



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LICENSING COMMITTEE**

**17TH APRIL 2018**

**REVIEW OF LICENSING ACT 2003 & GAMBLING ACT 2005**

**REPORT OF THE DIRECTOR, PUBLIC HEALTH, PROTECTION AND  
COMMUNITY SERVICES**

**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 (8<sup>th</sup> January 2018 to 1<sup>st</sup> April 2018) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	21
Premises Licence	11
Transfer (Premises Licence)	20
Vary (Premises Licence)	0
Club Premises Certificate	0
Vary (Club Premises Certificate)	0
Temporary Event Notice (TEN)	71
Application to Review	1
Interim Authority Notice	0
Change of DPS	65
Minor Variation	3
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	1
Performance of Hypnotism	1
<b>Total Number Applications</b>	<b>194</b>

The number of Temporary Event Notices (TEN's) notifications have fallen during this period from the last, mainly due to the previous period encompassing the Christmas period.

There is no clear pattern attributed to this periods notifications, other than events for the Six Nations Rugby Tournament, and 12 of the notifications being submitted by late night public houses within the Pontypridd area utilising the TEN's process to authorise additional hours of their conditions.

Analysis of the TEN's applications indicate 27 related to Private Members Clubs, 31 for existing premises licences and 13 permitted community events.

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 since the last summary report:-

### Reviews

One Review has been submitted since the last report:-

<b>Name of Applicant requesting Review</b>	<b>Name of Premises</b>	<b>Club Premises Certificate / Premises Licence Holder</b>	<b>Date of Hearing</b>	<b>Outcome</b>
Home Office in their role as a Responsible Authority	Diamond House, 4 Main Road, Church Village, CF38 1PY	Mr Chi Ming So	6 <sup>th</sup> April, 2018	<b>Pending</b> (at the time of writing the report)

No Reviews have been determined since the last report:-

### Appeals

One appeal has been completed within this period.

<b>Premises</b>	<b>Appellant</b>	<b>Reason for Appeal</b>	<b>Outcome</b>
The White Lion Hotel 59 Gadlys Road Gadlys Aberdare CF44 8AE	Kevin Moses	Contesting the Decision of the Licensing Committee	Since the decision of the Licensing Committee, the appellant has demonstrated adherence to conditions imposed upon him, therefore the appeal was not contested by the Local Authority at court.

One appeal is ongoing within this period.

<b>Premises</b>	<b>Appellant</b>	<b>Reason for Appeal</b>	<b>Outcome</b>
Domino's Broadway Treforest CF37 1DB	Dijla Limited	Contesting the Decision of the Licensing Committee	<b>Pending</b>

### 4.3 Premises Inspection & Infringements

83 premises in the Borough were inspected in the period between 8th January 2018 and the 1<sup>st</sup> April 2018.

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.

Our current performance indicates that 80% of premises inspected are broadly compliant.

A summary of infringements arising from inspection is reproduced as **Appendix 1B**.

### 4.4 Complaints, Advice and Guidance

#### Cynon Valley

A number of joint visits have been conducted with Police Licensing staff to both on and off premises within the Cynon area to discuss complaints of under age sales.

Due to incidents associated with door staff at a licensed premises within Aberdare, one of which involved the arrest of a member of the door staff, a meeting was held at Aberdare Police Station with staff of the local nightclub. Also in attendance was the local Police inspector and a representative from the SIA.

Following fundraising within the area on 24<sup>th</sup> April a defibrillator is due to be fitted outside The Bute public house. Additional funds have been raised for a second defibrillator in the town centre and an appropriate venue is being sought.

A premises in the Gadlys area has been issued with an amended License following a review by the Police.

Aberdare Park have applied for a Time Limited Premises License for the Aberdare Festival on 26<sup>th</sup> May. The application appears to have the full support of local residents and councilors.

Pre application advice and guidance has been provided to a number of applicants including the local museum.

Pubwatch meetings in Mountain Ash and Aberdare have been regularly attended.

## **Rhondda**

In an effort to promote compliance with the Gambling Act, the local area officer, accompanied by an official from the Gambling Commission and police officers, visited premises within the Rhondda area. It is pleasing to note that Inspections found all premises to be fully compliant.

During the police led "Operation Avalanche" which was assisted by the local area licensing officer, a Cannabis factory was detected within a licensed premises in Pentre. Officers uncovered over 500 plants and arrested one person. Investigations are ongoing.

All previous complaints have been concluded without further concerns, and no new complaints have been received.

Regular monthly pub watch meetings were attended in upper and lower Rhondda. These continue to be very well attended and proactive in dealing with any identified issues in the area. The new Assistant Licensing Manager was introduced to both groups.

This period saw an increase in premises inspections within the area, and an improvement in compliance of conditions. Ongoing communication and further visits are planned to further enhance this aspect.

Pre application advice and guidance has been provided to a number of applicants, including a micro brewery which has since successfully been granted a premises license.

## **Taff Area**

Officers conducted a joint visit to a licensed premises, along with South Wales Fire Service, Police and Environmental Health Officers. During the visit a Prohibition Notice was issued by the Fire Service, closing the premises until various safety issues were addressed. Follow up visits were conducted by the licensing officer during which full advice and guidance was issued to the licensee. Since then a new Designated Premises Supervisor has been put in place and conditions are improving. Further visits will be conducted.

Pre application advice has been provided to various premises within the area.

Numerous licensees have requested advice in relation to incidents, applications and events, for which the local area officer has visited the premises and provided guidance.

Several Section 19 Notices issued for CCTV breaches across the Taff area.

