



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022 - 23

LICENSING COMMITTEE

REPORT OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

REVIEW OF THE LICENSING ACT 2003 & GAMBLING ACT 2005

DATE: 12th July 2022

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 (17th January, 2022 to 26th June, 2022) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	37
Premises Licence	12
Transfer (Premises Licence)	23
Vary (Premises Licence)	2
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	126
Application to Review	4
Interim Authority Notice	0
Change of DPS	89
Minor Variation	11
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	0
Total Number Applications	304

Since we saw the removal of the coronavirus restrictions, the number of TENs applications have steadily increased and have now more than doubled the total since the last report.

In the community, there has been the return of sporting events, fund raising and fetes which all utilise the TENs process. June brought an influx of TENs applications for the Queen's Jubilee celebrations and currently TENs are being submitted for Pride events which are due to take place in July.

The Royal Mint Visitor Experience have used a number of Tens to facilitate monthly artisan market stalls held in their carpark.

An analysis of the TEN's applications indicate, 51 for existing premises licences, 51 for permitted community events and 24 from Private Members Clubs.

A summary of TEN's, are reproduced for Members information as **Appendix 1A**.

You will also note from the table that there is a large change of DPS within premises. This is partly due to larger organisations changing personnel within their premises and the continuing trend that people are looking for alternative work due to pubs/clubs etc still feeling the effects of the pandemic.

However, the 37 new personal licence holders show that this may be a positive step for the industry in the future.



In accordance
respect of data
summaries of

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with the advice received in
protection matters, the
Personal Licences and Premises

Licences issued under delegated authority are now reproduced for
information as a Part II restricted item.

4.2 Contested Applications

No contested applications have been determined since the last report:-

Reviews

Five 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	Colliers Arms Bronllys Penywaun Aberdare CF44 9AS	Mr. David Mark Evans 50 Monk Street Aberdare CF44 7RF	19 th January 2022	Premises Licence amended to add specific conditions & remove outdated conditions
South Wales Police	Chippy Plus 13 High Street Pontypridd CF37 1QJ	Mr. Zahid Iqbal 13 High Street Pontypridd CF37 1QJ	26 th April 2022	Licence revoked
The Pollution and Public Health Team	Old Post Office (Squares) Porth Street Porth CF39 9RT	Gold Bar Two Ltd Unit 7C Llwyncelyn Industrial Estate Porth CF39 9FP	28 th April 2022	Premises Licence amended to add specific conditions & remove outdated conditions
The Licensing Authority	Food For You 12 High Street Pontypridd CF37 1QJ	Mr Fawad Salamatshah Food for You 12 High Street Pontypridd CF37 1QJ	15 th June 2022	Licence revoked

South Wales Police	Mountain Ash Stores T/A Central Food 26b Oxford Street Mountain Ash CF45 3PG	Mountain Ash Stores Ltd T/A Central Food 26b Oxford Street Mountain Ash CF45 3PG	15 th June 2022	Licence revoked
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Appeals

Since the last report, one appeal was mediated between the Premises and the Responsible Authorities, removing the need for a Court hearing:-

Name of Applicant requesting Appeal	Reason	Name of Premises	Date of Hearing	Outcome
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	N/A mediated out of court	Following a meeting between the management of premises, their legal rep, Police and Licensing it was agreed that conditions are now being met. Therefore the appeal was not contested.

Two appeals are currently pending:-

Name of Applicant requesting Appeal	Reason	Name of Premises	Date of Hearing	Outcome
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Mr. Zahid Iqbal 13 High Street Pontypridd CF37 1QJ	Appealing against the decision of the Licensing Act Committee to revoke the premises licence	Chippy Plus 13 High Street Pontypridd CF37 1QJ	10 th August 2022	Pending
Gold Bar Two Ltd Unit 7C Llwyncelyn Industrial Estate Porth CF39 9FP	Appealing against the decision of the Licensing Act Committee to modify the conditions of the premises licence	Old Post Office (Squares) Porth Street Porth CF39 9RT	6 th July 2022 Case management	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.

Officers have stepped up their efforts to conduct inspections during this reporting period. In total there has been 97 premises inspected throughout the Borough, a number of which have required follow up visits. These visits have primarily targeted premises that are previously non-compliant, or related to complaints.

Very few inspections were conducted during the pandemic and it was anticipated that the inspections show premises may not now be fully compliant with conditions of their licence. This has proven to be correct with many premises being determined broadly non-compliant, reasons range from minor indiscretions to major concerns such as CCTV not working and absent DP's.

This is shown in the slight decrease since last reported in the current performance level for inspected premises which is now at **89.7%**.

Officers are working continuously with these premises to ensure they become compliant.



