



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LICENSING ACT COMMITTEE

11TH JUNE 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 (18th February 2019 to 26th May 2019) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	31
Premises Licence	11
Transfer (Premises Licence)	14
Vary (Premises Licence)	4
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	89
Application to Review	1
Interim Authority Notice	1
Change of DPS	63
Minor Variation	7
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	1
Performance of Hypnotism	0
Total Number Applications	222

The number of Temporary Event Notices (TEN's) notifications are slightly lower than the last report which covered the busy Christmas and New Year period but they do remain steady.

We have had several Bank Holidays at Easter and in May where existing Premises Licences and Club Premises Certificates have used TENs to extend their trading hours and provide additional entertainment.

As the Summer months approach, we are seeing increasing numbers of outdoor events in the community ranging from family fun days, open air markets, and open air cinema events. TENs have been used to permit the sale of alcohol at the University when they have award ceremonies and also for a pop up micropub in the Beddau area which sells real ales, craft beers and cider.

Analysis of the TEN's applications indicate 14 related to Private Members Clubs, 31 for existing premises licences and 44 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 which had been pending, have now been heard in Committee:-

Application Type	Name of Applicant	Name & Address of Premises	Date of Hearing	Outcome
Full Variation	Mark Parry	Club Ice Unit 2 4-9 Broadway Pontypridd	4 th March, 2019	Granted variation for Fridays & Saturdays, subject to conditions. Sundays, granted variation of opening 11:00-01:30hrs and alcohol 11:00-01:00hrs. Refused extension of hours on Thursdays
Grant of a Premises Licence	Shady Aboubaker	Chickoland 103a Gwendoline Street Tynwydd Treherbert CF42 5BW	7 th March 2019	Refused
Full Variation	Athar Hussein & Muhammad Rashid Mushtaq	Chippy Plus 13 High Street Pontypridd CF37 1QJ	13 th March 2019	Refused

Reviews

We have one pending Review that has been submitted since the last report

Name of Applicant requesting Review	Name of Premises	Premises Licence Holder	Date of Hearing	Outcome
South Wales Police	Family Shopper 9-10, Station Street Porth CF39 9NR	Mr. Shailesh Kumar Patel	20 th June, 2019	Pending

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 level for inspected premises remains at **89%**.

Officers are taking a stepped approach to managing premises who have been identified as not fully compliant. Action plans are being put in place for licence holders to reach compliance and follow up inspections are conducted. Officers are finding engagement with licence holders is the best way in managing issues, with enforcement action being the last avenue.

4.4 Complaints, Advice and Guidance

Officers have been busy providing advice to licence holders and those seeking to submit applications.

Pre application meetings have been conducted for many premises, whether for minor variation or full grant. These have ranged from restaurants, to convenience stores to leisure/entertainment facilities such as a bowling complex. One such pre-application meeting was for an off licence premises in Penrhiwfer – no application has been submitted as yet. This person also wished to open a taxi office within the premises utilising an "Uber style" app.

Advice and guidance was provided to a well established licensee who wishes to hold an Ale and Gin festival in Treorchy, the festival will form part of a larger scale event in the area and the event Safety advisory Group are working together on this event.

Meetings have taken place in relation to Pontypridd Big Weekend, the application for the Time Limited Premises Licence is yet to be submitted however authorities are already working with organisers to ensure a safe and successful event.

Officer time has also been spent advising on TENs such as an open air cinema and charity events.

During this period officers have met with a representative from Public Health Wales to discuss their role as a Responsible Authority.

The number of complaints within this reporting period appear to have dropped which can be viewed as a positive, due to less numbers feeling the need to raise any issues. This is also evidenced in the Upper Rhondda Pubwatch meetings where again it has been noted by those attending that no significant issues have arisen in the area.

However, within Pontypridd Pubwatch meetings, which are well attended, there are people excluded every month from the town centre premises.

The late night refreshment takeaways at the top of Pontypridd town centre (Tumble Area) are continuing to cause concerns for the local officer. These are currently under close scrutiny and the Licensing Authority are considering their position with regards to further enforcement action.

South Wales Police received an anonymous facebook post alleging drug taking in a number of premises in Tonyrefail. All premises involved in the allegations were visited by RCT Licensing and South Wales Police Licensing Officers and given appropriate advice.

An enforcement exercise conducted on the evening of 10th May 2019 during which 4 test purchases were attempted due to intelligence received of premises breaching conditions or complaints alleging to open after 23:00hrs; no sales were made confirming the allegations.

Colleagues from trading standards also conducted an evening of test purchases for potential alcohol sales to 'under 18s', again no sales were made.

A premises in the Church Village area has been a concern for the licensing authority for a number of years with various complaints alleged to the authorities. Proactive engagement by our senior licensing officer in partnership with South Wales Police with the owners of the premises has resulted in the cessation of the lease of the DPS who has now left the business. The premises is now closed and undergoing a refurbishment before its re-opening in July.

The Licensing Authority are part of a working group recently set up to discuss the introduction of an Alcohol Treatment Centre in Pontypridd. This will be led primarily by NHS staff, the hope is to alleviate the pressures on A&E departments. Discussions are at an early stage.

Officers have also began a programme of inspections on betting establishments.

The Licensing Authority is currently working on drafting the Licensing Act Statement of Policy, which is due for renewal in January 2020.

4.5 Prosecutions

The Public Health Food Hygiene Team are currently progressing a prosecution on a late night refreshment takeaway.

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.

4.7 Recovery of Annual Fees

Total Income Received; As at 30/04/19	Outstanding Invoices; As at 30/04/19
£1,610	£3,000

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.

The figures above are low due to the new financial year.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 26/05/19
Bingo Premises Licences	4	3
Betting Premises	46	33
Adult Gaming Centre	10	6
Licensed Family Entertainment Centre	1	3
Lotteries/ Registered Societies	N/A	186

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 Premises Gaming Machine Notification (2 Machines)	Licensed Premises Gaming Machine 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