



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LICENSING ACT COMMITTEE

11TH SEPTEMBER 2018

REVIEW OF LICENSING ACT 2003 & GAMBLING ACT 2005

REPORT OF THE DIRECTOR FOR 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 (2nd April 2018 to 26th August 2018) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	71
Premises Licence	9
Transfer (Premises Licence)	25
Vary (Premises Licence)	1
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	178
Application to Review	0
Interim Authority Notice	0
Change of DPS	75
Minor Variation	9
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	1
Performance of Hypnotism	0
Total Number Applications	369

The number of Temporary Event Notices (TEN's) notifications has risen considerably since the last period jumping from 71 to 178. The main reason appears to be the summer period which also encompassed the hot weather.

There were over 30 festivals/fundraising events outdoors, not including fundraising events within pubs and clubs, nor outdoor BBQ's.

11 notifications were attributable to Celebrations for Weddings / Birthdays / Christenings.

Late night public houses contributed with over 15 applications for extension of hours. While one individual premises made 5 applications for the sale of alcohol while awaiting the grant of licence.

20 events were associated with sporting events such as charity rugby and football games.

Analysis of the TEN's applications indicate 46 related to Private Members Clubs, 57 for existing premises licences and 75 permitted community events.

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

There has been one contested application since the last summary report:-

Application Type	Name of Applicant	Name & Address of Premises	Date of Hearing	Outcome
Grant of a Premises Licence	Cwmdare Traders Ltd 6 Dare Road Cwmdare Aberdare CF44 8TZ	Cwmdare Stores 6 Dare Road Cwmdare Aberdare CF44 8TZ	21 st May 2018	Refused

Cwmdare Stores

Reviews

No Reviews have been submitted since the last report:-

One Review have been determined since the last report was written (though this was determined prior to last hearing, and committee members were advised then. This is for information purpose only):-

Name of Applicant requesting Review	Name of Premises	Club Premises Certificate / Premises Licence Holder	Date of Hearing	Outcome
Home Office in their role as a Responsible Authority	Diamond House, 4 Main Road, Church Village, CF38 1PY	Mr Chi Ming So	6 th April, 2018	Revoked

Appeals

One appeal was completed within this period.

Premises	Appellant	Reason for Appeal	Outcome
Domino's Broadway Treforest CF37 1DB	Dijla Limited	Contesting the Decision of the Licensing Committee	Settled out of court. Licence was granted to the appellant, but with reduced hours to the original application.

There is no appeal ongoing within this period.

4.3 Premises Inspection & Infringements

79 premises in the Borough were inspected in the period between the 2nd April 2018 and the 26th August 2018.

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.

Our current performance indicates that **89%** of premises inspected are broadly compliant. This is an increase on the 80% during the last period. This shows that the good work and dedication of the licensing officers is having a significant impact on license premises.

A summary of infringements arising from inspection is reproduced as **Appendix 1B**.

4.4 Complaints, Advice and Guidance

During this period officers have had to deal with a large increase in complaints. The trend appears to be noise issues stemming from patrons drinking outside premises due to the hot weather. These complaints have taken up a considerable amount of time for officers. Most have now been resolved through action from the licensing officers, and those ongoing are being monitored.

Cynon Valley

Joint visits were made with police to a number of off licenses in Mountain Ash in July following reports of anti social behavior and alcohol related complaints at Gwernivor Park, Mountain Ash. Advice was given to licensees regarding proxy sales and Identity checks.

A further allegation was received of under age drinking within Mountain Ash. A joint visit was conducted to the premises by licensing and Trading Standards officers. Minor issues were identified at the premises and a Section 19 Closure Notice was issued.

A number of complaints were received from local residents and from Cllr Bradwick regarding noise nuisance and anti social behavior from a premises in Aberdare. Following intervention by licensing officers the manager's lease was terminated by the owner and new tenants have been appointed. The premises is currently closed for refurbishment.

The area licensing officer attended the public installation of a defibrillator outside the Bute public house in Aberdare town centre to show support and appreciation to the fundraising efforts in providing this.

A premises in Cwmaman was forced to close due to the premises licence lapsing and no transfer application being received within the timescale. Following advice from the licensing section the premises has submitted an application for a new grant of premises licence and is able to maintain some trade during the consultation period through the issue of Temporary Event Notices .

