



RHONDDACYNONTAF COUNTY BOROUGH COUNCIL

LICENSING COMMITTEE

12TH OCTOBER 2020

REVIEW OF THE LICENSING ACT 2003 & GAMBLING ACT 2005

REPORT OF THE DIRECTOR 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 (**10th February, 2020 to 27th September, 2020**) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	38
Premises Licence	13
Transfer (Premises Licence)	41
Vary (Premises Licence)	7
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	58
Application to Review	0
Interim Authority Notice	1
Change of DPS	102
Minor Variation	6
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	0
Total Number Applications	266

The number of Temporary Event Notices (TEN's) notifications have decreased this period to a total of 58. This will be attributed to the Covid-19 pandemic, resulting in the closure of licensed premises and the inability of the community to partake in the events that would usually occur during these months.

During this period restrictions were gradually lifted, leading to outside areas such as beer gardens and associated grounds being permitted. TEN's notifications were received from premises and clubs which allowed them to trade during this challenging time.

The TEN's process has also allowed two new premises to trade while they waited for their premises licence to be granted.

Analysis of the TEN's applications indicate 14 related to Private Members Clubs, 22 for existing premises licences and 22 permitted community events.

A summary of TEN's, is reproduced for Members information as **Appendix 1A**.

It must also be noted that applications to transfer licences and to change designated premises supervisors (DPS) have continued throughout this difficult period.

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 are two contested applications that are pending:-

Application Type	Name of Applicant	Name of Premises	Date of Hearing	Outcome
Variation of Premises Licence	Gold Bar Two Ltd Unit 7C, Llwyncelyn Industrial Estate, Porth	Soul Suite 14 High Street Pontypridd CF37 1QJ	22 nd October 2020	pending
Variation of Designated Premises Supervisor	Lianne Lewis 6, Typica Cottage Hopkinstown Pontypridd CF37 2SG	Players Sports Bar 2-3, Broadway Pontypridd CF37 1 BA	22 nd October 2020	pending

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 has remained at 90.5% as was during the last reporting period. This is due to a lack of inspections because of the coronavirus, and resultant safety measures placed on council staff.

4.4 Complaints, Advice and Guidance

This past reporting period has seen unprecedented change within the licencing trade. The trade has been one of the hardest hit UK industries during the Covid-19 pandemic. There was no real warning of the pandemic nor of the extraordinary impact it would have within RCT and the whole nation.

RCT local authority including the licensing department were faced with significant challenges with offices closed, staff working from home and absolute disruption of all normal arrangements and processes.

However, local authority licensing is a statutory function and the licensing department must consider and determine applications. Our department has worked tirelessly and adapted to changes by encouraging applicants to use electronic means rather than postal applications though these also continued. Payments are made electronically.

Applications continued to arrive throughout this reporting period, as can be seen by the figures within 4.1 and officers continued to ensure a quality service was provided. Applications have rigid timescales and each and every one was processed and determined in good time.

Officers have shown great resilience and came together to provide each other with assistance and the tools needed to complete tasks.

In March 2020 the Government announced a formal closure of the hospitality industry, this included pubs, clubs and restaurants.

The Welsh Government announced plans for the first phase of re-opening for bars, restaurants and cafes with outdoor spaces only from 13th July. Venues were able to open in spaces they own and have licences for, but businesses with indoor space remained closed or open for deliveries only. This resulted in the TENS being received to allow clubs to utilise outdoor space.

The licensing team were bombarded with requests for advice, much of which was not clear or arriving from Government. This caused much stress and anxiety to the trade and officers alike. Once appropriate information was known, the department took a proactive approach to contact each and every pub, club and bar within RCT. This was a large task but one we thought relevant. Assistance was provided from other teams within the Public Health Department.

This was a success, but shortlived due to the ever changing regulations and guidance coming from Government. This continuous upheaval has made the task of assisting businesses very difficult.

The department was now receiving many complaints of licensed premises open and trading indoors. Officers utilised their strong working relationship with South Wales Police licensing department, and conducted joint visits to these premises ensuring compliance with the regulations while also providing advice.

The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 also provide licensing officers with enforcement powers if they felt premises were failing to take reasonable measures to minimise risk of exposure to coronavirus. In these instances officers can issue premises improvement notices or even closure notices on premises. Due to some complaints being substantiated at that time two premises were issued with premises improvement notices.

South Wales Police also provide a daily update to the licensing authority of any incidents occurring the previous day within licensed premises. Officers act on this information by contacting businesses or conducting visits where there is need.

From 3rd August Welsh Government permitted the opening of pubs, clubs & bars indoors. This has resulted in much more work for our enforcement officers in policing this activity. Complaints have increased and proactive visits have increased. Local Authority community safety officers are also assisting on low risk visits.

Guidance has been provided and placed on the Authority website and on social media to assist businesses.

The increase in visits has led to a number of premises being identified as falling short of the reasonable measures taken to protect staff and customers. To date three premises have received closure notices, one in Rhondda, one in Cynon and one in Taf. Further to these a number of premises improvement notices have been issued. Many of these have since been lifted as a result of adequate improvements being made.

Due to rising coronavirus cases within Wales 24th September saw new regulations come into force for licensed premises. These include a curfew between the hours of 22.00hrs and 06.00hrs on the sale of alcohol. Pubs and clubs must stop selling alcohol at 22.00hrs and be closed by 22.20hrs. Table service only and face coverings to be worn unless seated for food or drink. These further measures are now also being policed by officers.

The workload within licensing during this time of uncertainty is ever increasing. The flexibility of the licensing team and willingness to work above and beyond is a key factor in the success to date of the ever changing licensing environment. Through this hard work and working in partnership with businesses to help them sustain their ability to remain open, it has been evident to date that the majority of premises are trying to do the right thing. Those who are not are being appropriately dealt with.

How long this pandemic will remain and the effect it will have on licensing in the future is not known. But if business' continue to work with the licensing authority and South Wales Police the trade within RCT will survive and hopefully overcome this crisis.

4.5 Recovery of Annual Fees

Total Income Received; As at 31/08/20	Outstanding Invoices; As at 31/08/20
£19,540	£8,165

It will be noted that there is a large figure for outstanding payments for annual fees. The licensing department took a decision not to chase payment of the fees during the current period due to the economic hardship placed on premises due to the Covid pandemic, where many of the premises were instructed by Government to close.

The annual licence fee is a statutory payment to the local authority, legislated within the Licensing Act 2003. As such the licensing department have now proactively began obtaining payments from licence holders. During this coming period it is highly anticipated that the outstanding debts will decrease considerably.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 30/09/20
Bingo Premises Licences	4	2
Betting Premises	46	25
Adult Gaming Centre	10	6
Licensed Family Entertainment Centre	1	4
Lotteries/ Registered Societies	N/A	189

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')	187	9

Premises Type	Number of Permits	
	Club machine Permit (3 Machines)	Club Gaming Permit

Qualifying Member Clubs (Club Premises Certificate)	57	7
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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