

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2021 - 2022: REPORT NO.

LICENSING COMMITTEE  
1<sup>st</sup> February 2022

REPORT OF:  
SERVICE DIRECTOR PUBLIC  
HEALTH AND PROTECTION

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

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 (**18<sup>th</sup> October, 2021 to 16<sup>th</sup> January, 2022**) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	25
Premises Licence	6
Transfer (Premises Licence)	8
Vary (Premises Licence)	2
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	58
Application to Review	1
Interim Authority Notice	0
Change of DPS	49
Minor Variation	9
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	1
<b>Total Number Applications</b>	<b>159</b>

The number of TENs applications received have fallen from 81 in the last report to a total of 58 during this period which can be attributed in part to the coronavirus restrictions that were introduced from Boxing Day such as nightclubs being forced to close, groups of no more than six people could meet in licensed premises, table service only and the two metre social-distancing rule returned.

An analysis of the TEN's applications indicate, 30 for existing premises licences, 14 for permitted community events and 14 from Private Members Clubs.

This period included some of the autumn rugby internationals for which some of the TENS were issued.

The festive period also saw TENS for activities such as Christmas markets, carol concerts and the sale of alcohol in non-licensed premises.

Cwm and Llantwit Welfare Hall applied for a late TEN and a normal TEN. The late TEN was submitted out of time therefore this could not be proceed. The standard TEN was initially objected to by South Wales Police, however discussions between the parties enabled a mediation of the conditions on the TEN which allowed it to proceed.

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

One contested application has been determined since the last report:-

Application Type	Name of Applicant	Name of Premises	Date of Hearing	Outcome
Grant of Premises Licence	Park Garage Group Ltd 1-3 Station Approach Bromley BR2 7EQ	Pentre Service Station Llewellyn Street Pentre CF41 7BW	12 <sup>th</sup> January 2022	<b>Granted subject to the addition of conditions</b>

### 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	Cwm & Llantwit Welfare Hall, Tynant Road, Beddau, Pontypridd CF38 2DA	Cwm & Llantwit Welfare Hall Tynant Road Beddau Pontypridd CF38 2DA	1 <sup>st</sup> November 2021	<b>Licence revoked. Appeal pending.</b>
RCT Trading Standards	Pontypridd Anna 68a Taff Street Pontypridd CF37 4TD	Mr. Peter Pilskak	3 <sup>rd</sup> December 2021	<b>Licence Revoked</b>

### Appeals

In the last report we revealed that there was a dispute over the timeline of the appeal below and it was listed for preliminary legal arguments to determine if the appeal was submitted out of time. The decision was as follows:-

<b>Name of Applicant requesting Appeal</b>	<b>Reason</b>	<b>Name of Premises</b>	<b>Date of Hearing</b>	<b>Outcome</b>
Chris Place Ltd.	Appealing against the decision of the Licensing Act Committee to revoke the premises licence	Players 2-3, Broadway Pontypridd CF37 1BA		<b>Court upheld the decision that the Appeal was lodged out of time and the revocation of licence took effect.</b>

One appeal is currently pending:-

<b>Name of Applicant requesting Appeal</b>	<b>Reason</b>	<b>Name of Premises</b>	<b>Date of Hearing</b>	<b>Outcome</b>
Cwm & Llantwit Welfare Hall, Tynant Road, Beddau, Pontypridd CF38 2DA	Appealing against the decision of the Licensing Act Committee to revoke the premises licence	Cwm & Llantwit Welfare Hall, Tynant Road, Beddau, Pontypridd CF38 2DA	A case management hearing is scheduled for 26/01/22	<b>Pending</b>

#### **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.

The number of inspections has been minimal during the current reporting period with officers dealing more with complaints and other aspects of the Licensing Act 03. The inspections undertaken have primarily been conducted following complaints, with those premises being deemed to be higher risk due to alleged non-compliance issues. This is shown in the slight decrease since last reported in the current performance level for inspected premises which is now at **90.42%**.

