



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LICENSING ACT COMMITTEE

12TH MARCH, 2019

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 (19th November 2018 to 17th February 2019) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	29
Premises Licence	6
Transfer (Premises Licence)	22
Vary (Premises Licence)	5
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	111
Application to Review	0
Interim Authority Notice	0
Change of DPS	40
Minor Variation	3
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	0
Total Number Applications	216

The number of Temporary Event Notices (TEN's) notifications steadily increased as the Christmas and New Year period approached.

In the community, a market selling local produce and crafts in Treorchy utilised TENs for the sale of alcohol in their monthly market whilst they considered the feasibility of applying for a Premises Licence. Due to the popularity of the market, they have increased their trading to fortnightly and they have attended a pre-application meeting with Licensing, Police Licensing, Trading Standards, Child Protection and Environmental Health with the aim of applying for a premises licence.

As in previous years, a number of supermarkets and local convenience stores used the TENs process to authorise additional trading hours for the sale of alcohol over the Christmas period.

In addition to the familiar fund-raising charity events, there have been Christmas and New Year functions which have used TENs to cover additional entertainment and hours. Some more recent TENs have been utilised for sporting events such as wrestling, coverage of the American Super Bowl, and providing entertainment after the Six Nations rugby.

Analysis of the TEN's applications indicate 28 related to Private Members Clubs, 63 for existing premises licences and 20 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

Since the last summary report, the following contested applications have been heard in Committee:-

Application Type	Name of Applicant	Name & Address of Premises	Date of Hearing	Outcome
Grant of a Premises Licence	Shell UK Oil Products	Shell Garage Tylacelyn Road Penygraig Tonypany CF40 1JS	25 th January 2019	Granted subject to conditions
Full Variation	Tambo's Taverns Limited	Players Sports Bar 2-3 Broadway Pontypridd CF37 1BA	22 nd February 2019	Granted subject to conditions
Full Variation	Mark Parry	Club Ice Unit 2 4-9 Broadway Pontypridd	4 th March, 2019	Decision Pending

The following contested applications are now pending:-

Application Type	Name of Applicant	Name & Address of Premises	Date of Hearing	Outcome
Grant of a Premises Licence	Shady Aboubaker	Chickoland 103a Gwendoline Street Tynewydd Treherbert CF42 5BW	7 th March 2019	Pending
Full Variation	Athar Hussein & Muhammad Rashid Mushtaq	Chippy Plus 13 High Street Pontypridd CF37 1QJ	13 th March 2019	Pending

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.

Officers are currently stepping up efforts to increase inspections. The most recent inspections have been broadly compliant. Those that have issues are being managed by local officers to bring about compliance; should these efforts fail further enforcement action will be considered.

4.4 Complaints, Advice and Guidance

The usual advice has been provided to various applicants seeking to apply, or amend licences. Pre application advice has been provided to a number of applicants.

During this period the Rhondda valley has seen a significant drop in complaints, and those complaints previously received have been resolved. Pub Watch within the area has also seen a decrease in incidents reported to the police. This represents a positive outlook, showing the work being conducted by the licensing officers in building relationships with licence holders is working for the best.

The Rhondda local licensing officer assisted on the police led operation Marsileo within the Porth area, which evolved due to concerns over vulnerable youths. This operation was agreed by the Licencing Department based on the promotion of the objective 'The protection of children from harm'.

During the eveing of the operation a number of premises inspections were conducted. All were compliant apart from the primary premises of concern. Further inspections will be conducted in the near future, as well as monitoring of the premises.

Within the Rhondda the local officer attended a number of licenced premises, accompanied by a trading standards officer, to inspect the layouts of gaming machines and to provide information and advice. This was conducted in line with the Public Health Delivery Plan. No issues or concerns were raised from this activity.

Further to the last Committee Report where it was recorded that there was an increase within the Cynon valley of suspected / alleged under age sales, the local licensing officer has worked well in partnership with external stakeholders to arrange a training course / workshop for staff at licensed premises to attend. The event was held in Mountain Ash Workingmens Club and was attended by staff from various premises in the area. Attendance at the event was voluntary therefore the 16 people who attended showed a definite positive response. This again promotes the positive influence of building relationships between the licensed trade and the Local Authority to combat issues which arise. Feedback from the event was positive.

A Multi Agency pre application meeting was held regarding an application to open a 'unlicensed family entertainment centre' within Aberdare. Due to ongoing concerns within the proposed area the meeting was beneficial to all parties to understand the nature of the business, including the applicant, the licensing authority and the police. Such premises are usually seen at beach fronts and holiday camps.

Pontypridd 'Tumble Area' is the major hotspot for nightlife within RCT. Recently there has been a number of applications by premises to extend trading hours and vary their licences. Due to this the Licensing Committee Chair commented that it may be advantageous to visit the area to understand the scope of the night time economy, and how it impacts on the licencing objectives. As a result, on the evening of Friday the 8th February two officers from the licensing depratment accompanied Committee Members to the area. During the evening members attended the CCTV control room where they viewed cameras and spoke to staff to understand the role they conduct in assisting the police and licensing authority. Members then went on to see the Marshals on the taxi rank, where enforcement officers were conducting checks, and then onto each of the licensed premises within the area. This appeared to be a helpful experience, with members now having a more familiar understanding of the area, and the issues which may rise within.

Complaints have remained persistent regarding one premises within the Cynon area, however this is being managed well by the local licensing officer, and these complaints are now becoming less frequent in nature.

Within the Taff area there are a couple of premises which have had numerous issues, with violent incidents reported to the police being a common theme. The licensing officer has met with the police and discussions are ongoing on how to enforce future action.

One premises within the Tonyrefail area is in the process of enforcment action from South Wales Fire and Rescue Service. The local officer has assisted by producing a written statement.

Officers have assisted the Community Safety Team in conducting visits to licensed premises within Pontypridd town centre as part of the Community Alcohol Project (CAP). This is an ongoing initiative which has received positive feedback from various partners and the community.

Inspections conducted within some of the takeaways with the Tumble area has found issues regarding compliance, most notably lack of CCTV. However, some of these have now been rectified thanks to persistence from the local officer.

The local officer also had to step in to provide advice to a hairdressers within Taffs Well, as a result of the owner renovating the premises and constructing a bar. The premises is not licensed. Advice was provided to the owner and assurances were provided that no alcohol will be sold.

4.5 Prosecutions

There have been no prosecutions during this period, however officers are assisting the Public Health Food Hygiene Team on a potential prosecution by providing statements.

4.6 Public Space Protection Order (PSPO)

The exclusion zones within Aberdare and Pontypridd Town Centres are continuing to be monitored by both local authority staff and police. Pontypridd has seen the majority of instances where action has been instigated, this is usually in the form of confiscation of alcohol.

Aberdare has recently seen an increase in occurrences resulting in increased patrols by officers.

4.7 Recovery of Annual Fees

Total Income Received; As at 28/02/19	Outstanding Invoices; As at 28/02/19
£123,625.00	£4,025.00

During this period officers have proactively taken action to reclaim outstanding debt. This period has seen a large number of premises owing money make payments. Legal advice has also been sought from a reliable and well respected external solicitor, which confirmed our stance. As a result a number of premises have seen their licence suspended until payment is made.

Officers will continue to monitor the premises to ensure they do not trade without licence.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 26/02/19
Bingo Premises Licences	4	3
Betting Premises	46	35
Adult Gaming Centre	10	6
Licensed Family Entertainment Centre	1	3
Lotteries/ Registered Societies	N/A	180

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 Permit (>2 Machines)
Public Houses (Premises License with Retail Alcohol 'On Sales')	199	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