

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2021 - 2022: REPORT NO.

LICENSING COMMITTEE
2nd November, 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 (**21st June, 2021 to 17th October, 2021**) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	45
Premises Licence	15
Transfer (Premises Licence)	12
Vary (Premises Licence)	5
Club Premises Certificate	0
Vary (Club Premises Certificate)	1
Temporary Event Notice (TEN)	81
Application to Review	3
Interim Authority Notice	0
Change of DPS	59
Minor Variation	0
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	0
Total Number Applications	221

The number of TENs applications received have continued to rise as we saw some easing of the coronavirus regulations. An analysis of the TENs applications indicate, 23 for existing premises licences, 42 for permitted community events and 16 from Private Members Clubs.

One TEN was for a 3 day music festival at Pentwyn Fawr Farm. Following objections from both South Wales Police and Environmental Health department the TEN was withdrawn by the applicant.

No.12 Drinks Emporium and Llantrisant Guildhall have been using TENs to operate while their Premises Licence applications are pending. This can be a useful tool to demonstrate to Responsible Authorities how the applicants intend to run their business.

The number of applications the licensing department have had to consider has again increased since the last reporting period, jumping up from a total of 163 last report to 221 during this period. Again this is a reflection of the licensing trade opening back up. Personal Licence applications and a change of Designated Premises Supervisor has been particularly busy.

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

In the last summary report, there was one contested application that was pending. The applicant subsequently withdrew this application but we must report that a Hearing had been convened and adjourned prior to this outcome:-

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	Applicant withdrew application on 28 th June 2021

Reviews

One review has been determined during this period:-

Name of Applicant requesting Review	Name of Premises	Premises Licence Holder	Date of Hearing	Outcome
South Wales Police	Players 2-3, Broadway Pontypridd CF37 1BA	Chris Place Ltd.	6 th September 2021	Licence revoked. Appeal pending.

Two reviews are currently pending:-

Name of Applicant requesting Review	Name of Premises	Premises Licence Holder	Date of Hearing	Outcome
South Wales Police	Cwm & Llantwit Welfare Hall Tynant Road Beddau Pontypridd CF38 2DA	Cwm & Llantwit Welfare Hall Tynant Road Beddau Pontypridd CF38 2DA	1 st November 2021	Pending
Trading Standards Department	Pontypridd Anna 68a, Taff Street Pontypridd CF37 4TD	Mr. Peter Pliscak	23 rd November 2021	Pending

Appeals

One Appeal has been determined since the last report:-

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.	Appeal withdrawn following a transfer of licence.

One appeal is currently pending:-

Name of Applicant requesting Appeal	Reason	Name of Premises	Date of Hearing	Outcome
Chris Place Ltd.	Appealing against the decision of the Licensing Act Committee to revoke the premises licence	Players 2-3, Broadway Pontypridd CF37 1BA		Dispute over timeline of appeal. Merthyr Magistrate's Court has determined that the appeal be listed for preliminary legal arguments to determine if appeal was submitted out of time. Provisional hearing date set for 11 th November.

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.

Licensing inspections have now restarted due to officers now not being involved in coronavirus inspections. During this reporting period there has not been a vast amount of inspections due to officers dealing with applications and

complaints, the current performance level for inspected premises which as reported last was **91.48%**.

4.4 Complaints, Advice and Guidance

Since the reopening of pubs and clubs the licensing authority has seen an increase in complaints involving noise and anti-social behaviour. This was foreseen and expected due to local residents having licensed premises nearby closed for a long time throughout the Covid restricted period.

Complainants are being directed to use the 'Noise App' where there are noise nuisance issues. Officers can then listen to problem and make a more informed decision on the best action.

The licensing team have continued their excellent partnership working with South Wales Police, with both authorities working in collaboration to resolve complaints. This relationship continues to excel and is a key tool in the way licenced premises are encouraged, advised and managed.

Members will note from the above that following a licensing sub-committee hearing, Players Sports Bar, on the Broadway in Pontypridd was revoked of it's premises licence. This followed an application from South Wales Police, which was supported by various Responsible authorities. This decision has since been appealed by the premises licence holder with assistance of a legal representative. The appeal is ongoing and therefore should not openly discussed at this present time. Members will be updated on the outcome in due course.

