

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022 - 2023: REPORT NO.

LICENSING COMMITTEE
18th April 2023

REPORT OF:
Director Public Health, Protection and
Community Services

<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 (**16th January 2023 to 31st March 2023**) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	17
Premises Licence	6
Transfer (Premises Licence)	11
Vary (Premises Licence)	5
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	54
Application to Review	0
Interim Authority Notice	0
Change of DPS	25
Minor Variation	5
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	0
Total Number Applications	123

Members will notice the number of TEN's submitted this period has reduced slightly following the Christmas and New Year period.

There appears to be a trend for TEN's to be submitted for the sale of alcohol at rugby games played in local clubs and also artisan or farmers markets selling alcohol as an off sale.

There are also a few TEN's submitted from the late-night alcohol premises as a result of the springtime change of hours, to allow them to open for the same number of hours as usual.

An analysis of the TEN's applications indicates, 21 for existing premises licences, 15 for permitted community events and 18 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

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

Reviews

No reviews have been determined during this period

Appeals

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	7 th June 2023 Merthyr Magistrates Court	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 46 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 89.94% compared to 90.38% during the previous reporting period.

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

4.4 Complaints, Advice, Guidance & Information

- Members may recall an issue outlined in a previous report, of a club in the Aberaman area causing a noise nuisance to residents which was alleviated by both Licensing and Environmental Health Officers after a monitoring exercise. Unfortunately, further complaints have been received, however, advice has been given to the club and since then there have been no further complaint.
- 2 licensed premises (1 in Cwmbach and 1 in Ynysybwl) have had a Section 19 Closure Notice issued following a breach of their CCTV condition. These Notices have been initially complied with and will stay in place until full compliance is achieved. Officer will reinspect to ensure compliance.
- A pub in Aberdare rang South Wales Police reporting assistance for 'ASK ANGELA'. They had witnessed a male attempt to kiss a female customer making her feel uncomfortable, South Wales Police attended and asked the man to leave, which he did. The female customer did not want to make a complaint. The Licensing Team are bringing this to the attention of members to show the Ask Angela scheme is being utilised across the Borough and is successful in making vulnerable people feel safer while in our licensed premises.
- A private members club in the Trallwn area of Pontypridd has previously had issues with noise and anti-social behaviour complaints emanating primarily from its smoking area. Licensing Officers have visited the premises to offer advice and guidance along with South Wales Police Licensing Officers and as such the premises have agreed to submit a Minor Variation application to include CCTV on the premises and smoking area.
- Complaints have been received through Pontypridd Pubwatch members that a licensed premises within Pontypridd town centre is staying open later than permitted. A joint visit was conducted by Local Authority and South Wales Police Officers where it was discovered that there was non-compliance with licence conditions. Further investigations are ongoing and will be updated in the next report.
- Advice has been given by Environmental Health Officers and Licensing Officers for events at a private members club in Pontyclun. They are currently considering options regarding changing to a Premises Licence to ensure compliance with the Licensing Act 2003 when offering these events.
- A joint visit from South Wales Police and Local Authority Licensing Officers was conducted following an assault in a licensed premises in Pontypridd which resulted in two Police Officers being assaulted outside the premises. Full advice and guidance have been offered to the Premises Licence Holder and DPS, with an action plan to be put in place to improve the conditions on the current Premises Licence. The premises were employing two SIA door staff on the night in question, the Premises Licence Holder has assured the Authorities they will not be returning to the premises in an employed capacity.

- Ongoing investigations into a late-night licensed premises in the Porth area - this premises has been the subject of a high number of noise complaints over the last 3 years and joint working from Environmental Health Officers, Licensing Officers, and South Wales Police. The appeal hearing is due to be heard on 7th June 2023.

Pre application meetings

- A pre application meeting has been held in the Council Offices for a Premises Licence in the Post Office Pontypridd Town Centre, advice and guidance was given to the potential applicant in relation to Off Sales and the specific issues within the town centre such as the PSPO, the location of agencies and the day and night-time economies. The potential applicant has a number of licensed premises and was able to show the Authorities he had given due concern to the Licensing Objectives. An application has not been submitted to date.
- A pre application meeting has been held in relation to the Granting of a Premises Licence in Pontypridd town centre for an Italian pizzeria. The potential applicant offered some assurances to the Authorities and would be happy to work with them in the future. He indicated that the times applied for would be mainly for daytime and early evening with an alcohol permission for on sales only to protect the PSPO. An application is pending for this.

Good News Story

- The Wyndham Hotel in the Rhondda has been awarded Highly Commended for The Best Pub and Social Club 2023 in the Best of Welsh Business Awards. They are very proud of this achievement especially as they have only been open under new management for 18 months.

4.5 Recovery of Annual Fees

Total Income Received. 28/02/2023	Outstanding Invoices. 28/02/2023
£127,270	£3,545

The payment of annual fees remains at an expected level for this time of the year. As mentioned in the previous report, licence holders typically delay payment until after Christmas period. Officers have been monitoring this and chasing payment which can be seen by the increase in payments received in January/February 2023. 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.

5. **GAMBLING ACT 2005**

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 31/03/23
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