

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2021 - 2022: REPORT NO.

LICENSING COMMITTEE
6th July, 2021

REPORT OF:
SERVICE DIRECTOR PUBLIC
HEALTH AND PROTECTION

<u>Part I</u>	<u>Item No. 4</u>
Review of the Licensing Act 2003 & Gambling Act 2005	

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 (**19th April, 2021 to 20th June, 2021**) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	23
Premises Licence	5
Transfer (Premises Licence)	10
Vary (Premises Licence)	3
Club Premises Certificate	0
Vary (Club Premises Certificate)	2
Temporary Event Notice (TEN)	74
Application to Review	0
Interim Authority Notice	0
Change of DPS	44
Minor Variation	2
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	0
Total Number Applications	163

The number of TENs have risen dramatically since the last reporting period, jumping from 10 in last report to 74 during this period. This was predicted during the last report, the reason being the re-opening of pubs and clubs. TENs have predominantly been used to allow premises to utilise their space to increase their capacity due to limitations under the coronavirus regulations. The largest number have been used by clubs, because clubs are not permitted to allow 'off-sales' unless they are open for 'on-sales', therefore when premises were only permitted to open outdoors clubs required a TEN to allow them to trade.

Applications as a whole have also steadily increased, jumping up from a total of 99 last report to 163 during this period. Again this is a reflection of the licensed trade opening back up. The majority have been transfer applications.

Personal licence applications remain consistent as does vary DPS applications. During the lockdown period for pubs and clubs many personnel moved trade which required backfilling, hence the changes of DPS and new personal licence holders.

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 remains pending and is 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 Hearing began but was adjourned. New date set for 27 th July.	Pending

Reviews

No reviews have been determined during this period:-

Appeals

One Appeal that had been lodged and was reported as pending in the last report is yet to be heard:-

Name of Applicant requesting Appeal	Reason	Name of Premises	Date of Hearing	Outcome
Kevin Moses	Appealing against the decision of the Licensing Act Committee to revoke the premises licence	The White Lion Hotel 59, Gadlys Road Aberdare CF44 8AD	Initially to be heard on 12 th May but adjourned. New date to be determined.	Pending

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.

Specific licensing inspections have not been conducted during this reporting period due to officers conducting coronavirus inspections.

Therefore there is no change to the current performance level for inspected premises which as reported last was 90.5%.

4.4 Complaints, Advice and Guidance

The current reporting period has seen all licensed pubs, clubs and restaurants re-open following their enforced closures due to the restrictions imposed by Welsh Government to combat the coronavirus pandemic. Initially the premises were only permitted to open outdoors but are also now allowed to trade indoors.

The licensing team have continued to be extremely active in conducting covid compliance visits in partnership with the RCT covid enforcement team and South Wales Police. This has been a key objective of the overarching Public Health Department within RCT. Advice has been provided on a daily basis, with the majority of premises trying hard to implement the necessary measures. Information sent to all licensed on sale premises regarding visiting officers, outside structures, TEN's in club premises and a reminder list to assist with reopening.

However complaints have been received relating to premises not adhering to the guidelines such as lack of, social distancing, track and trace details, table service etc. Many complaints have involved noise nuisance emanating from outside areas, this has been across the whole of RCT.

Much confusion and frustration from the trade has surrounded the issue of playing pub games such as pool, darts, skittles etc.

Where premises have not followed advice officers have issued Premises Improvement Notices (PINs) which gave the premises time to rectify any wrongs. Where breaches were so significant officers were permitted to issue a Closure Notice. One premises in Llantwit Fadre was closed for such breaches.

Whilst much officer time has been spent dealing with compliance of the Covid regulations, licensing matters have also continued.

Officers have been active in Pubwatch meetings which have now resumed in most areas of RCT. They have sat and chaired pre-application meetings and attended a club in Hirwaun for a meeting with committee to discuss a full variation application.

Issued 2 separate Section 19's for a premises in Aberaman breaching licensing conditions, namely lack of working CCTV.

Enforced the cessation of alcohol sales in a Penrhiwceiber premises for an absent DPS

A store in a Porth was also ordered to stop selling alcohol and had it removed from the shop front during a joint visit by a an RCT licensing officer and SWP licensing officer when they discovered an absent DPS. During the visit the owner was obstructive and uncooperative to officers. Information was relayed to SWP, which resulted in a follow up visit to the premises which identified a huge cannabis factory located upstairs. There were 18 bags of cannabis sent for destruction and one Albanian male was arrested. It's now clear that the closure of the shop front clearly made it much more difficult to hide. The licensing officer was thanked by SWP for their involvement.

Issues of underage drinking noted in Aberdare Town Centre, Cwmbach and Mountain Ash. Working with partners such as Police, Trading Standards and Youth Engagement Project (YEP) officers visited some off licenses in those areas to discuss acceptable forms of ID and the issue of proxy sales. Officers will be kept informed if any further information becomes known.

Pontypridd and Aberdare town centre forums have restarted – this involves joint working between RCT staff and South Wales Police to make town centres safer. Also the Public Space Protection Order (PSPO) is to be renewal in September, officers have attended meetings regarding this.

There have been Safety Advisory Group (SAG) meetings for potential events across the Borough – TEN's have started coming in for these with more due in for events in July and August – these are already going through SAG for advice.

The processing of the many applications has also taken much officer time.

4.5 Recovery of Annual Fees

Total Income Received; As at 31/05/21	Outstanding Invoices; As at 31/05/21
£4,660.00	£3,710.00

The recovery of fees are as anticipated. At present officers have had to prioritise other workloads such as applications therefore they have not been focusing on chasing outstanding payments. Remainders have been sent out and hopefully by the next period members will see an increase in the income received.

5. **GAMBLING ACT 2005**

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 22/06/21
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	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 Premises Gaming Machine Notification (2 Machines)	Licensed Premises Gaming 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)	57	7

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.

Louise Davies

Director for Public Health, Protection and Community Services