Pre application advice and guidance has been provided to a number of applicants. One event was a Time Limited Application. Due to major concerns surrounding the event the applicant and Designated Premises Supervisor (DPS) were called into the licensing office to attend a Safety Advisory Group (SAG) meeting along with other departments and agencies. The outcome of this action was a successful and well run event. Praise has since been received from Councillor Sue Pickering for the efforts of the Council staff.

Pubwatch meetings in Mountain Ash and Aberdare have been regularly attended. The number of licensees attending the Mountain Ash meeting has dwindled over time, so efforts have been made by the area licensing officer to engage with the trade by sending out letters to each licensed premises and speaking to licensees. Hopefully this will have a positive impact over the next period.

Rhondda

Licensing officers were involved in Operation Malpas in July, a multi agency operation coordinated by the Police. A number of minor issues with Licensed premises in the Rhondda were identified during the two day operation, which were then followed up by licensing officers over the following weeks and resolved.

Regular monthly pub watch meetings were attended in upper and lower Rhondda. These continue to be very well attended and proactive in dealing with any identified issues in the area. The licensing officer took advantage of this meeting to advise licensees of the relaunch of the Porth CAP, and introduced officers from the community safety team who will be leading this activity.

Inspections within the area have shown a good level of compliance, with only minor issues arising which have either been resolved or are currently being dealt with.

Partnership working with the Home Office has again proved productive through information sharing. Due to information being passed to the Enforcement & Compliance team within Immigration, a visit was conducted by their team within Upper Rhondda which resulted in the arrest of an Immigration Offender at a licensed premises. Immigration Officers then returned to the same premises (residential part) at a later date and arrested a further two individuals.

Joint working with South Wales Police has resolved a complaint relating to large numbers of people leaving a late night licensed premises and causing nuisance to residents. Good relations which have previously been forged with the licensee assisted in resolving this matter.

On the evening of 20th July officers conducted an inspection visit to a convenience store in Porth town centre. Officers were accompanied by the Council Leader and the Chief Superintendent of the Northern Borough of South Wales Police. The visit identified issues at the store which have since been dealt with by the transfer of licence. The visit was watched by the council media department who posted information and photos of the officers on social media pages. The visit was deemed a success.

Taff Area

Numerous complaints received relating to a public house in Llantwit Fadre, including members of the public providing noise complaints via the 'Noise App'. Visit to the premises uncovered several issues including non compliant CCTV coverage which resulted in a Section 19 closure notice. Since then a new CCTV system has been fitted and the problematic tenant has since left the premises.

A non licensed premises in Pontypridd was seen to have alcohol on view as if it were for sale. Officers intervened to stop this and have since given pre application advice on applying for a premises licence. Since then the premises have submitted Temporary Event Notices (TEN's) for occasional sales.

Numerous pre-application advice has been provided to enable early intervention to minimise future issues. Some of these include Pubs and some festivals.

The 'Bounce Run' event held in Ynysangharad park Pontypridd provided officers with huge obstacles. A number of Safety Advisory Group (SAG) meetings were held which culminated in the event going ahead with a licensed area. Issues arose on the day which resulted in the licensed area not being permitted to open. A full debriefing was held by various authorities after the event to ensure such issues do not arise in the future.

A joint visit with police was made to a store in Tonteg following complaints of vulnerable people buying alcohol. Advice was given the licence holder and specific alcohol was removed from sale. No further problems have been reported.

Problems identified relating to anti social behaviour (ASB) outside a premises in Treforest. Visit made and referral to other Council departments. The ASB issues were found to be true. This was taken seriously and the pub company was brought in and CCTV viewed. The DPS has since changed. There have been no further issues reported.

A Large Chain Superstore was identified to be trading without a DPS, due to an admin error on their part, this was rectified the same day – shows even the large companies make mistakes. No further issues identified.

The DPS of a premises in Pontypridd town centre given award by pub company and South Wales Police for showing bravery and outstanding work ethic. Police, Licensing, Mayor and pub company in attendance to show gratitude.

Regular pub watch meetings in Treforest and Pontypridd attended monthly.

4.5 Pontypridd CAP

Following the successful launch of the Pontypridd Community Alcohol Partnership on the 16th of May 2018, the CAP steering group members agreed to undertake the following actions and or diversion initiatives for young people to take part instead of drinking alcohol:

- Young Persons Graffiti initiative
- Community Alcohol Survey
- Young Persons Health Champion Qualification.
- Dragons Den Competition

Young Persons Graffiti initiative:

As part of the work being undertaken by the Youth Engagement Partnership at Pontypridd Youth Club, an initiative was followed to transform the Bridge Underpass at Ynysangharad Park due to residents complaints that they felt intimidated by young people hanging around the area. Consequently with the assistance of CAP funding which enabled a Graffiti artist to be temporarily employed to teach children attending the youth club to paint spray and create historical images of the surrounding area of Pontypridd. The project was completed and reported by the BBC News on 28/08/2018.

