



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LICENSING ACT COMMITTEE

25TH FEBRUARY 2020

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 November, 2019 to 9th February, 2020) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	20
Premises Licence	5
Transfer (Premises Licence)	10
Vary (Premises Licence)	2
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	106
Application to Review	0
Interim Authority Notice	0
Change of DPS	56
Minor Variation	5
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	1
Total Number Applications	205

The number of Temporary Event Notices (TEN's) notifications have decreased this period to a total of 106, following the exceptionally busy total of 258 TENs in the last report which was largely due to Pubs & Clubs wanting to cover earlier trading hours for the televised screening of the Rugby World Cup.

During this period, the notifications can largely be attributed to the Christmas and New Year period, permitting alcohol and/or entertainment across the community.

A more recent TEN has been used to enable a premises in the Gilfach Goch area to include alcohol in their hampers for special occasions, thus demonstrating the versatility of the TEN's process.

Analysis of the TEN's applications indicate 21 related to Private Members Clubs, 62 for existing premises licences and 23 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 two contested applications:-

Application Type	Name of Applicant	Name of Premises	Date of Hearing	Outcome
Application for Grant of a Personal Licence	Mr. Jonathan Griffiths 3, Alfred Street, Gilfach Goch Porth CF39 8TL	N/A	19 th December 2019	Refused
Variation of Club Premises Certificate (CPC)	Rhydyfelin A.F.C.	The Dog Track, Fairfield Lane, Hawthorn, CF37 5RU	19 th December 2019	Granted

Reviews

No Reviews have been determined since the last report

Appeals

No Appeals have been determined 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 90.5%.

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

- Advice was provided by the department for an outdoor cinema in Pontypridd town centre over Christmas period. The event took place successfully without issue.
- A premises in Pontypridd town centre was the subject of incidents on a couple of successive weekends. The local officer met with management and provided full advice and guidance. The Premises Licence Holder and DPS has been

supported through the period of trouble and to date the licensing section have received no further reports since the advice.

- A Chinese restaurant within Pontypridd Market is looking to apply for a premises licence. Pre-application advice has been provided from both the Licencing Authority and South Wales Police. No application has been submitted to date.
- Two Section 19 closure notices for breach of CCTV conditions have been served to premises in the Church Village area. Both have since been lifted following full compliance.
- Incident in a pub in Pontyclun, joint visit conducted with SWP and LA to offer advice and guidance. DPS in full compliance with Authorities.
- The senior licensing officer acting in the role of Responsible Authority (RA) has taken a proactive approach to assist in providing advice on prospective applications. By meeting at an early stage details of the request / potential application can be clearly known, and early advice and guidance can be given specific to the case. Dependant on the application type, other RA's will be invited to provide expert knowledge.

During this reporting period, pre-application advice has been provided to the following:-

- A pub in Treforest, looking to open a beer garden area and have later hours on their licence. Advice and guidance given by the RA's. No application submitted.
- A pub premises in Porth; advice and guidance given by the RA's. No application submitted.
- A premises in the Pontyclun area; an application has since been submitted and is currently in the consultation period.
- A premises in Cwmparc; application now submitted and currently in the consultation period.
- A premises in Aberaman; advice and guidance given by the RA's. No application submitted.
- An old sports shop located within Aberdare town centre sought to apply for an off licence premises; following advice and guidance provided from RA's the applicant decided not to submit an application.
- A premises in the Treforest area proposed to vary their licence times. Advice and guidance given to the licensee, but no application has yet been submitted.
- A pub premises in Treorchy wanted to Vary their licence due to a change of management at the premises, a number of conditions to be altered. Since the advice an application has been submitted and is currently in the consultation period.
- Pre application advice given to a premises in Llantrisant that was previously a problematic premises with history of complaint. The potential applicant wishes to turn the premises into a mainly food venue. Application not submitted as yet, however is pending.
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- Evening inspections were conducted in the Talbot Green area, during which minor compliance issues were detected. Advice was given to bring the premises into compliance with their conditions.
- Intervention from South Wales Police and the Local Authority at a premises in the Penrhiwceiber/Mountain Ash area. This hands on approach appears to have been successful. The pub in question has reacted well to the advice and guidance provided, and to date it appears issues have been resolved.
- An under 18 event took place at a premises in Pontyclun, a visit was conducted by South Wales Police and the Local Authority to discuss. During the visit the CCTV was found to be non-compliant, a follow up visit is required.
- An Off Licence premises has had its licence suspended due to non-payment of their annual fee. A visit was conducted to check compliance with the suspension and alcohol was found to be on display. The alcohol removed from sale and advice given.
- Evening inspections and enforcement visits conducted in the Cynon Valley.
- Complaints are persisting with a premises in Treorchy. Contact has been made with both the complainant and the management of the premises and following an agreement with the management, hopefully the issues will subside. This will be monitored.
- A Porth nightclub that opened in December has been subject to numerous complaints from some residents. The management of the club have attended a meeting with both the Licensing Authority and South Wales Police, which was positive. The premises appears to be run well inside, but with nuisance issues outside. These are difficult to manage. Discussions on approach have also be held with South Wales Police.
- Officers continue to attend Pubwatch meetings on a regular basis.
- Concerns about under age drinking continue to prevalent within the Cynon area. Officers have conducted visits to the premises to monitor the situation. Concerns have been raised with South Wales Police who have shown enthusiasm to future joint working exercises. Information received has also been referred to the Multi Agency Child Sexual Exploitation (MACSE) working panel.

4.5 Minimum Unit Pricing

A minimum unit pricing workshop was attended by the senior licensing officer.

Public Health (Minimum Price for Alcohol) (Wales) Act 2018 will come into force on 2nd March 2020.

The Act includes a formula for how the applicable minimum price must be calculated. This formula is made up of the minimum unit price (to be specified in regulations), the percentage strength of the alcohol and its volume.

$MUP (£0.5) \times Strength (\%) \times Volume (litres) = \text{minimum price at which it can be sold.}$

If the minimum price is set at 50 pence, the minimum price for a 70cl bottle of vodka of 40% ABV strength would be:

$0.5 (MUP) \times 40 (Strength) \times 0.7 (Volume): 0.5 \times 40 \times 0.7 = £14.00$

The minimum price for this bottle of vodka would be £14.00.

4.6 VE Day – Licensing

The Government has confirmed that pubs, clubs and bars in England & Wales that are licensed to trade until 11pm, will be allowed to open for an additional two hours, on Friday 8th May and Saturday 9th May until 1am the following morning, to mark the 75th anniversary of Victory in Europe (VE) Day.

The order, laid in Parliament, will also apply to premises licensed to provide regulated entertainment such as music, dances, plays and films.

The benefit is that any licensed premises with relevant permissions where the terminal hour ends before 01:00 will not need to apply for a Temporary Event Notice to extend the hours to 01:00.

4.7 Recovery of Annual Fees

Total Income Received; As at 31/12/19	Outstanding Invoices; As at 31/12/19
£112, 765	£6,045

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.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 11/01/20
Bingo Premises Licences	4	2
Betting Premises	46	30
Adult Gaming Centre	10	6
Licensed Family Entertainment Centre	1	4
Lotteries/ Registered Societies	N/A	208

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')	187	9

Premises Type	Number of Permits	
	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