



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LICENSING ACT COMMITTEE**

**10<sup>TH</sup> SEPTEMBER 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 (**27<sup>th</sup> May 2019 to 25<sup>th</sup> August 2019**) are as follows:-

<i><b>Application Type</b></i>	<i><b>Number received</b></i>
Personal Licence	40
Premises Licence	7
Transfer (Premises Licence)	23
Vary (Premises Licence)	3
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	101
Application to Review	1
Interim Authority Notice	0
Change of DPS	76
Minor Variation	5
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	0
<b>Total Number Applications</b>	<b>256</b>

The number of Temporary Event Notices (TEN's) notifications have steadily increased over the summer months.

We have had TENs for outdoor events such as the Big Welsh Bite, charity events in the community and local produce and craft markets as well as an outdoor cinema.

A local Club has facilitated the use of TENs to permit non-members while they apply for a Premises Licence.

With the Rugby World Cup starting in September, we are starting to see some premises apply for TENs to cover earlier trading hours.

Analysis of the TEN's applications indicate 22 related to Private Members Clubs, 31 for existing premises licences and 48 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, there have been no contested applications.

### Reviews

Two Reviews have been determined since the last report:-

<b>Name of Applicant requesting Review</b>	<b>Name of Premises</b>	<b>Premises Licence Holder</b>	<b>Date of Hearing</b>	<b>Outcome</b>
South Wales Police	Family Shopper 9-10, Station Street Porth CF39 9NR	Mr. Shailesh Kumar Patel	20 <sup>th</sup> June, 2019	<b>Revoked</b>
Licensing Authority	Chicken and Kebab Land 12, High Street Pontypridd CF37 1QJ	Mr.Fawad Salamatshah (current Premises Licence Holder) Mr. Murat Oguz (Previous Premises Licence Holder ) Ms Hayley Kaya (Previous Premises Licence Holder)	25 <sup>th</sup> July 2019	<b>Suspend licence for 2 months and the imposition of additional conditions</b>

### Appeals

One Appeal has been lodged since the last report, following the Committee decision above:-

<b>Premises</b>	<b>Appellant</b>	<b>Reason for Appeal</b>	<b>Comment</b>
Chicken and Kebab Land 12, High Street Pontypridd CF37 1QJ	Mr.Fawad Salamatshah (current Premises Licence Holder) Mr. Murat Oguz (Previous Premises Licence Holder ) Ms Hayley Kaya (Previous Premises Licence Holder)	Contesting Suspension of Licensable Activity as disproportionate & unreasonable.	Contested Hearing date at Magistrates, application to appeal was out of date due to admin error but this is being reconsidered by courts. Awaiting outcome.

### **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 has increased to 91%.

This is a very high compliance rating, which highlights the excellent work that officers are doing.

The structured stepped approach to managing premises appears to be working well. Officers are spending much time engaging and guiding licence holders, for which they are now reaping the rewards with compliant licensed premises.

### **4.4 Complaints, Advice and Guidance**

Officers have significantly increased the number of inspections conducted throughout the Borough, which has identified a good level of compliance as highlighted in 4.3 above. However the inspections have also found non compliance of conditions. Officers have spent time working with these licence holders which have resulted in revisits that have been compliant.

During this period there has been consultation on the forthcoming revised Statement of Licensing Policy. Officers attended the open events to provide advice to the public.

A number of pre-application advice meetings have been held, ranging from cocktail bars, to private members clubs seeking a premises licence to larger scale outdoor events such as an open air cinema, The Big Bite and Ponty Big Weekend.

Officers also attended on the day The Big Bite and Ponty Big weekend to inspect and observe all licensable activities. These events proved to be successful with no major issues found. This may well be as a result of the professional advice the officer provided prior to the event.

Within the Rhondda area the local officer accompanied police during visits to some convenience stores due to information surrounding possible Child Sexual Exploitation (CSE) concerns. Other premises have also come to the attention of the licensing department and are being monitored in partnership with the police.