Members may also note from section 4.1 above that the licensing authority was involved in a TEN to hold a three day event including music and alcohol on a field within the Mountain Ash area. The event requested was deemed to be a larger event than anticipated. Officers from responsible authorities visited the site and following discussion with the event organiser sought to object on a number of issues, relating to each of the four licensing objectives. Following advice from the authorities the applicant withdrew the TEN.

A licensed premises within the Llantwit Fadre area has recently caused many issues to South Wales Police relating to violence, further complaints have also been received. Officers have been active in investigating the concerns. Members will be updated during the next reporting period on this issue.

As previously detailed in this report applications have increased and officers have worked diligently to process these within statutory timescales, while also ensuring the applications are submitted correctly, and mediating between applicants and responsible authorities. This takes a large amount of officer time.

As part of the application process and as advocated within the Section 182 national guidance, officers have been involved in pre-application meetings, these have assisted the application process to enable the applicant to submit appropriate operating schedules, and ease the application process. This is something we advise applicants in advance of submitting the application.

There have also been a number of alleged underage sales. Our partners within Trading Standards have taken the lead on these allegations in relationship with South Wales Police and are visiting the premises, checking the conditions and CCTV, and providing advice and literature.

A premises within the Rhondda has been continuously associated with public nuisance. This is being investigated by the Environmental Health team.

The Cynon valley has recently seen some serious violence associated with licensed premises. A premises within Penywaun has come to the authorities attention due to an assault that has resulted in a murder enquiry. The enquiry into the incident is being conducted by South Wales Police. The conditions of licence are being discussed with the premises licence holder/designated premises supervisor to seek to update to make them suitable for purpose. Members will be updated in due course.

A further incident occurred within the Mountain Ash area where a person was assaulted with a knife within a licensed premises. Again this incident is being dealt with by South Wales Police, with their licensing department taking the lead on licensing matters.

The authority has received nuisance reports about another premises in Aberdare. The premises has been spoken to and has denied the issues are due to the premises. Officers will conduct a visit to observe at the relevant times.

Further noise issues are impacting a nightclub within the Porth area. Complaints have been received, which was followed with a meeting between a licensing officer, environmental pollution officer and two councillors. This premises will be monitored to observe the allegations. Many of the allegations involve anti-social behaviour from customers after leaving the premises and loud music.

A licensed convenience store has come to attention for sales of illegal cigarettes/tobacco and for breaches of licence. This premises is now subject to Review following an application from Trading Standards.

Pubwatch meetings are continuing to take place, these are always good forums to discuss local issues and raise awareness of initiatives.

Members may be aware that people in Wales now need an NHS Covid pass to legally enter nightclubs and large events. Anyone aged over 18 will be required to show the pass to prove they are either fully vaccinated or have had a negative lateral flow test result within the last 48 hours. RCT have a Covid team who are available to provide assistance and advice on this, the team will also visit premises to proactively advise.

4.5 Recovery of Annual Fees

Total Income Received; As at 30/09/21	Outstanding Invoices; As at 30/09/21
£20,725	£2,515

The payment of annual fees are at a positive level for this stage of the year. Officers have acted to make contact with any overdue payments, with many premises then making full payment. Some premises have been suspended for non-payment, officers will monitor these premises and visit to ensure they are not open and trading. This is a priority at the moment to ensure there is no illegal trading.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 19/10/21
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	153

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)	Licensed Premises Machine (2) Gaming Permit (>2 Machines)
Public Houses (Premises License with Retail Alcohol 'On Sales')	188	10

Premises Type	Number of Permits	
	Club machine Permit (3 Machines)	Club Gaming Permit
Qualifying Member Clubs (Club Premises Certificate)	64	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.

- 5.4** Members will recall the **Gambling Act 'Statement of Principles'** was put before the committee in September. Members agreed to the Policy and the minor amendments. Since then the policy was put before the Senior Leadership Team who agreed the Policy. This will next be presented before full council in November with hope for acceptance to enable it be published in December.

Louise Davies

Director for Public Health, Protection and Community Services