

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2023 - 2024: REPORT NO.**

**LICENSING COMMITTEE**  
**5<sup>th</sup> September 2023**

**REPORT OF:**  
**DIRECTOR FOR PUBLIC**  
**HEALTH, PROTECTION AND**  
**COMMUNITY SERVICES**

<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 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 (22<sup>nd</sup> May 2023 to 20<sup>th</sup> August 2023) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	30
Premises Licence	13
Transfer (Premises Licence)	11
Vary (Premises Licence)	2
Club Premises Certificate	0
Vary (Club Premises Certificate)	1
Temporary Event Notice (TEN)	151
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
<b>Total Number Applications</b>	<b>234</b>

The total number of applications have increased significantly during this period and this has been seen most dramatically in the number of TENs processed with a total of 151, as opposed to the 48 during the previous reporting period.

An analysis of the TEN's applications indicates, 49 for existing premises licences, 93 for permitted community events and 9 from Private Members Clubs.

As mentioned last time, TENs were starting to arrive for The Big Welsh Bite and this has continued with more for community events such as the Annual Motorcycle Race in Aberdare, the upcoming Love Treorchy Rhondda Arts Festival along with the smaller community summer fetes and sporting events.

Two premises have utilised the TENs process to allow them to hold licensable activities while they await the outcome of their Premises Licence applications. This process not only helps them in allowing them to trade but also gives the Responsible Authorities an insight into how their premises would operate in the event of their applications being granted.

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:-

<b>Name of Applicant requesting Appeal</b>	<b>Reason</b>	<b>Name of Premises</b>	<b>Date of Hearing</b>	<b>Outcome</b>
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	9 <sup>th</sup> -10 <sup>th</sup> October 2023 Cardiff Magistrates Court	<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 current performance level for inspected premises which is at 90.15%.

#### **4.4 Complaints, Advice, Guidance & Information**

- A Treorchy pub has been offering work experience to pupils from Ysgol Hen Felin, which has been well received within the community. Duties included cleaning up, helping with deliveries, serving customers, and maintaining the plants.
- Allegations of underage sales have been received for two premises within the Rhondda area. Details forwarded to Trading Standards and South Wales Police.
- Due to ongoing noise complaints from residents, further monitoring has been conducted at Squares in partnership with the Environmental Health Team. Officers noted there remains an issue with noise originating from customers of Squares. Details of the continuing issues will be provided within the ongoing appeal process.
- A premises in the Talbot Green area has been the cause of several complaints in relation to music noise. Licensing Officers have been working closely with Environmental Health Officers in an attempt to alleviate the issues. The Environmental Health Pollution Team are now looking into this further.
- Officers have received further complaints relating to a premises in the Llantwit Fardre area, specifically relating to the noise of patrons using the beer garden. Officers are liaising with Environmental Health Officers and monitoring exercises have been conducted.
- A premises in Pontypridd town centre has been issued with a Premises Licence, however due to planning issues, is unable to open fully at present. Licensing and Planning have been giving advice to the business owner.
- The new leaseholders at the Muni in Pontypridd have been in contact with officers for some advice in relation to a Premises Licence. I'm sure we all agree that it will be lovely to see the premises open and trading again. They will request a pre application meeting in a couple of months' time to gain advice from the Responsible Authorities.
- Complaints have been received regarding anti-social behaviour and patron noise from a premises in Cilfynydd. Licensing Officers are working with other Authorities to investigate this complaint. The premises has received a letter from the licensing Authority.
- A late-night premises in Pontypridd town centre has recently been subject to a number of Police incidents, the management of this premises met with officers and SWP licensing Officers to discuss those issues and to confirm future mitigating measures to be put in place.
- Officers have received recent complaints in relation to a licensed premises in the Beddau area. The complaint was in relation to noise from patrons and music, along with refuse being left outside by staff. Licensing Officers spoke to the

owner of the business about the noise complaint, and this has not been an issue since. Environmental Health Officer in the Pollution team are now looking at the refuse issue outside.

- A premises in Pontypridd town centre was issued with a Section 19 Closure Notice in April 2023, this has now been lifted due to compliance with their CCTV conditions.
- A late-night premises has been the subject of several noise complaints over the last 8 weeks, Officers have worked with the premises to alleviate this issue and the local residents have been satisfied with this. The noise was primarily music noise late into the night and early mornings, and the emptying of bottle bins in the early hours. The premises has altered their working practices to ensure this noise ceased.
- A pre application meeting has been held at Ty-Elai for a café business on Aberaman Industrial Estate. Responsible Authority Officers gave advice and guidance to the business owner and expect an application to be submitted in the coming weeks.
- A premises in Treforest has received a letter from the licensing team due to allegations of noise from the beer garden, the premises contacted Officers to explain that the premises is closed at the times alleged but they had fallen out with neighbours recently. No further complaint has been made.
- As members may be aware 'The Lion' pub in Treorchy won the Best Community Pub in Great Britain last year. The good news is that the pub has again been shortlisted this year, highlighting the continued good work being done.
- The Aberdare Music Festival took place on Saturday 19<sup>th</sup> August. Several premises participated, including The Conway Inn, The Bush Inn, Jacs, No.20 Bar, The National Tap, The Prince of Wales, Aberdare Rugby Club, The Bute Arms, Judges & Jury's, The White Lion and The Market Tavern. It appears the event was successful; no complaints have been received within the Licensing Authority.
- Treorchy Food and Drink Festival took place on Saturday 26<sup>th</sup> August. A Temporary Event Notice was provided for the supply of alcohol within the car park area of Treorchy Library.
- The Licensing Authority identified that a well-established premises in the Llantrisant area had fallen foul of licensing legislation, which appeared to be unintentional. The company who was Premises Licence Holder went into liquidation last year, therefore the licence lapsed immediately, however the premises had continued trading. Officers ensured the sales of alcohol ceased immediately, which caused major disruption to the business due to pre-booked weddings. TENs were utilised where possible to assist whilst the premises applied for a new licence.

#### 4.5 Recovery of Annual Fees

<b>Total Income Received. 21/08/2023</b>	<b>Outstanding Invoices. 21/08/2023</b>
£9,525	£1,220

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.

### 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 21/08/23</b>
Bingo Premises Licences	4	<b>2</b>
Betting Premises	46	<b>20</b>
Adult Gaming Centre	10	<b>6</b>
Licensed Family Entertainment Centre	1	<b>3</b>
Lotteries/ Registered Societies	N/A	<b>185</b>

#### 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')	180	9

<b>Premises Type</b>	<b>Number of Permits</b>	
	Club machine Permit (3 Machines)	Club Gaming Permit
Qualifying Member Clubs (Club Premises Certificate)	55	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**