



RHONDDACYNONTAF COUNTY BOROUGH COUNCIL

LICENSING ACT COMMITTEE

4TH DECEMBER 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 (27th August 2018 to 18th November 2018) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	40
Premises Licence	4
Transfer (Premises Licence)	9
Vary (Premises Licence)	3
Club Premises Certificate	0
Vary (Club Premises Certificate)	1
Temporary Event Notice (TEN)	102
Application to Review	0
Interim Authority Notice	0
Change of DPS	44
Minor Variation	4
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	1
Performance of Hypnotism	0
Total Number Applications	208

The number of Temporary Event Notices (TEN's) notifications remain high which can be attributable to events held for Halloween, Bonfire Night and events planned for the approaching Christmas season.

One premises has used TEN's to facilitate the sale of alcohol at a microbrewery bar on a trial basis to test the viability of applying for a Premises Licence.

Analysis of the TEN's applications indicate 12 related to Private Members Clubs, 37 for existing premises licences and 53 permitted community events.

There have also been a few applications submitted for TEN's which have been received too late to process in accordance with legislation and are therefore not included in the above figures.

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

In relation to temporary events mainly held on council land, a multi departmental meeting, which was also attended by a representative of South Wales Police, was held to discuss future best practice on how to deal with larger scale applications. It was agreed for a periodic meeting to take place where a number of applications can be discussed by various authorities.

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
Variation of a Premises Licence	Platform 11 11 High Street Pontypridd CF37 1QJ	Gold Bar Two Ltd.	12 th November 2018	Granted the variation of hours on Fridays & Saturdays but refused extra trading hours on Thursdays

The above application was to extend the opening hours of the premises as well as the hours for 'sale of alcohol'. Initial objections were received from South Wales Police as well as a council member on behalf of her constituents. During the hearing members heard information from South Wales Police, Child Protection, Trading Standards and Licensing, and considered all the information provided as well as the relevant legislation, national guidance and its Licensing Policy. The Sub Committee determined to grant the variation application in respect of Friday's and Saturday's. However, members refused the request to vary the trading hours on a Thursday.

Reviews

No Reviews have been submitted since the last report

Appeals

No Appeals have been submitted 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.

Our current performance indicates that **89%** of premises inspected are broadly compliant. This is an increase in compliance compared to the **79%** rate at this period last year. This increase in the performance of licensed premises within RCT highlights the good work and dedication of the licensing officers. Officers seek to advise and assist premises licence holders, working with them towards achieving compliance, and using enforcement as a final resort. This approach is clearly having a beneficial impact.

4.4 Complaints, Advice and Guidance

The usual advice has been provided to various applicants seeking to apply, or amend licences. This is service we provide to the public to advise best practice and steer applicants in the best direction. Such work is time consuming but this early intervention style approach provides positive results in the future, as evidenced by the 89% compliance rate during inspections.

During this period officers have dealt with many complaints, most of which have been resolved or are ongoing pending further investigation. The majority of the complaints have been associated with noise nuisance.

There has also been an increased number of alleged incidents of underage sales during this period. These type of enquiries remain a priority for officers to ensure the objective of the 'protection of children from harm' is promoted. Officers actively investigate each and every alleged instance.

The information below are examples of the work officers have been conducting.

During this period the Cynon area has been very busy in respect of allegations of under age sales. The local officer working alongside police licensing officers visited numerous premises within Aberdare town centre to discuss this topic. Advice was provided on the prevention of both under age sales and proxy sales.

A further five premises were also visited in Mountain Ash in relation to the above.

A complaint was received of underage / proxy sales in a Cwmbach store. Officers attended the store and viewed the CCTV but no evidence found. Advice was provided to staff.

A separate complaint from a parent was received about underage sales at a store in Aberdare. An officer visited the premises and viewed the CCTV which evidenced the sale but the parent did not want to provide a statement. The PLH / DPS was invited to attend the office, which they did. Following discussions, the PLH agreed to make minor variations to the licence which will assist in promoting the licensing objectives in the future. The staff member who made the sale has since received a fixed penalty notice.

Due to the above incidents, training has been arranged for off licence staff in the Aberdare / Mountain Ash area via the Community Alcohol Partnership (CAP). This will take place on 20th December.

A routine visit to another convenience store within Aberdare identified an absent DPS. Advice and instructions were provided. An application was submitted the following day to vary the DPS.

Through joint partnership working licensing officers became aware of a pub within Mountain Ash which had allegedly become a hot spot for under age gathering. Together with police, officers conducted an exercise at the premises, during which the identity of over 20 people were examined. The majority of those checked were under the age of 18. The PLH was spoken to

and CCTV footage requested. Once viewed, the PLH and their representatives attended the licensing office for a mediation meeting. No formal action was pursued but an agreement was reached for the licence to be varied, to include such conditions as 'challenge 25', 'refusal logs', staff training etc. The PLH also agreed to upgrade the CCTV system and replace the DPS.