Pontypridd Community Alcohol Survey:

As part of the Road Shows to highlight the PSPO in Pontypridd the Community Alcohol Survey was undertaken during this same period which came to an end on the 31/08/2018 and we are awaiting the results of this baseline survey.

Young Persons Health Champion Qualification:

With the assistance of YEP, 6 young people were identified to sit the course and act as peer mentors with the Young Persons Health Champion course commencing on the 25/07/2018 with the classes taking place at Pontypridd Cricket Pavilion. Most recent updates have confirmed that the course is being attended by all candidates with the final day of the course taking place on the 03/09/2018 with the students completing a final presentation to the class of their course work. Funding for the cost of the qualification has been provided by CAP.

Dragons Den Competition:

In partnership with Sainsbury's Pontypridd a Dragons Den Competition is to be held on the evening of the 18/10/2018 at Sainsbury's Supermarket. The competition is being advertised by YEP at the 5 Youth Clubs in the Pontypridd area.

4.6 Public Space Protection Order (PSPO)

In October 2014 the Anti-Social Behaviour, Crime and Policing Act was enacted, introducing new powers including the use of PSPO. It allowed local authorities to have the ability to design and implement their own prohibitions or requirements where certain conditions are met.

Safer Town Centres is one of the priorities for Rhondda Cynon Taf Community Safety Partnership. Over recent years the local authority and partners have run proactive operations designed to disrupt ASB, detect licensing offences, deter environmental criminal activity, enforce parking restrictions and address perceived problems within the Town Centres of Pontypridd and Aberdare.

A crime perception survey is carried out annually in Aberdare and Pontypridd Town Centre to assess the impact we are having in our towns. The 2016/17 Town Centre Survey was carried out in Aberdare and Pontypridd and of 326 responses, 89 (27%) of those saw alcohol as the single biggest cause of crime and disorder within the town centres.

Public perception remains that alcohol consumption in public is a problem, particularly in the two principal town centres of Aberdare and Pontypridd, and misuse of other substances is also reported.

Aberdare and Pontypridd Town Centres have now been defined as intoxicating substance exclusion zones. This prohibits persons within the Exclusion Zone from ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances in public places.

In relation to the Exclusion Zones for Pontypridd and Aberdare Town Centres, where a Police Constable or authorised officer reasonably believes a person has been or intends to take intoxicating substances in breach of the prohibition they will be committing an offence.

Anyone found committing an offence may be liable to a fixed penalty notice fine. This will be implemented from 1st September 2018.

Licensing Officers have been proactive in assisting the Community Safety Team and South Wales Police in raising awareness of this Order by distributing leaflets and advising the public in the town centres. Officers have been stationed in stands within the towns where public can ask questions or concerns over the Order. The public approach to the officers has been very positive.

4.7 Training

Officers have attended various training in preparation of the PSPO. This includes the use of body cameras, personal safety training, the issuing of fixed penalty fines and the legislation to accompany.

4.8 Recovery of Annual Fees

Total Income Received; As at 29/8/18	Outstanding Invoices; As at 29/8/18
£10,510.00	£2,435.00

Officers continue to monitor the payment of annual licence fees as set out in the Licensing Act 2003. Should the appropriate fee not be paid by the specified date, Officers will chase the licensee and will utilise the power of suspension, if required. The current position in respect of this year's fees is set out above.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 28/8/18
Bingo Premises Licences	4	3
Betting Premises	46	36
Adult Gaming Centre	10	6
Licensed Family Entertainment Centre	1	2
Lotteries/ Registered Societies	N/A	211

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 Machines	Premises Machine (2 Permit (>2 Machines)
Public Houses (Premises License with Retail Alcohol 'On Sales')	202	8

Premises Type	Number of Permits	
	Club machine Permit (3 Machines)	Club Gaming Permit
Qualifying Member Clubs (Club Premises Certificate)	59	9

5.3 Recovery of Annual Fees

As a result 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.

Paul J Mee

Director for Public Health, Protection and Community Services