



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LICENSING ACT COMMITTEE**

**3<sup>RD</sup> DECEMBER 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 (26<sup>th</sup> August, 2019 to 17<sup>th</sup> November, 2019) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	20
Premises Licence	5
Transfer (Premises Licence)	12
Vary (Premises Licence)	3
Club Premises Certificate	0
Vary (Club Premises Certificate)	1
Temporary Event Notice (TEN)	258
Application to Review	0
Interim Authority Notice	0
Change of DPS	53
Minor Variation	2
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	0
<b>Total Number Applications</b>	<b>354</b>

The number of Temporary Event Notices (TEN's) notifications spiralled during this period, largely due to the televised coverage of the Rugby World Cup.

At least 176 out of the 258 total number of TENs were used by Pubs & Clubs to cover earlier trading hours for the screening of the rugby, which led to a dramatic demand on Officers' workload and the notifications require an immediate response.

There were also a number of notifications submitted for TEN's that were received too late to process in accordance with legislation; these are not included in the above figures. The reasons given for the lateness appeared mainly to be due to applicants waiting to see how far Wales would progress through the tournament.

The licensing department also had an influx of TENs in the community to permit alcohol and/or entertainment at Halloween parties, firework displays, Christmas markets and Rhondda Pride. This is in addition to the usual charity raising and sporting events.

A premise in the Ynysybwl area has facilitated the use of TENs to enable them to trade without further delay while they applied for a new Premises Licence due to the lapse of the previous licence.

Analysis of the TEN's applications indicate 58 related to Private Members Clubs, 163 for existing premises licences and 37 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

No Reviews have been determined since the last report

##### Appeals

One Appeal has been determined since the last report, despite the exceptional circumstances where the appeal was not lodged in time due to the negligence of the appellant's former solicitors:-

Premises	Appellant	Reason for Appeal	Date of Hearing	Outcome
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.	30 <sup>th</sup> October 2019 Merthyr Tydfil Magistrates' Court	Premises Licence be suspended immediately until the 11 <sup>th</sup> November 2019. No order for costs made

#### 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 91%.

This continues to evidence the excellent work carried out by officers, working together with licence holders to ensure compliance.

#### 4.4 Complaints, Advice and Guidance

Pubwatch meetings continue to be a positive source of information and platform for sharing information. Some of the meetings have recently been attended by officers from the Welsh Extremism & Counter Terrorism Unit (WECTU), who have provided advice on being vigilant and safe.

During this reporting period, the Pontypridd pubwatch was awarded 2<sup>nd</sup> place in the annual national pubwatch awards, which is an excellent achievement. Pontypridd was praised for its work around safeguarding vulnerable people and its supporting relationship with the Business Improvement District. The Licensing Department are very proud of all those involved.

Treforest pubwatch has been reinstated. This pubwatch is an independent group; it is well attended promoting positive actions for Treforest. There has already been a number of exclusions through the group and South Wales Police.

Pontypridd Town Council have recently submitted a TEN for the Christmas lights event in the town centre. This included an outdoor cinema on Mill Street for families to watch a Christmas film before the lights were switched on. Advice and guidance was provided to the organisers of the event during a site meeting along with event safety officers.

As already highlighted within this report, licensing officers have spent a lot of time processing and advising on TENs. This has impacted dramatically on their ability to conduct pro-active work. Even so, officers have continued to work enthusiastically and have produced great work.

Within the Rhondda area, the licensing officer has attended various meetings at premises, working in partnership with Environmental Pollution and Police to resolve concerns and complaints. One premises in particular has taken much time and effort due to ongoing complaints. Management of the premises have listened to advice and the complaints have now begun to dwindle.

There are noncompliance issues with a convenience store in the Rhondda Fach area, these are still being monitored by the officer.

Inspection visits have continued to be conducted in large numbers within this area.

The 'Rhondda Pride' event was held for the first time in Treorchy. Officers provided advice prior to the event, and an officer provided a presence on the day to ensure it ran smoothly. Due to the success of the event, Rhondda Pride may become an annual occurrence.

Following allegations of underage drinking at some premises in the Cynon area officers conducted an evening exercise at the premises checking the identity of customers suspected of being under 18 years of age. No evidence of underage drinking was encountered within the premises. The licensing officers however found two young girls intoxicated outside one of the premises. The girls were believed to be aged 14 years and 15 years. They were taken to a safe place within the premises until the 'youth engagement team' arrived and arranged their transport home. The mother of one of the girls returned to the pub to thank them for 'looking after' them, the DPS at the pub informed the parent it was actually licensing officers who cared for her.