Following a serious assault in the beer garden of a premises in Cwmaman, the local officer attended and provided advice to have a minor variation to the licence which will hopefully safeguard the public in the future. Following the closure of a pub in Church Village due to numerous problems and lots of advice and guidance from the local licensing officer, the premises has now re-opened with new management and appears to be run compliantly. This was excellent work from the officer.

The Tumble area in Pontypridd remains problematic for the licensing department, especially the late night refreshment establishments. A great deal of time and effort has been and continues to be put into enforcement of these premises. The issue continues to be non-compliance of their conditions which also includes trading beyond their licensable hours. Recently members would have noted one of the premises being refused a new licence and also another premises being reviewed.

Officers have also been working with other areas of the council to work towards a unified approach to outdoor seating issues within Pontypridd. This is to promote the prevention of crime and disorder objective.

Aberdare town has provided its own problems during this period. One premises in particular has come to attention many times, for various reasons. The licensing officer working in partnership with South Wales Police licensing officers arranged a meeting with staff and the area manager. Concerns are ongoing but being monitored by the local officer.

There have been ongoing issues in the vicinity of the new family entertainment centre in Aberdare. Much of the concerns relates to youths congregating and causing a public nuisance which is impacting on other local businesses. Officers have worked with the management of the premises and the police to resolve the issues, resulting in action being taken by the management to introduce SIA staff and provide varying conditions of entry. The issues do not appear to be so prevalent at this time.

Premises have been visited by officers following allegations of proxy sales. Advice provided and premises will be monitored.

Allegation of doorstaff at a local nightclub using drugs in sight of the public. Officers attended and spoke to management and viewed CCTV. No wrongdoings identified, however it was apparent there was no policy on drug seizures and disposal of such items. A discussion has since taken place with the police and a new drugs policy is being worded with the police hoping to provide drug safes where seizures can be placed securely prior to disposal. Other clubs throughout the Borough have been asked for thoughts on the idea and all have been very positive towards the idea. Hopefully this will be implemented in the near future.

Trading standards conducted a test purchase at a licensed premises within the Cynon area, which resulted in a 15yr girl being sold alcohol. This incident is still being investigated.

During an inspection of a premises the officer became suspicious about the identity and permission to work in the UK of a staff member. Information was shared with the Home Office and a further visit conducted. The staff member was not present but intelligence was gathered about a different premises outside of the Borough. The Home Office are working with the other local authority to resolve.

Numerous complaints associated with noise and also the refusal to provide free potable water to customers at four premises all run by the same individual. A meeting was arranged and attended by the management, police, fire service and the environment health department. Since this meeting a further instance

of refusal to provide water resulted in an immediate meeting during which the assistant licensing manager and senior licensing officer attended and made clear that any further substantiated incidents arise, the licensing department will seek a review of the licence. An official final warning letter was issued.

Incident of illegal gambling observed. The information has been provided to the Gambling Commission for further action.

Officers have also been conducting inspections of gambling premises, this is the first time in a number of years these have been conducted. All premises in the Rhondda have been inspected and have been found to be fully compliant. Inspections in other areas are ongoing.

Pubwatch meetings continue to be a positive source of information and sharing of information.

#### 4.7 Recovery of Annual Fees

<b>Total Income Received; As at 31/07/19</b>	<b>Outstanding Invoices; As at 31/07/19</b>
£12,415	£2,100

During this and previous periods officers have proactively taken action to seek to reclaim outstanding debt. Compliance in this area is at a high.

### 5. GAMBLING ACT 2005

#### 5.1 Trade profile – Premises Licences

<b>Permission Type</b>	<b>Number at Transition (1/9/07)</b>	<b>Number at 28/8/19</b>
Bingo Premises Licences	4	2
Betting Premises	46	33
Adult Gaming Centre	10	8
Licensed Family Entertainment Centre	1	3
Lotteries/ Registered Societies	N/A	192

#### 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 Permits (>2 Machines))
Public Houses (Premises License with Retail Alcohol 'On Sales')	186	11

Premises Type	Number of Permits	
	Club machine Permit (3 Machines)	Club Gaming Permit
Qualifying Member Clubs (Club Premises Certificate)	60	11

### 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**