

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2023 - 2024: REPORT NO.

LICENSING COMMITTEE
12th December 2023

REPORT OF:
DIRECTOR FOR 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 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 (**21st August 2023 to 26th November 2023**) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	28
Premises Licence	13
Transfer (Premises Licence)	18
Vary (Premises Licence)	3
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	114
Application to Review	1
Interim Authority Notice	0
Change of DPS	29
Minor Variation	5
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	0
Total Number Applications	211

It remains a busy time amongst the team with a rise in transfer, Vary DPS and Minor Variation applications some of which will have been the outcome of infringements picked up by the Officers during licensing inspections.

The TENs applications remain at a high level which can be expected at this time of the year. As we ended August, the food festivals which utilised the temporary permissions for the sale of alcohol gave way to Halloween discos, firework events and currently, Christmas fayres and extension of hours on licensed premises. These seasonal events are in addition to the typical TENs we receive throughout the year for fund raising and sporting activities.

An analysis of the TEN's applications indicates, 45 for existing premises licences, 54 for permitted community events and 15 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
GRANT of a Premises Licence	Neil & Linda Williamson Clarence Street Mountain Ash CF45 3BD	Building next to 1A P.O. Church Street, Penrhiwceiber, Mountain Ash, CF45 3YD	12 th September 2023	Refused as it would undermine the licensing objectives in respect of crime & disorder, public nuisance & the protection of children from harm.

Reviews

One review has been determined during this period:-

Name of Applicant requesting Review	Name of Premises	Application Type	Date of Hearing	Outcome
South Wales Police Licensing Department	No 12 Drinks Emporium 12 Market Street Pontypridd	Review of Premises Licence	13 th November 2023	Licence to be suspended for a period of 6 weeks due to continued non-compliance, lack of confidence in the management and the undermining of the licensing objective Crime & Disorder

Appeals

One Appeal has been determined:-

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	9 th -10 th October 2023 Cardiff Magistrates Court	The District Judge was of the opinion that the noise did not amount to a public nuisance and accordingly found in favour of the appellant, Gold Bar Two Ltd. which allows the premises to continue to trade with their original licensing conditions.

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%.

4.4 Complaints, Advice, Guidance & Information

Cynon

A pub in Mountain Ash recently came to the attention of the team due to the unnecessary behaviour of the owner towards an Environmental Health Officer while trying to conduct her duties. The male was described as obstructive and abusive and appeared to be drunk, as a result the Officer felt it necessary to leave the premises and return at a later date. Licensing Officers spoke to the DPS of the premises the following day and it was confirmed that she was retiring the following week however, the owner of the premises had been problematic. Both Local Authority and South Wales Police Licensing Officers have visited the premises and offered advice to the new DPS, particularly in line with the serving of alcohol to a person who is drunk.

Another premises in Mountain Ash was reported to the team in relation to a large amount of waste building materials being left outside by the owner of the premises causing a potential fire risk and blocking the commercial premises next door's fire exit. Following some joint working with South Wales Fire Service and the premises owner, the waste has been removed and is no longer a fire risk.

Allegations of drug use both inside and outside an off-licence premises in the Penywaun area were received in October which resulted in a visit from Licensing Officers from both South Wales Police and the Local Authority. No evidence of drug use was witnessed but the DPS was notably absent. The sale of alcohol was ceased following this visit and a week later a new application was received to Vary the DPS.

Rhondda

The Licensing team received allegations of the PLH & DPS of a pub in Treherbert being aggressive to customers whilst intoxicated. There were also allegations about the general condition and maintenance of the building, which resulted in a visit from both Licensing and Environmental Health Officers in October, where full advice was given. A warning letter also followed this visit.

A pub in the Maerdy area was alleged to have constructed a beer garden to the rear of the premises resulting in noise and anti-social behaviour from the patrons being heard in gardens of neighbouring properties. Officers spoke with the owner of the pub and the situation was carefully monitored, there has been no further contact from the complainant.

A pub premises in the Tonyrefail area was alleged to be operating in the beer garden area to the front of the premises resulting in a number of noise complaints. Licensing Officers had previously worked with this premises and complaints were no longer being received. Following further investigation, the pub had changed hands and a new DPS had taken over without varying the Premises Licence or transferring the licence. Suitable advice and guidance were provided, and this matter is now in order.

A Rugby club in the Rhondda has been in touch for clarification on the legislation around children being on the premises and full guidance was given. It was particularly pleasing that this premises got in touch due in view of previous non-compliance over the past year or so. Partnership working between the licensing team and licensed premises is so important and it is always positive when this happens.

