

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022 - 2023: REPORT NO.

LICENSING COMMITTEE
6th February 2023

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 (**17th October 2022 to 15th January 2023**) are as follows:-

| <i>Application Type</i> | <i>Number received</i> |
|---|-------------------------------|
| Personal Licence | 24 |
| Premises Licence | 6 |
| Transfer (Premises Licence) | 11 |
| Vary (Premises Licence) | 2 |
| Club Premises Certificate | 0 |
| Vary (Club Premises Certificate) | 0 |
| Temporary Event Notice (TEN) | 129 |
| Application to Review | 0 |
| Interim Authority Notice | 0 |
| Change of DPS | 25 |
| Minor Variation | 1 |
| Disapply provision of DPS (Community Premises) | 0 |
| Notification of Interest in Premises | 0 |
| Performance of Hypnotism | 0 |
| Total Number Applications | 198 |

It has once again been a busy period for Officers processing TENs applications. The month of November brought a flurry of applications to extend hours in licensed premises and Clubs for the Football World Cup.

This led into the festive period which saw TENS increase in number to cover activities such as Christmas markets, carol concerts, and the sale of alcohol in non-licensed premises, along with the extension of hours for the retail sector and other licensed premises to trade over the holidays.

An analysis of the TEN's applications indicates, 68 for existing premises licences, 22 for permitted community events and 39 from Private Members Clubs.

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 |
|-------------------------------|---|--|-----------------------------------|---|
| Variation of Premises Licence | Mr Rajeev Vig 56 Dean Street Aberdare CF44 7BN | Family Shopper Unit 1 Canon Street Aberdare CF44 7AT | 30 th November 2022 | Granted but following amendments to the original variation application |

Reviews

No reviews have been determined during this period

Appeals

The following two Appeals have been determined in court:-

| Name of Applicant requesting Appeal | Reason | Name of Premises | Date of Hearing | Outcome |
|--|---|--|---------------------------------------|---|
| 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 rd November 2022 | The Appeal was dismissed by the Judge and therefore the decision of the Licensing Act Committee to revoke the premises licence was upheld. |
| 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 th November, 2022 | The Judge reduced the Licensing Act Committee's decision to revoke the premises licence, to a 3-month suspension which took effect at midnight on 30/11/22 and runs until midnight on 27/02/23 |

The following Appeal is pending:-

| 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 | 18 th January 2023 Case adjourned until 15 th February 2023 | 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 are continuing to inspect premises and are putting much time into this. In total there has been 47 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 **90.38%** compared to 90.66% during the previous reporting period.

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

Officers have visited Mountain Ash Stores on 2 separate occasions to conduct test purchases for alcohol and ensure that they were complying with their suspension. On both occasions there was no alcohol on display and when asked, the member of staff refused any sale. They were complying with their 3-month suspension.

4.4 Complaints, Advice, Guidance & Information

- Two Licensing Officers attended the National Training Conference in Stratford Upon Avon in November 2022, along with the Chair of Licensing Committee Councillor Fox. We were very fortunate to be awarded a free place for one Officer as conference is an important date in the Licensing annual calendar and places are limited. The Officer will now make a presentation to the other members of the Wales Institute of Licensing group on 8th February, to share the experience. All three who attended agreed it was a full conference with plenty of informative sessions.
- Members may have noticed an article in the press relating to a premises in Porth. The premises was subject to enforcement action by South Wales Police resulting in a cannabis factory being discovered. While this has been a concern to the Licensing Authority it should be noted that the premises has not traded for several months, and the Premises Licence has now been surrendered.
- The Tumble area of Pontypridd Town Centre is currently looking a little different with just 4 of the 6 licensed premises trading. The old Players premises on the Broadway has not re-opened yet, despite being Granted a new Premises Licence. The Soul Suite has not re-opened since March 2020 and remains empty, the Premises Licence is still valid.
- A small convenience store was found to be non-compliant as no DPS was employed at the premises, a visit was conducted by Licensing Officers and all alcohol sales were ceased. New owners of the premises applied for a Transfer and Vary DPS application within 3 days, rendering the premises once again compliant.
- The DPS of a premises in the Cynon Valley has been recommended for an award by South Wales Police Licensing Officers. In the early hours of New Year's Eve, the DPS heard shouts of help coming from the nearby river and without a thought for his own safety negotiated a steep ravine and located a male in the water. He then pulled the male out of the water. Police Officers attended shortly after who recovered the male to the police vehicle. The male suffered injuries from being in the cold water and was conveyed to hospital for treatment. It is clear the quick actions from the DPS saved this man's life.
- A late-night premises in Aberdare town centre has opened for the first time since the pandemic. This premises has now closed again for January due to an expectation of a quiet January.
- We have a celebrity taking over a premises in Blaencwm, Martin Roberts from Homes under the Hammer TV programme has bought the pub and the licence is now transferred into his company's name.
- A Vape shop in Aberdare has seen some enforcement action over the past few months, particularly coming to the attention of Trading Standards Officers. Although the shop involved was not a licensed premises, it was attracting youths and school children to the area causing concern to the licensed premises in the area. Trading Standards were successful in obtaining a Closure Notice from the Courts and this premises has now been secured and is unable to re-open for a 3 month period.

