



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2022 - 2023:**

**LICENSING COMMITTEE**  
**14<sup>th</sup> November 2022**

**REPORT OF:**  
**DIRECTOR PUBLIC**  
**HEALTH, PROTECTION AND**  
**COMMUNITYSERVICIES**

<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 (**27<sup>th</sup> June, 2022 to 16<sup>th</sup> October, 2022**) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	30
Premises Licence	14
Transfer (Premises Licence)	10
Vary (Premises Licence)	7
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	133
Application to Review	0
Interim Authority Notice	0
Change of DPS	37
Minor Variation	6
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	1
Performance of Hypnotism	0
<b>Total Number Applications</b>	<b>238</b>

The Number of TENs applications remain on the increase. The Summer months have seen a welcome return to events in the community that we used to enjoy pre-covid epidemic such as the Aberdare Bike Race, The Big Welsh Bite and family fun days. Treorchy Food and Drink Festival was a new event which utilised Tens for various stalls, bringing the community together. Indeed, artisan craft markets are increasing in popularity at several venues.

D J Newsagents in Glyncoch utilised the temporary event process to facilitate trading while they applied for a Premises Licence.

Dare Valley Country had a bar and BBQ to raise funds for a disabled charity.

Again officers have had to spend time assisting the process for a number of notifications due to incorrect information, but also notifications being submitted out of time.

A summary of TEN's, are 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
Variation of Premises Licence	Shailesh Kumar Verma 5 Heol Corn Du Beacon Heights Merthyr Tydfil CF48 1BW	Arya Service Station Main Road Ynysboeth Mountain Ash CF45 4LJ	26 <sup>th</sup> September 2022	<b>Refused</b>

### Reviews

No reviews have been determined during this period

### Appeals

In the last report, we reported that the appeal below was pending but due to a transfer of the premises licence on the 26<sup>th</sup> July, 2022, this appeal was then abandoned.

Name of Applicant requesting Appeal	Reason	Name of Premises	Date of Hearing	Outcome
Mr. Zahid Iqbal 13 High Street Pontypridd CF37 1QJ	Appealing against the decision of the Licensing Act Committee to revoke the premises licence following a review	Chippy Plus 13 High Street Pontypridd CF37 1QJ	10 <sup>th</sup> August 2022	<b>The premises Licence was transferred during the appeal, and this was withdrawn. RCT did not proceed with decision. The new licence is now in effect.</b>

Name of Applicant requesting Appeal	Reason	Name of Premises	Date of Hearing	Outcome
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 following a review	Old Post Office (Squares) Porth Street Porth CF39 9RT	7 <sup>th</sup> December 2022	<b>Pending</b>
Mr Fawad Salamatshah Food for You 12 High Street Pontypridd CF37 1QJ	Appealing against the decision of the Licensing Act Committee to revoke the premises licence following a review	Food For You 12 High Street Pontypridd CF37 1QJ	23 <sup>rd</sup> November 2022	<b>Pending</b>
Mountain Ash Stores Ltd T/A Central Food 26b Oxford Street Mountain Ash CF45 3PG	Appealing against the decision of the Licensing Act Committee to revoke the premises licence following a review	Mountain Ash Stores T/A Central Food 26b Oxford Street Mountain Ash CF45 3PG	30 <sup>th</sup> November, 2022	<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.

Officers are continuing to inspect premises and are putting much time into this. In total there has been 70 premises inspected throughout the Borough, some of whom have again required follow up visits due to concerns on adherence to their licence.

The proactive work being conducted has shown an increase in the current performance level for inspected premises which is now at **90.66%** compared to 89.7% during the previous reporting period.

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

### 4.4 Complaints, Advice, Guidance & Information

- The 'Ask Angela' campaign continues to be promoted among premises. This is a very positive step to reassure the public that licensed premises are safe and individuals can approach staff.
- Pubwatch remains strong within RCT, with meetings taking place throughout the Borough. In particular, Pontypridd pubwatch has successfully made the National Pubwatch Awards final for the second year. The chair of the group was invited to the House of Lords for an awards evening. This is a positive story, especially that Pontypridd is the main hub for the night time economy within RCT.
- The senior licensing officer has worked solidly to manage a number of premises within the Taf area, four of which were very problematic, and three of whom had the alcohol removed from sale due to no DPS presence. It is pleasing to note that each of these premises are now compliant. This shows that where possible a stepped approach and much patience and guidance is needed. This is very positive, and negated the need for further enforcement action which would have been the next step.
- Complaints received of a licensed premises within Llantwit Fardre remaining open beyond their conditioned hours. A warning letter has been sent, and the premises will be monitored during the forthcoming weeks.
- Noise complaints continue to be regular throughout the Borough, these were especially prevalent during the summer period. Such complaints are usually responded to by letter to premises and a phone call to advise. If and when the issues persist the licensing team then works in partnership with the Environment Pollution team to resolve. Positively the majority were mediated due to licensed premises adapting behaviour and taking appropriate advice.

- There remains one premises in the Rhondda that continuously receives complaints of noise and anti-social behaviour. This remains a key issue for the team with ongoing monitoring and actions being taken.
- There has been a PSPO breach in Pontypridd town centre from a licensed premises, suitable advice has been given. Officers will continue to monitor.
- The Safety Advisory group which is a multi-agency platform held a meeting in September to discuss events being held across the Borough to the end of 2022. This is required to understand the nature of events and provide appropriate advice from the onset to enable the event to run safely.
- Information was received of some sports grounds selling alcohol pitch side without the required licence. A letter was sent to all clubs across RCT advising of the requirement to have a premises licence or a TEN.
- A joint visit with Trading Standards was conducted to a licensed premises in the Porth area due to allegations of underage sales. This visit was followed by a random visit from SWP. No underage customers were located on the premises.
- Joint visit with SWP to a Beddau licensed premises to check for underage customers being present, no underage found on the premises at that time.
- Officers identified a premises in the Cynon area with an absent DPS. This has now been resolved.
- Monthly meetings are now held with South Wales Police, Trading Standards, Environmental Health and Licensing to discuss any ongoing issues. This is very positive as each Authority has their own perspective on issues. This will continue into the future.
- An officer attended a Gambling conference to understand current concerns within this field.
- A very positive news story is that the Lion Pub in Treorchy won the 'Best Community Pub in Great Britain'. This was open to over 50,000 pubs and the competition was fierce. The reward was prize money of £10,000, which is to be spent on a charity, good cause or local initiative. The owner has decided to donate the winnings to the whole town for Christmas. This will involve paying for the Christmas parade, town loyalty scheme, late night shopping, Santa's grotto every Saturday, and a load more. The owner commented 'We have won this award because of the support we get from our community, so we want to give back to the town'.

#### 4.5 Recovery of Annual Fees

<b>Total Income Received; 30/09/2022</b>	<b>Outstanding Invoices; 30/09/2022</b>
£22,820	£4,025

The payment of annual fees remains at an expected level. Officers are monitoring and where needed issuing reminder notices and contacting by phone 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. A number of premises have had their licence suspended during this period, which has triggered a reaction and payment from the premises resulting in the suspension being lifted.

### 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 17/10/22</b>
Bingo Premises Licences	4	2
Betting Premises	46	21
Adult Gaming Centre	10	6
Licensed Family Entertainment Centre	1	3
Lotteries/ Registered Societies	N/A	189

#### 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 Premises Gaming Machine Notification (2 Machines)	Licensed Premises Gaming Machine 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)	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**