

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2024 - 2025: REPORT NO.**

**LICENSING COMMITTEE**  
**3<sup>rd</sup> December 2024**

**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 (19<sup>th</sup> August 2024 to 17<sup>th</sup> November 2024) are as follows:-

<b><i>Application Type</i></b>	<b><i>Number Received</i></b>
Personal Licence	22
Premises Licence	10
Transfer (Premises Licence)	16
Vary (Premises Licence)	4
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	81
Application to Review	0
Interim Authority Notice	0
Change of DPS	36
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>170</b>

Figures are slightly down (206 last time now 170). Personal Licence applications remain steady. The largest increase is the rise in transfers and Vary DPS applications, there is no specific reason for this. TENs have slightly decreased compared to the period, though further requests are expected as the festive period approaches.

TENs have been submitted for the usual charity events, sporting activities, increase in trading hours on licensed premises. With TENs in for Halloween and Bonfire Night, the focus is now on Christmas fayres, markets and such events in the community and increasing hours for shops, pubs & clubs.

An analysis of the TEN's applications indicates, 32 for existing premises licences, 38 for permitted community events and 11 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

There have been no contested applications determined during this current reporting period.

### Reviews

No reviews have been determined during this period.

### Appeals

One Appeal is currently pending:-

<b>Name of Applicant requesting Appeal</b>	<b>Reason</b>	<b>Name of Premises</b>	<b>Date of Hearing</b>	<b>Outcome</b>
Mr.Mohammed Omar Rafiq of 34-38 Commercial Street Mountain Ash CF45 3PS	Appealing against the decision of the Licensing Act Committee	One Stop (formerly Mountain Ash Inn) 24 Commercial Street, Mountain Ash CF45 3PS	9 <sup>th</sup> January 2025 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.

The current performance level for inspected premises is 90.21% which is an increase on the previous reporting period. This is positive, however some inspection found non-compliance on the initial visit, but through advice and follow up visits from officers, compliance was affected.

## 4.4 Complaints, Advice, Guidance & Information

- An allegation has been received that a grocery store in Treforest is conducting sales of alcohol without a licence and selling counterfeit alcohol. A joint visit is planned with trading standards officers.
- A licensed premises in Llanharry has been reported to the department for allegedly conducting underage sales. Further investigation required.

- A pub in Treforest has been alleged to allow 'stop-ons' beyond their licensed conditions. There have also been complaints of noise nuisance from the beer garden. A licensing officer is conducting enquiries.
- A licensed premises in Efail Isaf is subject to ongoing complaints of noise nuisance to music. This investigation has been forward to the Environmental Pollution team.
- There have been several issues with a premises in the centre of Pontypridd. South Wales Police and Licensing officers have conducted joint visits to offer advice to the DPS of the premises.
- Officers have identified an absent DPS for the 2<sup>nd</sup> time this year at a premises in Pontyclun. Much advice has been offered to the management and we are now able to move forward with a new licensee.
- The 'Rickards' pub in Treforest has changed ownership. The licensing Authority wish to thank the outgoing premises holder, Mr Rob Otley, for hosting Treforest Pubwatch meetings for the past 15 years or so.
- A stall within Pontypridd Market has received pre-application advice, following a request to sell alcohol with lunches.
- A premises within the Beddau area has no current DPS due to being taken over by a charity. The premises is struggling, and the Charity is trying to maintain its status. No sales of alcohol a currently permitted due to no DPS, however other licensable activities are still ongoing.
- A premises in Llantwit Fardre was subject of a noise complaint from a local resident. Mediation was held between both parties and advice was offered to the premises. The complainant is now satisfied.
- The old Corner Park Garage site on the A4119 in Llantrisant is looking to open as a large store, with alcohol sales. A pre application advice meeting was held with several Responsible Authorities present. We await an application.
- A Halloween party was held at a premises in Treorchy, with up to 200 12–18-year-olds present. The event became completely out of control due to social media posts, there were no door staff only 2 staff members working, one being the DJ. Advice meeting held with LA, SWP and new PLH/DPS of the premises where it was agreed that a Minor Variation application would be submitted to update the Premises Licence. PLH admitted that it was out of control and had learned not to do anything similar again.
- Preparations are ongoing for the 'switch-on' of Christmas light in Aberdare on 1<sup>st</sup> December. A Time Limited premises licence is in place for music, and TENS for sale of alcohol in car park of Market Tavern.

- A premises in Aberaman has recently been granted a new premises licence (the previous one having lapsed). There were several resident objections and concerns from local Councillors, made through mediation the applicant agreed to reduce trading times and adopt strict conditions in order for the licence to be granted. The premises intends to reopen very shortly.
- There has been a 4<sup>th</sup> change of DPS this year, at a premises in the centre of Aberdare Bush. Officers will maintain observations on the premises to identify why this has been so frequent.
- A Personal licence course held in Harlequins Bowls Club on 23<sup>rd</sup> October. This was run externally, but had input from a licensing officer. It was well attended, with all 21 attendees passing.
- During a routine inspection, officers identified there was an absent DPS at a store in Nantgarw. Alcohol was removed from sale /display. An officer has since revisited, but still no DPS present, though enquiries found that no alcohol sales had since been conducted.

#### 4.5 Recovery of Annual Fees

<b>Total Income Received. As at 19<sup>th</sup> November 2024</b>	<b>Outstanding Invoices. As at 19<sup>th</sup> November 2024</b>
£54,710	£29,310

The high number of outstanding invoices are regular for this time of the year due to coinciding with the anniversary of when The Licensing Act 2003 came into force, at which time large volumes of licences were issued. Hence, their annual fees are due at this time. Officers are actively engaged in chasing these payments and Members should see this figure greatly reduced by the next report.

## 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 18/11/24</b>
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	197

## 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 Machines	Premises Machine (2 Permits (>2 Machines))
Public Houses (Premises License with Retail Alcohol 'On Sales')	184	11

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**