- The alcohol industry has continued to feel the impact of the Covid pandemic, with premises not receiving the same footfall as pre-pandemic. Some have remained closed. Moving forward it is hopeful that some form of normality will resume to allow the trade to be sustainable. This is highlighted by a licensee placing his pub for sale (Rhondda Hotel) as it is not a viable business because of Covid. A new person has made enquiries about transferring the licence. Advice and guidance has been provided.
- The above is also the same for the Security Industry Authority (SIA) where it is estimated there are 40,000 less SIA registered individuals in the UK than pre-pandemic, which in turn impacts on the premises that require such staffing.
- Ongoing problematic complaints have continued since the previous report. These have been tricky to investigate thoroughly as officers have had to continue to work within the confines of Covid concerns. Noise complaints etc have been unable to be monitored properly due to people feeling nervous about having officers in their homes. This is wholly understandable, but provides barriers to officers when trying to assist the public to accurately assess the issues.
- The 'Ask Angela' campaign (as raised in previous reports) is working and has been utilised in Pontypridd town centre – this has been used and people have been taken care of by our licensed premises. As mentioned in previous reports, this is a very positive campaign to assist any person who feels threatened while out in the pub/club scene. Management of premises are now aware of this and train their staff to be aware of this. Any time this is utilised is a success and reassures the member of the public that staff within premises are there to assist. Whilst businesses are there to succeed and make profit it shows that public safety is considered. This is down to good work from officers within various departments and agencies promoting such topics.
- As mentioned within the last report the Treforest pubwatch has been extended to include the Rhydyfelin and Hawthorn areas. This has proved successful of late as this was a failing pubwatch group. By extending to these areas it seems to have injected a bit of life back in, which is great news as the Pubwatch scheme is a great way of allowing licence holders and DPS opportunity to raise concerns to the licensing department and the police about local and national issues, and to also interact with each other.
- Training has been provided to committee members from James Button who is recognised as a leading expert in the field of licensing. Hopefully the training gave an insight into the requirements and expectations of both members and licensing officials.
- The Licensing Authority sit on the event Safety Advisory Group ESAG, this group of members discuss and meet with potential event organisers to ascertain what Council functions they require to ensure any event is run safely and legally. This is a multi-discipline group with members from the Local Authority including Licensing, Environmental Health, Parks, Events and Highways, and external



agencies such as South Wales Police, South Wales Fire Service, Ambulance Service amongst others.

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During the past two years many events have been cancelled or postponed, meaning this year especially with the Jubilee weekend – the ESAG have been particularly busy!! In the run up to the Jubilee weekend in June, the group met fortnightly, and realistically spoke on an almost daily basis to ensure the events organised throughout RCT were run safely. This is a time consuming exercise but an essential one to allow RCT to hold events of all scales successfully and more importantly safely.

- Treorchy High street was awarded the champion high street of Great Britain in January 2020. The Lion Pub located on the street is a hub of this community and on 5th July a Royal visit is arranged to mark this achievement. This has been delayed since 2020 due to Covid. HRH Prince Charles will be attending the Lion where he will also meet with other businesses at the pub.

The Lion pub has been very pro active over the past few years and continues to do so. They have held an outdoor green grocers in their front beer garden which was highly successful, this has led to the opening of Green Valley – zero waste shop and greengrocers. The premises has also positioned a red phone box in the garden and turned it into a mini library with shelves full of books for people's use and displays art work from local school children. This shows that licenced premises can be very positive in the local community when managed responsibly.

- Other events within the Borough include Tyson Fury coming to Rhondda Fach Sports Centre on 15th July and 3 separate events held in Pontypridd Park (9th July), Gelligaled Park (16th July) and Aberdare Park (23rd July) to celebrate key workers and present 'Freedom of the Borough' to some. The events will provide fun activities for children and include choirs and brass bands.
- Within the Rhondda there is also the Treorchy Music Festival on 30th July in which licensed premises taking part. There is a Treorchy Food & Drink Festival on 27th August, and Pride events taking place on 16th July at Flamingo Bar.
- The Ivor Hael pub in Llwynypia is running a scheme – cost of ingredients meal deal. Within the next month to 6 weeks they will be selling food at cost price. Persons buying meals must get a voucher from a food bank, they can then exchange with the pub for cost price meals. The premises has been working with Cllr Wendy Lewis and others to sort out the logistics. This is another positive action from a licensed premises looking to assist the community.
- Mid Rhondda pub watch and Porth pub watch have re-started following the pandemic. Upper Rhondda pub watch will be starting soon. This again shows encouraging signs for the willingness to move forward and work together in partnerships.
- Complaints, queries and guidance have continued during this reporting period. These include (but are far from exhaustive):-
 - Cwmparc Legion – problems with an absent DPS which led to the pub having to close for a short time, this has now been resolved and a new DPS is in place.



