



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, 4TH MAY, 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, 30 April 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 **must** 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 2nd February 2021.

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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: 18.01.21 - 18.04.21

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

21 - 34

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, Temporary Head of Public Protection and Regulatory Services
Martyn Owen, Assistant Licensing Manager
Neil Evans, Licensing Enforcement Officer

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RHONDDA CYNON TAF COUNCIL LICENSING ACT 2003

Minutes of the virtual meeting of the Licensing Act 2003 held on Tuesday, 2 February 2021 at 4.30pm.

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

Councillor A Fox (Chair)

Councillor D Williams	Councillor S Bradwick
Councillor S Powderhill	Councillor T Williams
Councillor W Lewis	Councillor S Morgans
Councillor P Howe	Councillor L Hooper
Councillor A Cox	Councillor L Jones

Officers in attendance:-

Ms L Davies, Director, Public Health, Protection and Community Services
Mr P Nicholls, Service Director, Legal Services
Ms R Hope, Health Protection and Licensing Service Manager
Mr M Owen, Assistant Licensing Manager

9 Welcome and Announcements

The Chair welcomed the attendees to the meeting of the Licensing Committee and took the opportunity to congratulate the Director for Public Health, Protection and Community Services on her new role.

County Borough Councillor S. Bradwick echoed the Chair's comments and took the opportunity to extend his thanks to the Licensing Department for their recent enforcement work in his local community, despite current pressures.

The Member also wished to place on record his thoughts and prayers to the family and friends of the owners of the Conway Inn, Aberdare, who had tragically passed away after contracting Covid-19.

10 Declaration of Interest

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

11 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.

12 Minutes

It was **RESOLVED** to approve the minutes of the 12th October 2020 as an accurate reflection of the meeting.

13 Review of the Licensing Act 2003 & Gambling Act 2005

The Director, Public Health, Protection and Community Services 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.

Prior to her presentation, the Director informed the Committee of an error within the report and stated that the information was up to 17th January 2021, not the 2nd February 2021 as detailed within the report.

It was reported that there had been a decrease in number of Temporary Events Notices (TEN's), with only 18 being submitted. This could be attributed to the exceptional time for the trade as a result of the Covid-19 pandemic, the 'firebreak' lockdown and full lockdown in Wales during the period. The Director also noted that the number of transfers and changes of DPS was considerable, which again, was likely due to the uncertain nature of the pub/club trade as a result of the pandemic.

The Director reported that since the last Committee report, there were two 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.

It was also reported that there had been two reviews, requested by South Wales Police, during the period. The first review was for the Legion, Porth, whereby the Sub-Committee determined to suspend the Licence for a period of two weeks and amend its conditions; and the second was for Treorchy Hotel, Treorchy, whereby the Sub-Committee determined to amend the conditions of the Licence. Furthermore, the Director informed the Committee that there were two further pending reviews scheduled for February 2021, which would be reported back to a future Committee.

The Director referred Members to section 4.3 of the report, where the premises inspections and infringements were outlined. Members learned that the current performance level remained at 90.5% as there had been minimal inspections carried out during the period, due to officers focussing on Covid-19 inspections.

The Director went on to describe the situation for the Trade during the Covid-19 pandemic, explaining that the hospitality sector had been impacted considerably by the imposition of stringent restrictions, followed by the complete lockdown. The Director informed the Committee that officers had continued to tirelessly conduct Covid compliance visits and was pleased to note that premises within RCT had been broadly compliant.

The Director noted that there had been 359 recorded visits during the period, not including telephone calls and those that South Wales Police had undertaken, but felt that this was an underestimate. Members were advised that there had been premises that had failed to adhere to the standards, which had resulted in 18

closures notices and 12 improvement notices issued during the period. Members were disappointed to note that, overall, 74 improvement notices had been issued in RCT, which was the highest number in Wales but acknowledged that the Licensing Team had been pro-active, despite staffing pressured and challenges.

In terms of the recovery of annual fees, Members learned that the Licensing department had initially taken the decision to not chase immediate payment of the fees during the period due to the economic hardship placed on premises, but had to begin chasing payments due to Legislation requirements. It was noted that the income received had increased from £19,540 at the time of the last committee report to £103,660, which was attributed to the hard work of the team.

Members noted that there were no significant changes in terms of the Gambling Act 2005.

