC HEALTH & PROTECTION - LICENSING**

REFERENCE PR APPL TYPE	REMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
2-6	Southgate Avenue	Mr Jason Delaitre	29 October 2020	Temp pop up tent - 29/10/20 - 03/11/20
TENS Por	antrisant ontyclun		То	
CF ⁻	72 8DQ		3 November 2020	
	•	Mr Jason Delaitre	5 November 2020	Pop up temp tent - 05/11/20 -
Standard Lla	Southgate Avenue antrisant		То	08/11/20
	ontyclun 72 8DQ		8 November 2020	
440239 Tho	orn Hotel	Mr Nicky Batchelor	21 October 2020	Funeral - 21/10/20 - 25/10/20
Мо	ountain Ash Road	ivii rviolty Bateriolei	To	1 anoral 21/10/20 20/10/20
Мо	percynon ountain Ash			
CF.	F45 4PR		25 October 2020	

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL **PUBLIC HEALTH & PROTECTION - LICENSING**

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
440282 Late TENS	Barry Sidings Cafe Barry Sidings Country Park Gyfeillion Road	Mr Jamie Rowland	24 October 2020 To	Outside limited seating area - 24- 25 October 2020
	Hopkinstown Pontypridd CF37 2PP		25 October 2020	
440405	Aldi Stores Limited Unit 3	Mr Daniel Baker	19 December 2020	Extended Christmas Hours - 19- 24/12/20
Standard TENS	Glamorgan Vale Retail Park Talbot Green		То	
TENO	Pontyclun CF72 8RP		24 December 2020	
440519	Aldi Stores Ltd Unit 2	Mr Ryan Morgan	19 December 2020	Extended Christmas opening hours - 19/12/20 - 24/12/20
Standard TENS	Midway Retail Park Upper Boat		То	· · · · · · · · · · · · · · · · · · ·
ILINO	Pontypridd CF37 5BL		24 December 2020	

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL **PUBLIC HEALTH & PROTECTION - LICENSING**

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
440665	Gift Shop Unit 3 National Court	Mrs Tracey Kerslake- Davies	4 December 2020	Welsh gifts containing alcohol
Late TENS	Cardiff Street Aberdare		То	
	CF44 7DG		6 December 2020	
440737	Star Supermarket Ivor Hael Garage	Mr Taranjit Singh Bathia	25 December 2020	Christmas opening hours - 25/12/20
Standard TENS	Salem Terrace	Datina	То	20/12/20
TENS	Llwyn-Y-Pia Tonypandy CF40 1JS		25 December 2020	
440740	Star Supermarket Ivor Hael Garage	Mr Taranjit Singh Bathia	1 January 2021	Christmas opening hours 01/01/21
Standard TENS	Salem Terrace Llwyn-Y-Pia	Datina	То	
ILINO	Tonypandy CF40 1JS		1 January 2021	

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL PUBLIC HEALTH & PROTECTION – LICENSING

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
440758 Standard TENS	AST Stores 1 Dewi Street Pontypridd CF37 4RB	Mr Selladurai Selvamenan	25 December 2020 To 25 December 2020	Sell alcohol Christmas Day 25/12/20
440762 Standard TENS	Lidl East Road Tylorstown Ferndale CF43 3HJ	Mrs Olivia Cait McGregor	19 December 2020 To 24 December 2020	Extension to hours -
440763 Standard TENS	Lidl Riverside Yard High Street Treorchy CF42 6EJ	Mr Michael Lewis	19 December 2020 To 24 December 2020	Extension to hours - 19/12/20 - 24/12/20

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL PUBLIC HEALTH & PROTECTION – LICENSING

Temporary Event Applications

Received: from 28th	September 2020 to	17 th January 2021
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REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
440776 Standard TENS	Lidl Gadlys Road Gadlys Aberdare CF44 8AD	Mr Alun Phillips	19 December 2020 To 24 December 2020	Extension to current hours for Christmas 19/12/20 - 24/12/20
440812 Standard TENS	Pentre Stores 19a-20 Llewellyn Street Pentre CF41 7BX	Mr Veliah Muraleetharan	25 December 2020 To 25 December 2020	To sell alcohol Christmas day 25/12/20
440879 Late TENS	Talbot Green Market Cowbridge Road Talbot Green Pontyclun	Mr Richard Anstee	19 December 2020 To 23 December 2020	market 19 and 23 December 2020

Agenda Item 6

By virtue of paragraph(s) 13 of Part 1 of Schedule 12A of the Local Government Act 1972.

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