

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2023 - 2024: REPORT NO.

LICENSING COMMITTEE
12th March 2024

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

Part I	Item No. 4
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 (**27th November 2023 to 25th February 2024**) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	25
Premises Licence	4
Transfer (Premises Licence)	15
Vary (Premises Licence)	3
Club Premises Certificate	1
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	104
Application to Review	0
Interim Authority Notice	0
Change of DPS	40
Minor Variation	2
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	0
Performance of Hypnotism	0
Total Number Applications	194

Applications have remained high during this period with a steady number of personal licences and a high amount of transfer & Vary DPS applications, which are often the outcome of chasing annual fees for licensed premises and/or picked up during licensing inspections.

The Christmas period was a busy time as expected for the processing of TENs across licensed Clubs and Premises but also in the wider community. The retail sector often applies for extended hours and to trade on Christmas Day, Christmas fayres and sporting activities are abundant in the community while licensed premises apply to extend their hours for alcohol sales or for entertainment. More than one premises utilised the TENs process to hold licensable activities while they awaited their applications for Premises Licences. This is mutually beneficial as it allows the applicants to trade whilst allowing the Police and Environmental Health Departments an insight into how these applicants would run their premises in the future.

An analysis of the TEN's applications indicates, 44 for existing premises licences, 42 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

No Appeals have been determined.

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 89.25%.

4.4 Complaints, Advice, Guidance & Information

Several requests for pre application advice have been actioned over the past few months including:

- An unused building in Pontypridd potentially being utilised for a wine bar with some outdoor seating. The applicant does not propose late hours and is planning some tapas style food.
- The organisers of the Rhondda Arts Festival have been in contact for some advice prior to the festival taking place this summer. This is a well-established event, and this year it is hoped that capacity will be increased to encourage more footfall through Treorchy.
- A licensed premises in the Hirwaun area has reopened under new ownership and they have enquired about an extension to the existing Premises Licence. An application has not been submitted as yet.
- A late-night refreshment business in the Llanharan area came to the Responsible Authorities for advice in applying to add the sale of alcohol as an off sale to their existing Premises Licence. After discussions relating to conditions, this application was submitted and granted.

A large, licensed premises in the Treforest area contacted licensing officers for advice in relation to a few events they have planned utilising outside areas. This premises is not currently trading as they have done historically and are thinking of new ways to utilise the space, they have to stay open. From speaking to them it seems that a change in socialising trends has forced them to change their business format.

A licensed premises in the Treorchy area is subject to ongoing complaints, primarily in relation to noise and anti-social behaviour. The relevant parties are aware of the allegations.

Terry Stephens from South Wales Police came to a number of our Pubwatch meetings across RCT in his position as Counter Terrorism Security Advisor. Terry gave an informative talk about Martyn's Law, a piece of legislation which will impact many of our spaces and premises and the way local authorities deal with events, planning security and running businesses.

Following a request from the police, Licensing Officers attended several premises in Pontypridd Town Centre to assist in relation to thefts from various off licensed premises. It was pleasing to note that all were happy to take advice and guidance from Officers.

A licensed premises in the Mountain Ash area, has submitted an application to change from a pub premises to a convenience store with off sales of alcohol. This premises has not operated for a number of years, and it is positive that this building will be part of the community again.

Following an incident at a funeral at a private members club in the Llanharan area, South Wales Police and Licensing Officers met with the Club Secretary to discuss action taken. The original report regarding non-members gaining access to the club and a fight involving 20 people taking place was not accurate, however full advice was given to the club in question.

A complaint was received via Crimestoppers in relation to a number of offences including underage drinking at a pub in the Llanharan area. A joint visit was conducted, and advice was given. It would appear that the complaint was as a result of a disgruntled customer and no further action was taken.

The Christmas period was not as busy as we have experienced in the past, and as such there are no substantial incidents to report.

The usual Pubwatch meetings have taken place across the Rhondda, Cynon, and Taff areas, and are a positive space for information sharing, advice, and guidance from Officers.

News of the Eisteddfod coming to Pontypridd this year has resulted in many smaller groups making initial enquiries for advice to hold small scale local events over Rhondda Cynon Taff. Queries are being logged and raised with the event Safety Advisory Group where necessary.

4.5 Recovery of Annual Fees

Total Income Received. 27/02/2024	Outstanding Invoices. 27/02/2024
£116,730	£4,975

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. Several suspensions issued to premises for non-payment, resulted in the payments being made and the suspensions subsequently lifted.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 27/02/24
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	188

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')	181	8

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