- A pre application advice meeting was held with the new occupiers of a premises on Victoria Square, Aberdare. Enquiries prior to this meeting led the Authorities involved to believe the new owners were linked to the premises mentioned above. Concern was expressed during the meeting, there appeared to be a lack of local knowledge or a concern for the promotion of the Licensing Objectives. As a result of the pre application meeting the applicant decided not to submit an application, however the premises is currently open and trading without the sale of alcohol. Trading Standards are continuing to monitor the situation.
- Pubwatch remains strong within RCT, regular meetings continue to take place across the Borough. Support and guidance are offered by Licensing Officers at these meetings and premises are encouraged to attend.
- The Safety Advisory group which is a multi-agency platform held a meeting in early January to discuss the events coming up for the year, many event organisers have been in contact with the group to ensure events in our Borough run safely and legally.
- In the last report Licensing Officers had recently visited a Licensed Premises in Beddau with South Wales Police to check for underage customers being present, none were found on the premises at that time. Since that time a further allegation has been made by a local resident and Officers have visited again. Noncompliance has been identified and Officers from both Licensing and Trading Standards are working with the premises to ensure compliance.
- During the December Pubwatch meeting in Aberdare, licensees and SIA door staff were invited to attend a presentation in relation to safeguarding women. The presentation by South Wales Police focused on vulnerability & violence against women. There was also a discussion about the Ask Angela scheme, due to its relevance to this subject. The meeting was held in the Core Business Solution Centre in Aberdare and was well attended which was positive to see.
- During recent premises inspections in Aberdare town centre, licensees have been complimentary of both the South Wales Police 'After Dark' team and the RCT Community Wardens who are monitoring the PSPO in the area. These positive comments have been fed back to South Wales Police and the Community Safety team.
- Licensing Officers received eleven separate noise complaints about a single licensed premises in Aberaman during November 2022 which resulted in a joint monitoring exercise with Environmental Health Officers on 26th November. Music noise was audible that evening in a nearby residential property. Officers visited the premises that same evening to offer advice and a meeting was held a few days afterwards with the Premises Licence Holder and DPS. The management of the premises took the decision to cease all DJ events and youth discos. Since that time no further complaints have been received.

- A pre application advice meeting has been held at a licensed premises in Pontypridd. The Premises Licence Holder has built a small brewing room within the courtyard area of the pub, in addition to a smoke house and will be renovating the outside area to a high standard to offer his clientele a new experience. Licensing Officers have offered advice and guidance in the application process and made appropriate suggestions to assist in the promotion of the Licensing Objectives.
- A pre application advice meeting has been held at a licensed café style premises in Treorchy. The Premises Licence Holder and DPS wishes to extend the hours she currently trades on an ad hoc basis. This premises has operated in this way for quite some time utilising Temporary Event Notices and by Varying the Premises Licence it should afford the licence holder a greater flexibility.
- Two good news stories came from the Treforest Pubwatch group in January. One licensed premises took an elderly lady in when she had been involved in an accident with a car in the street, they offered her tea and warmth while she waited for an ambulance to arrive. Another licensed premises in the area noticed a male on the street in the cold, took him in to their premises and gave him something warm to eat and a warm drink. The licence holder believes the male lives in the area but was concerned for him that day in the cold weather.

4.5 Recovery of Annual Fees

| Total Income Received. 31/12/2022 | Outstanding Invoices. 31/12/2022 |
|--|---|
| £102,165 | £17,995 |

The payment of annual fees remains at an expected level for this time of the year. Licence holders typically delay payment until after Christmas period. 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. Several 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. Officers have noted that there is an increase in time spent chasing fees for premise licence holders that have left the business, but not surrendered the licence and informed the team accordingly.

7 premises have surrendered their licence during this period, all of which are located in the Rhondda area.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

| Permission Type | Number at Transition (1/9/07) | Number at 15/01/23 |
|--------------------------------------|-------------------------------|--------------------|
| Bingo Premises Licences | 4 | 2 |
| Betting Premises | 46 | 20 |
| 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:-

| Premises Type | Number of Permits | |
|---|---|--|
| | Licensed Gaming Notification (2 Machines) | Licensed Premises Machine Permit (>2 Machines) |
| Public Houses (Premises License with Retail Alcohol 'On Sales') | 189 | 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