



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LICENSING COMMITTEE

4TH MAY 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 (**18th January, 2021 to 18th April, 2021**) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	22
Premises Licence	8
Transfer (Premises Licence)	12
Vary (Premises Licence)	5
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	10
Application to Review	0
Interim Authority Notice	0
Change of DPS	38
Minor Variation	4
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	0
Total Number Applications	99

The number of Temporary Event Notices (TEN's) notifications are very low during this period, this is attributable to the Coronavirus Regulations that restrict licenced activities. At the date of compiling the report there have only been 10 applications, however with the agreement for licenced premises to resume trade in outside areas only it is envisaged there will be an increase in such applications during the next period.

This may be more so for clubs, who have different conditions of licence compared to pubs and restaurants, and it may be that they will utilise the TEN process while awaiting permission to open indoors.

The number of transfers and changes of DPS has continued to remain considerable since the last reporting period. This was expected due to the unpredictability of the licensing business. Again many DPS's have moved away from the licensing trade. The usual change of DPS with superstores remains consistent.

Analysis of the TEN's applications indicate, 3 for existing premises licences, 3 for permitted community events and 4 for 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 is one contested application that is pending and yet to be determined:-

Application Type	Name of Applicant	Name of Premises	Date of Hearing	Outcome
Variation of Premises Licence	Chris Place Ltd.	Players 2-3, Broadway Pontypridd CF37 1BA	11 th May 2021	Pending

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 Red Lounge 71 Wood Road Treforest CF37 1RJ	Mohammed Miah	23 rd February 2021	Licence revoked
South Wales Police	The White Lion Hotel 59, Gadlys Road Aberdare CF44 8AD	Kevin Moses	19 th February 2021	Licence revoked

Appeals

One Appeal has been lodged since the last report and is pending:-

Name of Applicant requesting Appeal	Reason	Name of Premises	Date of Hearing	Outcome
Kevin Moses	Appealing against the			Pending



	decision of the Licensing Act Committee to revoke the premises licence	The White Lion Hotel 59, Gadlys Road Aberdare CF44 8AD	12 th May, 2021 10am at Merthyr Tydfil Law Courts	
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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 again been minimal inspections of licenced premises during this period due to officers conducting coronavirus inspections and the enforced closure by Government of pubs, clubs & restaurants. Therefore the current performance level for inspected premises has remained at 90.5%

4.4 Complaints, Advice and Guidance

The current reporting period has seen all licensed pubs, clubs and restaurants cease trading due to the restrictions imposed by Welsh Government to combat the coronavirus pandemic.

Even so, the licensing team have been actively conducting covid compliance visits, along with the RCT covid enforcement team and South Wales Police, known as the joint enforcement team (JET).

Visits have been conducted in all areas of RCT, while the covid enforcement team directed their efforts on areas, the licensing team priorities visits based on information and complaints of premises not complying.

One such visit was to Llanharry Workingmen's club, where information was received that the people were using the premises and consuming alcohol. The visit was conducted jointly with south wales police officers, and on the evening of the visit officers identified people within the premises. This breached the coronavirus regulations, officers requested access to the CCTV system to observe if the people present had been supplied alcohol, but this was not provided.

A strong warning was given by officers that resulted in the club varying their conditions as advised by both south wales police licensing department and RCT licensing department. The club also received a fine of £1000 under the

coronavirus regulations, and each person present received a penalty notice of £60.

As can be seen in the above table two premises were brought before a sub committee hearing for breaches of both the coronavirus regulations and conditions of their licence. Members sought to revoke both licenses. The White Lion has appealed the decision and this is due to be heard at Merthyr Magistrates Court on 12th May.

Many queries have been received from the trade regarding clubs re-opening outdoors. This has proved to be a delicate and tricky matter due to mandatory conditions imposed on club premises certificates not allowing 'off sales' without the club being open for 'on sales'. This differs from pubs and restaurants, and hinders the possibility of many clubs opening outdoors during the coming weeks. Officers have been providing much advice around this topic.

The re-opening outdoors of pubs and restaurants on 26th May has also caused issues surrounding the erection of outdoor gazebo style areas. Whilst it is the intention of licence holders to maximise their areas, there are specific constraints, such as the gazebo requiring 51% open sides. This is again causing issues with officers needing to advise some premises to amend their structures. The below visual aid has been posted on RCT social media.



The visual aid is a black rectangular graphic divided into two columns. The left column is headed 'Outdoors' with a green checkmark icon, and the right column is headed 'Indoors' with a red 'X' icon. Under 'Outdoors', there are six images: a green gazebo, a wooden pergola, a wooden gazebo, a white canopy tent, a white canopy tent, and a white canopy tent. Under 'Indoors', there are four images: a geodesic dome, a geodesic dome, a geodesic dome, and a white canopy tent. At the bottom left is the 'DIOGELU CYMRU KEEP WALES SAFE' logo, and at the bottom right is the 'RHONDDA CYNON TAF' logo. The central text reads 'Advice for businesses reopening outdoor hospitality venues in Wales'.

With the re-opening externally of licensed premises officers will be conducting a high volume of visits to advise licence holders of best practice. Due to information not forthcoming from Welsh Government at the time of writing the licensing department has not yet been able to publish full guidance.



4.5 Recovery of Annual Fees

Total Income Received; As at 31/03/21	Outstanding Invoices; As at 31/03/21
£127,240	£4,745

As reported during the previous committee meeting the licensing department took a decision not to chase immediate payment of the fees during the past year due to the economic hardship placed on premises due to the Covid pandemic.

However officers have worked hard during this current period to reclaim outstanding payments by the end of the financial year.

As you can see from the above figures almost 96.5% has been recouped. This was excellent work from officers to achieve this. Those premises with payments outstanding have had their licenses suspended.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 20/4/21
Bingo Premises Licences	4	2
Betting Premises	46	22
Adult Gaming Centre	10	6
Licensed Family Entertainment Centre	1	3
Lotteries/ Registered Societies	N/A	171

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.

5.4 Gambling Act – Statement of Principles

The local RCT statement of principles is due for review by January 2022. This process will begin during the next reporting period to ensure appropriate consultation is sought and to allow adequate time for any recommendations to the relevant committees.

Louise Davies

Director for Public Health, Protection and Community Services