The Chair took the opportunity to thank the Licensing Team for their continuous work before and during the pandemic.

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**.

14 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.

15 Licences and Registrations issued under the provision of Delegated Powers for the period: 28.09.20 - 17.01.21

The Director, Public Health, Protection and Community Services provided the Committee with details of licences and registrations issued during the period 28th September 2020 to 17th January 2021.

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

This meeting closed at 4.45 pm

**CLLR A FOX
CHAIR.**

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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LICENSING COMMITTEE

4TH MAY 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 (**18th January, 2021 to 18th April, 2021**) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	22
Premises Licence	8
Transfer (Premises Licence)	12
Vary (Premises Licence)	5
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	10
Application to Review	0
Interim Authority Notice	0
Change of DPS	38
Minor Variation	4
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	0
Total Number Applications	99

The number of Temporary Event Notices (TEN's) notifications are very low during this period, this is attributable to the Coronavirus Regulations that restrict licenced activities. At the date of compiling the report there have only been 10 applications, however with the agreement for licenced premises to resume trade in outside areas only it is envisaged there will be an increase in such applications during the next period.

This may be more so for clubs, who have different conditions of licence compared to pubs and restaurants, and it may be that they will utilise the TEN process while awaiting permission to open indoors.

The number of transfers and changes of DPS has continued to remain considerable since the last reporting period. This was expected due to the unpredictability of the licensing business. Again many DPS's have moved away from the licensing trade. The usual change of DPS with superstores remains consistent.

Analysis of the TEN's applications indicate, 3 for existing premises licences, 3 for permitted community events and 4 for 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 is one contested application that is pending and yet to be determined:-

Application Type	Name of Applicant	Name of Premises	Date of Hearing	Outcome
Variation of Premises Licence	Chris Place Ltd.	Players 2-3, Broadway Pontypridd CF37 1BA	11 th May 2021	Pending

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 Red Lounge 71 Wood Road Treforest CF37 1RJ	Mohammed Miah	23 rd February 2021	Licence revoked
South Wales Police	The White Lion Hotel 59, Gadlys Road Aberdare CF44 8AD	Kevin Moses	19 th February 2021	Licence revoked

Appeals

One Appeal has been lodged since the last report and is pending:-

Name of Applicant requesting Appeal	Reason	Name of Premises	Date of Hearing	Outcome
Kevin Moses	Appealing against the			Pending



	decision of the Licensing Act Committee to revoke the premises licence	The White Lion Hotel 59, Gadlys Road Aberdare CF44 8AD	12 th May, 2021 10am at Merthyr Tydfil Law Courts	
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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 again been minimal inspections of licenced premises during this period due to officers conducting coronavirus inspections and the enforced closure by Government of pubs, clubs & restaurants. Therefore the current performance level for inspected premises has remained at 90.5%

4.4 Complaints, Advice and Guidance

The current reporting period has seen all licensed pubs, clubs and restaurants cease trading due to the restrictions imposed by Welsh Government to combat the coronavirus pandemic.

Even so, the licensing team have been actively conducting covid compliance visits, along with the RCT covid enforcement team and South Wales Police, known as the joint enforcement team (JET).

Visits have been conducted in all areas of RCT, while the covid enforcement team directed their efforts on areas, the licensing team priorities visits based on information and complaints of premises not complying.

One such visit was to Llanharry Workingmen's club, where information was received that the people were using the premises and consuming alcohol. The visit was conducted jointly with south wales police officers, and on the evening of the visit officers identified people within the premises. This breached the coronavirus regulations, officers requested access to the CCTV system to observe if the people present had been supplied alcohol, but this was not provided.

A strong warning was given by officers that resulted in the club varying their conditions as advised by both south wales police licensing department and RCT licensing department. The club also received a fine of £1000 under the

coronavirus regulations, and each person present received a penalty notice of £60.

As can be seen in the above table two premises were brought before a sub committee hearing for breaches of both the coronavirus regulations and conditions of their licence. Members sought to revoke both licenses. The White Lion has appealed the decision and this is due to be heard at Merthyr Magistrates Court on 12th May.

Many queries have been received from the trade regarding clubs re-opening outdoors. This has proved to be a delicate and tricky matter due to mandatory conditions imposed on club premises certificates not allowing 'off sales' without the club being open for 'on sales'. This differs from pubs and restaurants, and hinders the possibility of many clubs opening outdoors during the coming weeks. Officers have been providing much advice around this topic.