### 4.3 Complaints, Advice and Guidance

- Officers have reported that this has been quieter than usual due to the restrictions imposed by covid regulations – many licensed premises reporting issues with staff and needed to close over the Christmas/New Year period due to isolating staff. Premises are also struggling to get SIA supervisors – pre pandemic they were costing £10 an hour and now the cost has increased to around £18.50 per hour. This is tough for the trade to get SIA staff as so many have not renewed their registration or found work elsewhere.
- Pubwatch activities continue to proceed in the Taf area. The Treforest Pubwatch has been expanded to include Rhydyfelin, Treforest Ind Est and Hawthorn areas in the hope of getting a higher attendance – letters have been sent out to licensed premises with dates planned for the rest of the year. The Pontypridd Pubwatch held an extra meeting to enable the Covid Enforcement Team attend to explain the new rules to those present, everyone was afforded the opportunity to ask questions, this was a great benefit to the licence holders.
- Soul Suite within Pontypridd has closed it's doors for the last time and will not be reopening as the Soul Suite. There remains a licence on the premises so a new venture may open there in the future.
- Squares nightclub in Porth has continued to cause issues for the department with continuous complaints from residents involving noise nuisance and anti-social behaviour from customers when leaving. Many complaints have also been forward through local councillors. Licensing and Environmental Health officers have monitored the issues, including from within a nearby residents' property. Contact was made with the club and discussions held regarding the complaints and ways to resolve or minimise the concerns. The club made amendments to the way customers leave the premises however this has failed to rectify the issue. The premises has been forced to close since Christmas due to Covid restrictions, though officers are continuing discussions on how best to proceed with this matter.
- Well established licensed premises in the Graig area of Pontypridd is up for sale and isn't certain that it will remain as a licensed premises going forward.
- Complaints have been received about the Carpenters Arms in Efail Isaf, issues regarding music noise when utilising a new space. This has now been addressed and full advice given to the Premises Licence Holder and DPS.
- Three Late Night refreshment Premises in Pontypridd town centre have been causing some issues by allowing youths to congregate outside. Full advice has been given to the premises and inspections have been carried out.
- The Senior Licensing Officer and South Wales Police Licensing officer met with the Committee and the Stewardess (manager) of Treorchy RFC following an incident where a large fight broke out and children were still on the premises. Appropriate advice provided. The licensing authority is anticipating a Premises Licence application to be submitted soon. Amended conditions at the very least are required on this Club Premises Certificate.

- Similarly officers attended Porth RFC where they met with the Committee of the club following an incident where a fight broke out. Advice given.
- Officers accompanied by South Wales Police met with Club Ice management at Pontypridd Police Station following a number of allegations made to South Wales Police of spiking and a noise complaint. Following the discussions all appears to be in order, allegations of spiking were found to be untrue and the noise complaint was due to having a different door open to the cloakroom – this was put right and we have no further complaints of noise.
- Trading Standards Officers issued a warning to the Coed Ely Club due to suspected underage sales.
- There has been a premises within the Rhondda that has caused concerns to South Wales Police regarding an organised crime group frequenting the premises. Officers visited the premises and raised concerns which appear to have resolved the issue. A full inspection of the premises was also conducted.
- There are ongoing complaints regarding anti-social behaviour and other concerns at a premises in Cwmparc, these are currently under investigation therefore full details are not currently afforded.
- An advice meeting was arranged with Police officers at Taffs Well RFC which has resulted in the premises submitting a minor variation to amend conditions.
- Aberdare has been quite quiet during this reporting period. Both Police and licensing have seen a decline in noise and Anti-social behavioural complaints in the area. Judges nightclub has not reopened since lockdown as the management don't feel it is viable with current restrictions. The Bush only opened for five weeks with the new manager having now surrendered the lease back to Admiral Taverns. Other premises have closed intermittently either due to covid outbreaks or covid restrictions. It is thought that the Aberdare regulars are now travelling to Merthyr or Pontypridd for their nights out.
- Queries and complaints are continuing to take up officer time.
- The licensing Manager and Senior Licensing Officer attended the Institute of Licensing Annual Conference. This was an opportunity to attend a large number of events regarding the whole of the licensing regime, to gain knowledge on current and upcoming issues and refresh knowledge in other fields.