Following complaints of illegal gambling a joint visit was conducted with a Gambling Commission officer to the addresses concerned, no licensing issues were observed however the complaint is being further investigated by the Gambling Commission.

The local area officer assisted South Wales Police as part of Operation Avalanche which involved evening enforcement visits to pubs within the Llantwit Fardre and Church Village areas.

The local area officer has been heavily involved in the Community Alcohol Project (CAP) within Pontypridd town centre, conducting visits to premises and providing advice on the topic.

Regular pub watch meetings in Treforest and Pontypridd attended monthly.

#### **4.5 Community Alcohol Partnership (CAP)**

Following the success of the Porth Community Alcohol Partnership, Rhondda Cynon Taf Community Safety Department are now in the process of launching a CAP within the Pontypridd Town Centre.

Following consultation with local partners including Police, Youth Offending Service, Licensing and Trading Standards, there were a number of issues highlighted in the town centre that related to underage drinking and the resulting Anti Social Behaviour.

The Community Alcohol Partnership aims to bring Local Businesses, Agencies and Schools together to tackle the issue of underage drinking through Enforcement, Education, and Engagement activities.

##### Pre Launch

During October 2017 a pilot Youth Club was run in Pontypridd Park which was attended by over 60 youths. Following on from the success of this, funding has been secured until April 2019 for a Youth Club to be run once a week in Pontypridd Park. This has initially proved to be extremely popular with local youths and has proved to be an effective diversionary measure to prevent Anti Social Behaviour and underage drinking within the town centre.

Surveys have been carried out at all local businesses within the Pontypridd CAP area. Five local secondary schools have also had surveys sent to them and local residents will also be surveyed. The overarching aim of these surveys is to ascertain if and how children are consuming / purchasing alcohol and what can be done by all the Agencies involved to prevent this.

A Test Purchase operation has been carried out in Pontypridd Town Centre using an 18 year old volunteer to test the compliance of local businesses and their use of the Challenge 25 scheme. A second operation will be carried out within 12 months of the launch of the CAP to test further compliance.

## Pontypridd CAP – Launch

The Pontypridd CAP will be launching on the 16<sup>th</sup> May 2018 at the Muni Arts Centre in Pontypridd. Invites for this event will soon be sent out to all interested parties to attend. Following the launch of this event there are a number of initiatives that will be running for the next 12 months which will centre around Education, Enforcement and Engagement. The Launch will feature a number of speakers and stands and will be an opportunity for all local Agencies to come together before the CAP begins.

### Education

Alcohol Action Days to be run in five local Secondary Schools in conjunction with the Alcohol Education Trust.

A Dragons Den type event will take place at local secondary schools with a focus on Alcohol and its effects.

NVQ level 2 Young Persons Health Champions qualification to be delivered to selected pupils.

### Enforcement

Compliance testing for Challenge 25 has already been carried out and will be repeated within 12 months of the launch. Trading Standards will also be carrying out Test Purchase Operations within this time period and will take any enforcement action for any non compliance.

### Engagement

Through the local Pubwatch scheme in Pontypridd, all local licensees have been informed regarding the CAP and what it means for them once it has been launched. Through the CAP initiative, training will be provided for all local On/Off licensees which will further assist them in achieving the aim of reducing the number of children attempting to buy alcohol.

As highlighted above, Survey's have been carried out and these will be evaluated within 12 months of the CAP being launched.

The Pontypridd Town Centre CAP will feature in the Local Media and there will also be information regarding it on the RCT website.

Following the launch there will be an engagement day at a local supermarket to promote the CAP and to engage with local people regarding the dangers of underage drinking and the resulting Anti Social Behaviour.

There will also be a number of CAP posters and literature to be produced that will be given to Local Businesses and Agencies.

#### 4.6 Alcohol/Gambling Newsletter

The March edition of the Alcohol/Gambling Newsletter was distributed. The newsletter focussed on legislation in relation to the selling of alcohol to a person who is drunk, employment legislation, Community Alcohol Partnership and mandatory conditions. There was also a page outlining the Minimum Price for Alcohol (Wales) Bill.

A copy of the newsletter is reproduced for Members information as **Appendix 1C**. The newsletter continues to be received positively by the Licensees.

#### 4.7 Training

Officers attended two further 'Police Officer' training days, one in Merthyr and one in Pontypridd, to provide an input on the Licensing Act 2003. During these sessions, it was an opportunity to provide front line officers with information around the role of the Licensing Department and how we can assist them in their day to day roles. The sessions were very well received by Police Officers.

#### 4.8 Recovery of Annual Fees

<b>Total Income Received; As at 28/2/18</b>	<b>Outstanding Invoices; As at 28/2/18</b>
£124,020.00	£4,310.00

Officers continue to monitor the payment of annual licence fees as set out in the Licensing Act 2003. Should the appropriate fee not be paid by the specified date, Officers will chase the licensee and will utilise the power of suspension, if required. The current position in respect of this year's fees is set out above.

### 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 04/04/18</b>
Bingo Premises Licences	4	3
Betting Premises	46	38
Adult Gaming Centre	10	6
Licensed Family Entertainment Centre	1	2
Lotteries/ Registered Societies	N/A	206



## 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')	202	8

Premises Type	Number of Permits	
	Club machine Permit (3 Machines)	Club Gaming Permit
Qualifying Member Clubs (Club Premises Certificate)	59	9

## 5.3 Recovery of Annual Fees

As a result 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.

**Paul J Mee**

**Director for Public Health, Protection and Community Services**