



RHONDDA CYNON TAF

RHONDDA CYNON TAF COUNCIL

Minutes of the virtual meeting of the Licensing Act 2003 held on Tuesday, 12 December 2023 at 4.30 pm.

This meeting was live streamed, details of which can be accessed [here](#)

County Borough Councillors: -

Councillor A Fox (Chair)

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| Councillor G Stacey | Councillor L Ellis |
| Councillor G Holmes | Councillor W Hughes |
| Councillor S Powderhill | Councillor M Powell |
| Councillor J Turner | Councillor T Williams |

Officers in attendance

Ms R Hope, Head of Service for Public Protection and Regulatory Services
Mr M Owen, Assistant Licensing Manager
Ms K Trilloe, Health Protection and Licensing Manager
Mr O Williams, Senior Solicitor - Litigation

16 APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillors S. Bradwick and A O Rogers.

17 DECLARATION OF INTEREST

RESOLVED – In accordance with the Members Code of Conduct, the following declaration of personal interests in a matter pertaining to the agenda was declared: -

County Borough Councillor G. Holmes in respect of agenda item 4, “One of the businesses in the report is well known to me”.

18 HUMAN RIGHTS ACT 1998 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.

19 MINUTES

It was **RESOLVED** to approve the minutes of the 5th September 2023 as an accurate reflection of the meeting.

REVIEW OF THE LICENSING ACT 2003 & GAMBLING ACT 2005

The Head of Service for Public Protection and Regulatory Services provided the Committee with the report on relevant issues with regard to the Licensing Act 2003 and the Gambling Act 2005 for the 21st August 2023 to 26th November 2023, together with ancillary matters arising from the responsibilities charged to the Committee.

An analysis of the TEN's applications indicates, 45 for existing premises licenses, 54 for permitted community events and 15 from Private Members Clubs. Member were reminded that the TENs applications remain at a high level which can be expected at this time of the year. Also, as we ended August, the food festivals which utilised the temporary permissions for the sale of alcohol gave way to Halloween discos, firework events and currently, Christmas fayres and extension of hours on licensed premises. Furthermore, these seasonal events are in addition to the typical TENs we receive throughout the year for fund raising and sporting activities.

In addition, Members learned that it remains a busy time amongst the team with a rise in transfer, Vary DPS and Minor Variation applications some of which will have been the outcome of infringements picked up by the Officers during licensing inspections.

The Head of Service for Public Protection and Regulatory Services reported that since the last Committee report, there had been one contested application for a Grant of a Premises Licence which had been Refused as it would undermine the licensing objectives in respect of crime & disorder, public nuisance & the protection of children from harm. Furthermore, that one Review has been determined for the period by South Wales Police for No 12 Drinks Emporium, Pontypridd, whereby the Sub-Committee determined for the Licence to be suspended for a period of 6 weeks due to continued non-compliance, lack of confidence in the management and the undermining of the licensing objective Crime & Disorder, and also, an Appeal had been lodged by the Old Post Office (Squares), Porth whereby the Hearing took place on the 9th and 10th October 2023, and it was determined by the District Judge who was of the opinion that the noise did not amount to a public nuisance and accordingly found in favour of the appellant, Gold Bar Two Ltd. which allows the premises to continue to trade with their original licensing conditions.

Members were referred to section 4.3 of the report, where the premises inspections and infringements were outlined. It was reported that the current performance level for inspected premises which is at 90%.

Members were advised that a pub in Mountain Ash recently came to the attention of the team due to the unnecessary behaviour of the owner towards an Environmental Health Officer while trying to conduct her duties. Also, that the male was described as obstructive and abusive and appeared to be drunk, as a result the Officer felt it necessary to leave the premises and return at a later date. Furthermore, Licensing Officers spoke to the DPS of the premises the following day and it was confirmed that she was retiring the following week however, the owner of the premises had been problematic. Both Local Authority and South Wales Police Licensing Officers have visited the premises and offered advice to the new DPS, particularly in line with the serving of alcohol to a person who is drunk.