#### **4.4 Spiking**

During last committee members were informed that since January 2021 there have been 20 reports relating to spiking in the RCT area. However, there were no confirmed cases of spiking – partly due to the nature of the reporting as it is generally retrospective. Of the 20 reports:-

- 1 is historic – from 11 years ago
- 1 relates to school pupils putting hand sanitiser in a water bottle
- 1 report relates to a tobacco spiking
- 7 reports have been negated from CCTV enquiries
- 10 reports that have not been proven....one of which appears to be a false report from CCTV but cannot be negated.

Concerns were expressed over a potential increase in spiking over the Christmas period, however, after consulting with South Wales Police, we can advise that there have been no reported incidents over the festive period. Whilst this is good news, we must be mindful of the increased Covid restrictions that were put in place for the hospitality sector that may have had an impact.

On Tuesday 21 December 2021, the Wales Safer Communities Network, with support from the Wales Violence Prevention Unit, hosted a Spiking Workshop to discuss the approaches being taken to tackle and reduce the risk of 'spiking' in Wales with public bodies, third sector organisations and private companies. The workshop gave an opportunity to share information from across Wales and ensure that there are no gaps being left between the different agencies and partnerships, ensuring there is a coordinated and joined up response. This workshop was the first of a number of workshops and discussions on the topic.

From within the workshop a representative of the NHS gave information which noted that drink spiking with drugs is incredibly uncommon and spiking through needles even more uncommon.

The Local Government Association has also met and following discussion with partner agencies have stated so far there has been very little, if any, evidence that there is an issue of spiking.

However the licensing authority has supported the Wales wide Christmas campaign / Police anti spiking campaign by posting information of the social media site, an example is shown as Appendix 2.

#### **4.5 Ask Angela**

This initiative is being co-ordinated by Community Safety, Licensing and Domestic Violence staff and was relaunched w/c 15<sup>th</sup> November 2021 to coincide with Safeguarding week. The Local Authority have printed and distributed 'Ask Angela' literature to all the licensed premises within RCT. The lead officer is following this up by attending targeted licensed premises and providing face to face awareness sessions. She is also attending all pubwatch meetings to provide awareness. The awareness sessions are ongoing. This member of staff is the point of contact for any person who makes contact with us regarding the scheme and works very

closely with the RCT licensing officers. Licensing Officers check the location of posters etc whilst conducting their routine inspections of licensed premises.

Within the first couple weeks of the campaign, a female presented herself to staff at a premises within the Pontypridd area and asked for Angela. The staff member ensured her safety and arranged for her to get home in a safe manner.

#### 4.6 Recovery of Annual Fees

<b>Total Income Received; As at 31/12/21</b>	<b>Outstanding Invoices; As at 31/12/21</b>
£104,301.11	£12,160.00

The payment of annual fees is at an expected level. Officers are monitoring and where needed issuing reminder notices and making phone calls to obtain the payment.

### 5. GAMBLING ACT 2005

#### 5.1 Trade profile – Premises Licences

<b>Permission Type</b>	<b>Number at Transition (1/9/07)</b>	<b>Number at 19/01/22</b>
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	155

#### 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:-

<b>Premises Type</b>	<b>Number of Permits</b>			
	Licensed Gaming Notification Machines)	Premises Machine (2	Licensed Gaming Permit (>2	Premises Machine Machines)



Public Houses (Premises License with Retail Alcohol 'On Sales')	188	<b>10</b>
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Premises Type	Number of Permits	
	Club machine Permit (3 Machines)	Club Gaming Permit
Qualifying Member Clubs (Club Premises Certificate)	57	<b>7</b>

### 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 The **Gambling Act 'Statement of Principles'** which was put before the committee in September has been accepted at Full Council and is now live and valid. A copy of the document can be viewed on the RCT licensing website.

**Louise Davies**

**Director for Public Health, Protection and Community Services**