An Off Licence premises in the Porth area was subject to a complaint from another local business owner in respect of off sales and trading past authorised times. Licensing Officers conducted a full premises inspection during which the allegations could not be substantiated, however other non-compliance was identified. Advice was given to the premises licence holder and DPS who are working towards compliance and a further visit will be conducted in due course.

A noise complaint from a local resident was received in relation to bottle bins being emptied at 6.23 and 6.30am. Officers spoke to the premises licence holders who subsequently changed the collection times.

A pre application meeting has been held with a rugby club in the Rhondda area wishing to apply for a Premises Licence for their rugby field (not a Local Authority owned pitch), advice and guidance was given by the Responsible Authorities and an application is thought to be forthcoming.

Continued complaints have been received by a local resident regarding a pub in the Treorchy area. The complaints have ranged from customer noise in the beer garden, opening beyond permitted hours, light nuisance and anti-social behaviour. The PLH has been contacted on several occasions and a number of visits were made by officers, including a full inspection. The conditions of licence are now being adhered with, and any further allegations of noise nuisance and anti-social behaviour will be considered by Environmental Health and South Wales Police respectively.

A licensed premises in the Clydach area has been subject to several complaints, including underage sales and noise nuisance from an event held in September. The allegations were also that the management of the premises were rude on the day of the event when a local resident complained directly to them – this resulted in a complaint to the licensing team. Despite joint efforts from licensing officers, Environmental Health Officers and South Wales Police, the DPS of the premises has been unable to meet with officers to discuss this. The premises will continue to be contacted.

A Club premises in the Pentre area was subject to a noise complaint, following an advice letter being sent the complaints have ceased.

A pub in the Gelli area has been contacted by Officers in relation to a noise complaint, this complaint was strongly refuted by the Premises Licence Holder and complaints have ceased.

A Club premises in Ynyshir was contacted following a complaint in relation to their barrel delivery before 7am. The Club will endeavour to ensure this doesn't happen again.

Taff

An Off Licence premises in Glyncoch was found to be trading with no DPS resulting in alcohol sales being ceased by Officers. The premises had been sold to a new owner, but no transfer application had been submitted. Suitable advice was provided, and the premises is now compliant.

An incident in the beer garden of a pub in Church Village is still under investigation, a female threw a glass at another female which resulted in her needing stitches to her face. Licensing Officers from South Wales Police and Local Authority visited the premises and spoke to the DPS who even though had just taken up the position, had worked at the premises for several years. Authorities were satisfied the pub had acted appropriately and there were no licensing issues to report.

A golf club in the Taff area received advice from licensing officers in respect of a fireworks event. This was to be the first fireworks event held at this premises and the advice was well received, a recent communication from the golf club was received thanking officers for their help and declaring the event a success.

Advice and guidance were requested from a general store in Llantrisant, who wish to apply for a Premises Licence. Full advice was given and a pre application meeting was recommended.

Pontypridd Library have been in touch with licensing officers for advice in relation to small music events in the library. Advice has been given regarding deregulation and the TEN process.

Much work has been undertaken at an established licensed premises in Pontyclun, this premises has been given a complete refit and has resulted in a new application being submitted due to the changes in the layout of the building and the management structure. The premises is hopefully reopening in December in time for Christmas after being closed for many years.

A Club premises in Pontypridd town centre has contacted the licensing team for advice in relation to extending their opening times, they currently operate until 23:00. Advice was given regarding TEN's and the Full Variation process.

A pre application meeting was conducted for an existing late night refreshment premises in Pontypridd town centre, officers from the Licensing Authority and South Wales Police attended. The licence holder initially asked for advice to stay open until 5am, this was met with concern from the Responsible Authorities, he is considering the advice given.

Licensing Officers met with a premises in the Hawthorn area who wish to put on a music event next summer in their large car park. The organisation so far has been positive, showing promotion of the licensing objectives. The Licensing Officer has requested a meeting with the Event Safety Advisory Group as soon as possible to enable to licence holder to plan ahead.

4.5 Recovery of Annual Fees

Total Income Received. 27/11/2023	Outstanding Invoices. 27/11/2023
£49,245.00	£29,250.00

Several suspensions have been issued to premises for no-payment, which had the required affect with payments now received. Suspensions were then lifted.

Members may note that there is a large figure for outstanding invoices, this is normal for this time of year as new invoices have been issued. Officers will chase these payments during the next reporting period.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 27/11/23
Bingo Premises Licences	4	2
Betting Premises	46	20
Adult Gaming Centre	10	6
Licensed Family Entertainment Centre	1	2
Lotteries/ Registered Societies	N/A	186

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 Premises Gaming Machine Notification (2 Machines)	Licensed Premises Gaming Machine Permit (>2 Machines)
Public Houses (Premises License with Retail Alcohol 'On Sales')	180	9

Premises Type	Number of Permits	
	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