It was reported that allegations of drug use both inside and outside an off-licence premises in the Penywaun area were received in October which resulted in a visit from Licensing Officers from both South Wales Police and the Local Authority. Also, that no evidence of drug use was witnessed but the DPS was notably absent. In addition, the sale of alcohol was ceased following this visit and a week later a new application was received to Vary the DPS.

Members learned that the Licensing team received allegations of the PLH & DPS of a pub in Treherbert being aggressive to customers whilst intoxicated. Also, that there were also allegations about the general condition and maintenance of the building, which resulted in a visit from both Licensing and Environmental Health Officers in October, where full advice was given. Moreover, a warning letter also followed this visit.

The Head of Service for Public Protection and Regulatory Services advised that a Rugby club in the Rhondda has been in touch for clarification on the legislation around children being on the premises and full guidance was given. Also, that it was particularly pleasing that this premises got in touch due in view of previous non-compliance over the past year or so. Furthermore, that partnership working between the licensing team and licensed premises is so important and it is always positive when this happens.

Members learned that a licensed premises in the Clydach area has been subject to several complaints, including underage sales and noise nuisance from an event held in September. Moreover, that the allegations were also that the management of the premises were rude on the day of the event when a local resident complained directly to them – this resulted in a complaint to the licensing team. In addition, despite joint efforts from licensing officers, Environmental Health Officers and South Wales Police, the DPS of the premises has been unable to meet with officers to discuss this. The premises will continue to be contacted.

It was reported that an Off Licence premises in Glyncoch was found to be trading with no DPS resulting in alcohol sales being ceased by Officers, and also, that the premises had been sold to a new owner, but no transfer

application had been submitted. Moreover, suitable advice was provided, and the premises is now compliant.

Members were advised that an incident in the beer garden of a pub in Church Village is still under investigation, a female threw a glass at another female which resulted in her needing stitches to her face. In addition, that the Licensing Officers from South Wales Police and Local Authority visited the premises and spoke to the DPS who even though had just taken up the position, had worked at the premises for several years, and also, that the Authorities were satisfied the pub had acted appropriately and there were no licensing issues to report.

Members learned that a golf club in the Taff area received advice from licensing officers in respect of a fireworks event, and this was to be the first fireworks event held at this premises and the advice was well received, a recent communication from the golf club was received thanking officers for their help and declaring the event a success.

Furthermore, advice and guidance were requested from a general store in Llantrisant, who wish to apply for a Premises Licence and was given along with a pre application meeting was recommended.

Members were reminded that a pre application meeting was conducted for an existing late night refreshment premises in Pontypridd town centre, officers from the Licensing Authority and South Wales Police attended, and that the licence holder initially asked for advice to stay open until 5am, this was met with concern from the Responsible Authorities, he is considering the advice given.

In terms of the recovery of annual fees, Members were advised that several suspensions have been issued to premises for no-payment, which had the required affect with payments now received and suspensions were then lifted. Furthermore, that there is a large figure for outstanding invoices, this is normal for this time of year as new invoices have been issued and officers will chase these payments during the next reporting period.

The Head of Service for Public Protection and Regulatory Services referred Members to section 5.1 of the report and provided them with an update in terms of the Gambling Act 2005.

Furthermore, Members were provided a summary of existing permissions in relation to Trade profile Gambling.

21 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.

22 LICENCES AND REGISTRATIONS ISSUED UNDER THE PROVISION OF DELEGATED POWERS FOR THE PERIOD: 21.08.23 - 26.11.23

The Head of Service for Public Protection and Regulatory Services provided the Committee with details of licences and registrations issued during the period 21st August 2023 to 26th November 2023.

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

This meeting closed at 4.45 pm

**Councillor A Fox
Chair.**

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