The re-opening outdoors of pubs and restaurants on 26th May has also caused issues surrounding the erection of outdoor gazebo style areas. Whilst it is the intention of licence holders to maximise their areas, there are specific constraints, such as the gazebo requiring 51% open sides. This is again causing issues with officers needing to advise some premises to amend their structures. The below visual aid has been posted on RCT social media.



With the re-opening externally of licensed premises officers will be conducting a high volume of visits to advise licence holders of best practice. Due to information not forthcoming from Welsh Government at the time of writing the licensing department has not yet been able to publish full guidance.



4.5 Recovery of Annual Fees

Total Income Received; As at 31/03/21	Outstanding Invoices; As at 31/03/21
£127,240	£4,745

As reported during the previous committee meeting the licensing department took a decision not to chase immediate payment of the fees during the past year due to the economic hardship placed on premises due to the Covid pandemic.

However officers have worked hard during this current period to reclaim outstanding payments by the end of the financial year.

As you can see from the above figures almost 96.5% has been recouped. This was excellent work from officers to achieve this. Those premises with payments outstanding have had their licenses suspended.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 20/4/21
Bingo Premises Licences	4	2
Betting Premises	46	22
Adult Gaming Centre	10	6
Licensed Family Entertainment Centre	1	3
Lotteries/ Registered Societies	N/A	171

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

Premises Type	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.

5.4 Gambling Act – Statement of Principles

The local RCT statement of principles is due for review by January 2022. This process will begin during the next reporting period to ensure appropriate consultation is sought and to allow adequate time for any recommendations to the relevant committees.

Louise Davies

Director for Public Health, Protection and Community Services

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

Temporary Event Applications
Received: from 18th January 2021 to 18th April 2021

APPENDIX 1A

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
441378 Standard TENS	Miltons Mix Ups 44a Cambrian Avenue Hendreforgan Gilfach Goch CF39 8TG	Ms Jayne Milton	8 March 2021 To 13 March 2021	
441393 Standard TENS	Lidl Gadlys Road Gadlys Aberdare CF44 8AD	Mr Alun Phillips	29 March 2021 To 3 April 2021	Extension to hours - 07:00 - 08:00 daily
441402 Standard TENS	Lidl East Road Tylorstown Ferndale CF43 3HJ	Mrs Olivia Cait McGregor	29 March 2021 To 3 April 2021	Extend hours of selling alcohol 29/03/21-03/04/21

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

Temporary Event Applications
Received: from 18th January 2021 to 18th April 2021

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
441407 Standard TENS	Lidl Riverside Yard High Street Treorchy CF42 6EJ	Mr Michael Lewis	29 March 2021 To 3 April 2021	
441580 Late TENS	Windsor Car Park Llantrisant Road Pontyclun	Mr Richard Anstee	20 March 2021 To 20 March 2021	
441641 Late TENS	Windsor Car Park Llantrisant Road Pontyclun	Mr Richard Anstee	3 April 2021 To 3 April 2021	Late TEN for 3/4/21

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

Temporary Event Applications
Received: from 18th January 2021 to 18th April 2021

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
441737 Standard TENS	Llanharry Workingmens Club Ltd Elm Road Llanharry Pontyclun CF72 9HR	Mr Barry Stephens	26 April 2021 To 2 May 2021	26/04/21-02/05/21 - Beer Garden consumption
441748 Late TENS	Llanharry Workingmens Club Ltd Elm Road Llanharry Pontyclun CF72 9HR	Mr Barry Stephens	26 April 2021 To 28 April 2021	26/04/21 - 28/04/21 12:00 - 16:30 - 18:00 - 21:00
441751 Standard TENS	Llanharry Workingmens Club Ltd Elm Road Llanharry Pontyclun CF72 9HR	Mr Barry Stephens	30 April 2021 To 3 May 2021	Consumption of beer in Beer Garden - 30/04/21 - 03/05/21

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

Temporary Event Applications
Received: from 18th January 2021 to 18th April 2021

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
441777 Standard TENS	Llantwit Fardre RFC The Parade Church Village Pontypridd CF38 1BU	Mr Adam Gregory Alexander	30 April 2021 To 2 May 2021	30/04/21-02/05/21

By virtue of paragraph(s) 13 of Part 1 of Schedule 12A
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