A Club in Rhydyfelin sought to vary their licence. Pre application advice was provided. This application was objected to by various Responsible Authorities (RA's) and local residents. The applicant considered the information from the RA's and amended the application to suit. All the RA's withdrew objections. The applicant also agreed to conditions to alleviate concerns of some of the residents. Some residents however wished to maintain their objection. Legal advice was sought and it was deemed their objection did not contain enough relevant facts to justify a hearing. Officers worked diligent throughout this application to ensure a just outcome. Much tact was required and a local officer visited residents individually to provide feedback and reassurances.

Pre application advice meeting with prospective pub in Pontyclun.

Complaints were received following a Temporary Event held on a farm. As the complaints were received after the event, officers' actions were limited. Details have been retained to make informed considerations should a similar application be submitted in the future.

Close working relationships with the police have been maintained, and a joint visit was conducted to a takeaway operating without a late night refreshment licence which was suspected of operating beyond their permitted hours. A verbal warning was issued and advice provided on how to apply for a licence if so wished. The premises will be monitored over the coming weeks to ensure no offences are committed.

Officers have had to deal with many issues within a pub in Treherbert. These involved allegations of the PLH being intoxicated behind the bar, and the DPS being evicted from the pub. Officers mediated all ensure conditions were adhered to. A new DPS has since been installed.

A pub in the Treorchy area has been subject of numerous complaints regarding noise, customers smoking cannabis and the behaviour of customers while leaving the premises. The PLH attended a meeting with police and licensing officers to discuss the issues. To date, no further complaints have been received since the meeting.

Pub watch meetings have been regularly attended in all areas. These continue to be a positive avenue for discussions and providing information.

There has also been a new 'pub watch' meeting set up in the Gelli Hibernian Club, which is to include licensed premises from Llwynypia up to Pentre. This group has met twice to date. Attendance increase during the 2nd meeting, and the hope is for more premises to attend in the future.

4.5 Prosecutions

During this period there have been two prosecutions associated to licensed premises. The Trading Standards unit within Public Health Department instigated the proceedings.

Both premises were within the Cynon area.

In the one case the defendant pleaded guilty to two offences in relation to substitution of alcohol and not training staff appropriately. A £400 fine was imposed, with £30 victim surcharge and £500 costs.

The other case involved the sale of alcohol to an under age volunteer during a test purchase exercise. During the visit other breaches of conditions were observed. The defendant pleaded guilty to 4 charges relating to 1 (refusal register), 2 (training, 3 (electronic till prompts) and 4 (underage sale). £400 fine imposed, with £30 victim surcharge and costs amounting to £531.86.

4.6 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 headed up by Melanie Blayney of YEP 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 base line 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:

The Dragons Den Competition in partnership with Sainsbury's Pontypridd and the Council's Youth Engagement Partnership Team the Dragons Den Competition was held on the evening of the 14/11/2018 at Sainsbury's Supermarket. Due to the high quality of the submissions the outcome of the competition saw 2 winning groups and the prize winning money of £500 being split between both groups. The event is to be publicised through the Council's media team.

Due to the success of this event the Council's Youth Engagement Partnership Team are looking to organise a further event to publicise the winning submissions.

Appendix 1B contains a copy of the advertising poster for the event.

4.7 Public Space Protection Order (PSPO)

As advised in previous committee reports 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.

Anyone found committing an offence may be liable to a fixed penalty notice fine. This was implemented on 1st September 2018. To date nine people have been encountered drinking alcohol within the PSPO zone. In each case the alcohol was confiscated and the individuals issued with a warning. No fixed penalty notices have been issued.

4.8 Training

Officers attended a training course run via the Institute of Licensing, to work towards a Professional Licensing Practitioners Qualification. The course was run over 4 days, broken up into 4 topics, i) Licensing Act, ii) Gambling Act, iii) Sex Establishments, Street Trading & Scrap Metals, and iv) Taxi licensing.

Members may recall during the last licensing committee meeting dated 11th September 2018 that a Home Office Enforcement Officer provided information on their function and their role within licensing.

4.9 Recovery of Annual Fees

Total Income Received; As at 18/11/18	Outstanding Invoices; As at 18/11/18
£63, 920.00	£16,820.00

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. November is usually a busy period for fees and payments, the outstanding fees should see a considerable decrease by the next report.

5. **GAMBLING ACT 2005**

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 21/11/18
Bingo Premises Licences	4	3
Betting Premises	46	36
Adult Gaming Centre	10	6
Licensed Family Entertainment Centre	1	3
Lotteries/ Registered Societies	N/A	214

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)	Premises Machine (2) Permit (>2 Machines)
Public Houses (Premises License with Retail Alcohol 'On Sales')	206	9

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