There are ongoing issues at premises within Aberdare, where there has been a high number of police incidents as well as allegations of anti-social behaviour and underage drinking. A meeting took place at the premises on 29<sup>th</sup> August and again on 29<sup>th</sup> October at Merthyr Police Station. A number of steps have been put in place including extra CCTV, use of clickers to monitor the number of customers and a loan of a metal detector wand from the police to check customers for knives.

Premises within Ynysybwl let its licence lapse following the death of the licence holder. Officers worked with those responsible at the premises to ensure a new appropriate application was submitted. A new licence was granted on 28<sup>th</sup> October.

Pontypridd remains the busiest nighttime economy within RCT. The Tumble area has again been the focal point for issues. Doorstaff and licence holders had raised concerns with the lack of police presence during the weekends. A meeting was arranged with Police Chief Inspector Hannah Durham along with a representative from Pontypridd Pubwatch to discuss these concerns. The meeting was a success with concerns acknowledged by South Wales Police. There has been an increased police presence on the weekends.

The senior licensing officer has attended Safety Advisory Group (SAG) meetings, one of which was with event organisers in Coed Ely for a Firework event in a local Private Members Club.

A private members club in Rhydyfelin has been associated with a couple of incidents relating to fighting. The licensing officer visited the premises accompanied by South Wales Police, though as a result of a further incident a meeting was held with the club secretary at Pontypridd Police Station. Action was taken by South Wales but not against the Club.

A premises in Pontypridd Town Centre has had various management issues over the past few months, however working with various Responsible Authorities (RA's) and the Premises Licence Holder, the premises in question has remained open and trading. A licensing inspection has also been conducted with no major issues, which is an improvement compared with the previous inspection. The premises have also assisted South Wales Police by downloading CCTV footage for assistance in investigations.

The senior licensing officer is currently trialing an electronic hand held device to record inspections. If testing goes well, it will be rolled out to other officers. The purpose of the device is to maximise time efficiency and to minimise our paper usage.

Pre application advice has been given to an individual in the Llanharry area for an event next summer. This will be the third event of this nature in the area. Previous events have been well organised and well attended with no complaints to the Authorities.

Two Section 19 notices have been issued for non-compliance with CCTV conditions. Full compliance is expected quickly.

The licensing officer in Aberdare is currently dealing with a premise where there have been alleged assaults by doorstaff. Advice has been provided to management and the officer is awaiting a formal response.

Gambling inspections are ongoing. To date no issues have been found.

#### **4.5 Training**

Officers have attended many training courses during this period, some of which included safeguarding through licensing, advanced taxi licensing, as well as Licensing Act and miscellaneous licensing training.

The senior licensing officer attended an Institute of Licensing (IoL) meeting during which a safeguarding video was made available. The All Wales Expert Panel has approved the video for use by every local authority in Wales. Members can view the video on the following links:-

English: <https://vimeo.com/369335248/be28cb645a>

Welsh: <https://vimeo.com/369336842/e0b3bcd9e3>

#### **4.6 Recovery of Annual Fees**

<b>Total Income Received; As at 31/10/19</b>	<b>Outstanding Invoices; As at 31/10/19</b>
£52, 795	£17,215

During this and previous periods, officers have proactively taken action to seek to reclaim outstanding debt and premises are suspended if they do not comply. November is a particularly busy period for fees and payments due to it being the anniversary of the Licensing Act coming into force and is reflected in the high volume of outstanding invoices. This number should steadily decrease by the next report.

### **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 19/11/19</b>
Bingo Premises Licences	4	2
Betting Premises	46	32
Adult Gaming Centre	10	6
Licensed Family Entertainment Centre	1	4
Lotteries/ Registered Societies	N/A	202

## 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:-

<b>Premises Type</b>	<b>Number of Permits</b>	
	Licensed Gaming Notification Machines (2)	Licensed Premises Machine Permit (>2 Machines)
Public Houses (Premises License with Retail Alcohol 'On Sales')	187	9

<b>Premises Type</b>	<b>Number of Permits</b>	
	Club machine Permit (3 Machines)	Club Gaming Permit
Qualifying Member Clubs (Club Premises Certificate)	58	10

## 5.3 Recovery of Annual Fees

Because 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**