



RHONDDACYNONTAF COUNTY BOROUGH COUNCIL

LICENSING COMMITTEE

2ND FEBRUARY 2021

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 (28th September, 2020 to 2nd February, 2021) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	21
Premises Licence	4
Transfer (Premises Licence)	19
Vary (Premises Licence)	0
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	18
Application to Review	4
Interim Authority Notice	0
Change of DPS	71
Minor Variation	4
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	0
Total Number Applications	141

The number of Temporary Event Notices (TEN's) notifications have decreased considerably during this period, with only 18 being submitted. It needs to be noted that for 16 days Wales had a 'firebreak' lockdown, soon to be followed by another complete lockdown. These Covid restrictions have curtailed the notifications that we would usually expect to receive at this time of the year for events in the community and extended hours and/or other licensable activities on licensed premises and Private Members Clubs.

The number of transfers and changes of DPS is still considerable, given the uncertain nature of the pub/club trade this has been expected. With many DPS moving onto new positions. The usual change of DPS with superstores remains consistent.

Analysis of the TEN's applications indicate, 14 for existing premises licences, 4 for permitted community events and none received from Private Members Clubs

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 are two contested applications that have been determined :-

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	Granted variation of hours but refused to remove the condition specifying the use of plastic glasses after 21:00hrs
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	The applicant withdrew her application on the day of the Hearing

Reviews

Two reviews have been determined during this period:-

Name of Applicant requesting Review	Name of Premises	Premises Licence Holder	Date of Hearing	Outcome
South Wales Police	The Legion 17, Cambrian Avenue, Gilfach Goch Porth CF39 8TF	Mr. Tyrone Davies and Miss Hilary Allison	26 th November, 2020	Licence suspended for 2 weeks with a variation of conditions



South Wales Police	Treorchy Hotel 165, Bute Street, Treorchy, CF42 6DA	Miss Nikki Barnes	15 th December, 2020	Premises Licence amended to incorporate several conditions and remove other unnecessary conditions that have been superseded by more current legislation
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Two reviews are now pending:-

Name of Applicant requesting Review	Name of Premises	Premises Licence Holder	Date of Hearing	Outcome
South Wales Police	The Red Lounge 71 Wood Road Treforest CF37 1RJ	Mohammed Miah	23 rd February 2021	Pending
South Wales Police	The White Lion Hotel 59, Gadlys Road Aberdare CF44 8AD	Kevin Moses	19 th February 2021	Pending

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.



There has been minimal inspections of licenced conditions during this period due to officers conducting coronavirus inspections, therefore the current performance level for inspected premises has remained at 90.5%

4.4 Complaints, Advice and Guidance

This has been an extremely busy period for officers due to the Welsh Government implementing coronavirus restrictions. The hospitality sector has been impacted considerably due to this, whether it being complete lockdown for pubs, clubs etc or stringent restrictions being imposed.

Officers have been tirelessly conducting covid compliance visits to premises ensuring that appropriate measures are in place within each and every premises in order to minimise the risk of exposure to coronavirus.

The licensing trade has been broadly compliant and have been trying to input the necessary measures. It has been difficult for them especially due to the ever changing Government guidelines. This has also been true for officers who have had to keep abreast of the guidelines in order to provide appropriate advice and enforce the correct procedures.

The licensing section is providing much advice on a daily basis, this not only includes licenced premises but also requests such as singing in parks and streets, choir practices and a Santa parade.

There have been 359 recorded visits during this period not including those that South Wales Police have undertaken. During this period there have been premises that have failed to adhere to the standards, some of which have been served closure notices due to severity of breaches or because of ignorance to regulations after having adequate advice provided.

Some of the premises to be closed are:

- Legion, Gilfach Goch
- Tynte, Mountain Ash
- Red Lounge, Treforest
- Rock Inn, Aberdare
- White Dragon, Treorchy
- Prince of Wales, Treorchy
- Gelli Comrades Club, Gelli

There have also been 12 Improvement Notices issued to premises, this allows the premises time to rectify the issues identified. A follow up visit would be conducted and if officers deemed the new measures appropriate the Notice would be lifted with no further sanctions.



Following the service of one Improvement Notice, a complaint was made of Institutional Racism. The complainant has since been spoken to and an officer accompanied with a police officer attended to conduct the required checks.

Officers dealt with a serious assault at one premises, this resulted in South Wales Police applying for a Review of the premises licence. A Committee Hearing was held and a decision made to suspend for 2 weeks in order for the staff to make improvements at the premises to enable promotion of the licensing objectives.

There have been various complaints against one premises concerning lack of Covid measures as well as the use of drugs within the place. Officers have visited the premises however management have refused to allow access to CCTV footage. South Wales Police have since applied for a Review of the premises licence. The Review Hearing is pending.

Pre-opening advice has been provided to numerous pubs/clubs one such premises closed due to an outbreak of Covid amongst customers and the death of the chairman.

Officers have also assisted training of new Public Protection Enforcement Officers by allowing shadowing on visits. These enforcement officers now assist the licensing department in conducting Covid compliance visits.

Since the current Tier 4 restrictions prior to the festive period enforcement visits have been minimal due to police and other enforcement section monitoring.

Since the turn of 2021 we are delighted to say complaints have been less frequent. Hopefully this will continue during this coming period.

4.5 Recovery of Annual Fees

Total Income Received; As at 31/12/20	Outstanding Invoices; As at 31/12/20
£103,660	£13,990

The licensing department previously took a decision not to chase immediate payment of the fees during the current period due to the economic hardship placed on premises due to the Covid pandemic.

Legislation species payment must be received annually therefore officers have had to now chase payment.

During this reporting period officers have been proactively contacting Licence holders to obtain payment, those who are not providing payment following request are to have their licence suspended. This is ongoing and at the moment appears to be positive in retrieving payments.



You may note that income received has increased from £19,540 at the time of the last committee report to £103,660 at this time. This has been exceptional work from the work in contacting licence holders both by phone and through formal letters.

There are still some who have failed to make payment and have had their licence suspended.

5. **GAMBLING ACT 2005**

5.1 **Trade profile – Premises Licences**

Permission Type	Number at Transition (1/9/07)	Number at 25/11/20
Bingo Premises Licences	4	2
Betting Premises	46	23
Adult Gaming Centre	10	6
Licensed Family Entertainment Centre	1	4
Lotteries/ Registered Societies	N/A	169

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)	Licensed Gaming Permit (>2 Machines)	Premises Machine
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	8



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.

L Davies

Director for Public Health, Protection and Community Services