- Pentre outside of action has as well as alcohol being taken of sales. No further action is now deemed necessary
- pre-opening advice meeting at pub in Abercwmboi. The premises had been closed for several years and is being refurbished, ready to reopen in the next few weeks. Premises known as Cap Coch Inn.
- An officer visited a store in Aberaman (Blaengwawr Stores) following reports that the DPS had died. The DPS was also PLH and had died 3 weeks before prior so without prompt intervention the premises licence would have lapsed (28 day limit for transfer after death).
- Joint meeting with an Environmental Health Officer at club in Taffs Well (Taffs Well Ex-Servicemens) to discuss noise and ASB issues at an 18th birthday party. Club have agreed not to hold any more 18th birthday parties.
- Visit made to a premises in Cwmbach (Cwmbach Legion) following reports that the premises was trading whilst suspended for non-payment of annual fees. Two years annual fees were promptly paid allowing the premises to reopen.
- Pre application advice given to new venture in Mountain Ash (Mountain Ash Town Hall)
- Joint enforcement visit with Police & Home Office Immigration officers to a store in Mountain Ash following underage sales at the premises. Evidence gained during this visit prompted a premises review.
- The Ship Inn in Llantwit Fadre has been subject to complaints over a prolonged period of time. This has been a time consuming exercise. These complaints are now being assessed by the Environmental Pollution team.

- There are ongoing concerns with door staff at a premises within Pontypridd. This issue is being discussed with police colleagues.
- Noise complaints from Lanelay Hall in Talbot Green.
- Underage drinking in the Bush, Clydach Vale
- Treorchy RFC, a number of issues that has required a meeting between the premises, police and licensing.
- Spar, Pontyclun, major concerns regarding the running of the business and potential absent DPS.

- This reporting period has also seen a number of reviews of licences within the Borough, in excess of what is normally witnessed. These have taken much time and effort from officers to process. The fact that Reviews have been necessary shows the work that officers carry out and where required take necessary action. These reviews have been applied for by South Wales Police, the Licensing Authority and Environmental Health, this shows there are wide ranging concerns such as noise nuisance, breaches of conditions, underage sales and illegal employment of foreign nationals. The responsible authorities work closely to assist premises but when these efforts are not met satisfactory then officers will take the relevant action to promote the licensing objectives.

- It is very pleasing to have recognition for the work done, and therefore it is extremely pleasing that as part of a partnership approach to Covid Enforcement Maria Meek and Bethan Walters have been awarded with a



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Recognition Award from the Chief
Police Crime Commissioner for
Police. This is well deserved. The

officers worked tirelessly during the pandemic in partnership with the police to give advice and to enforce legislation. This was not always welcomed by some premises but it was conducted to ensure the public remained safe.

- The licensing team regularly receive complaints from members of the public via councillors, which is good and expected. However given there are new councillors on the committee, the licensing department wish to advise that it is in the best interest of the constituent to contact the department directly and provide specific details of the complaint and how it affects them personally and to provide contact details. Officers need to follow up complaints, without the full information and the avenue to contact the individual it is difficult to make full enquiries. It is recommended the public email Licensing.section@rctcbc.gov.uk

4.5 Spiking

This subject has remained prominent within media and has been monitored by the local authority through regular meetings with South Wales Police. There appears to be no issues within the RCT Borough of spiking which is very positive.

Awareness is being raised throughout the industry and within South Wales Police and the Licensing department.

The senior licensing officer attended a two hour course in relation to Anti Spiking Awareness, the course was provided by SOS or 'Stamp Out Spiking'. The invitation was provided from the Pontypridd BID as part of a pubwatch initiative in Pontypridd – this highlights the partnership work that goes on behind the scenes within the licensing arena.

The session lasted two hours and covered topics such as:

- How to spot a victim of spiking
- What to do if a customer alerts you they think they've been spiked
- The time limits for testing a person – this is shockingly short!
- Staff training measures in relation to drink spiking – for both front of house and SIA doorstaff
- Incident reports and who to report to
- The importance of CCTV and bodycam footage in such an event

There were approximately 20 people in attendance and they were mainly Premises Licence Holders, Designated Premises Supervisors and managers from licensed premises in the town centre. The course facilitator SOS offered to come to other pubwatch groups across RCT, they also offer an online training module for staff which most licensees were interested in. This was such a positive course about such a negative subject and everyone seemed to leave with a much better understanding of what to do if this was to occur in one of our licensed premises.



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There was also short Q&A at the premises puts 50% presentation they licensees which is a

can have an accreditation – there was interest in this from huge positive.

a 20 minute presentation with a end for bar staff to do, when a of their staff through the

Attached as appendix 1B is a poster that has been distributed to premises.

4.6 Recovery of Annual Fees

Total Income Received; 23/06/2022	Outstanding Invoices; 23/06/2022
£6,830	£3,805

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. This process will continue. The authority has a very robust process to ensure payment is received and will take action such as suspension where necessary.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 29/06/22
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	164

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

	Notification Machines) (2	
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)	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.

- 5.4 An officer is to attend a webinar at the end of July which discusses The Future of Gambling in the UK: Reforming Legislation to Prevent the Rise of a New Generation of Problem Gamblers. Any new additions to legislation and concerns will be highlighted and fed back to the team.

Louise Davies

Director for Public Health, Protection and Community Services