

## Cyngor Sir CEREDIGION County Council

### Item No.

<b>Report To:</b>	Licensing Committee (Statutory Committee)
<b>Date:</b>	16 <sup>th</sup> September 2021
<b>Time:</b>	09:30am
<b>Location:</b>	Virtual Meeting
<b>Title:</b>	General Update
<b>Purpose of report:</b>	For information

### **Coronavirus regulations – Update**

Since the start of the current pandemic, officers from Public Protection have continued with visits to licence and business premises within the County to ensure compliance with the Coronavirus regulations.

Officers have conducted Covid-19 compliance patrols regularly throughout the Covid-19 pandemic, many in partnership with Dyfed-Powys Police during weekends and public holidays. Where appropriate, officers have provided advice, guidance and support to businesses to ensure that they remain compliant with the Covid-19 regulations, including numerous press releases.

The vast majority of businesses and premises within the County have been compliant with the regulations, but when more formal enforcement action has been required due to continued non-compliance, businesses were served a relevant enforcement notice based upon the type of COvid-19 breach detected.

The table in **Appendix A** provides a breakdown of the 8 Compliance Notices, 39 Improvement Notices, 9 Fixed Penalty Notices, 5 Direction Notices, 7 Closure Notices and 4 Prohibition Notices served since March 2020 in relation to Covid-19 enforcement.

### **Reviews of Premises Licenses - Licensing Act 2003**

Since the last Licensing Committee, there has been no premises licence hearings held. However, in relation to two premises licenses, namely Bar 46, Bridge Street, Aberystwyth, Ceredigion and Castle Hotel, Aberaeron, Ceredigion, the Licensing Team received requests from responsible authorities requesting that these premises licenses be reviewed.

Following positive liaison facilitated by the Licensing Team, in respect of both review requests, the respective licence holders cooperated fully with the Licensing Authority during the mediation stage and all parties agreed that hearings were not necessary. For further details, see **Appendix B** of this report.

### **Events and Activities Group (Covid-19)**

During the course of the Coronavirus pandemic a number of restrictions have been imposed on the hospitality and recreation sectors, which resulted in them not being able to operate for periods during 2020 and 2021. As the restrictions have gradually lifted, the Authority has received a number of enquiries from businesses, members of the public and organisations requesting information on how they could safely hold events, which were legally compliant and appropriately risk assessed in relation to Covid-19.

In response to several requests from organisers wishing to hold a wide range of events, the Authority has created a multi-disciplinary group that continues to meet on a weekly basis, to consider whether events can be held safely and in accordance with the existing Coronavirus regulations. Members of the group contain representatives from Public Protection, Trading Standards, Licensing, Economy and Regeneration, Health and Safety, Communications, and Highways teams.

The group has reviewed several local events ranging from agricultural shows, music concerts, weddings, harness racing, village events, birthday parties, race for life, comedy evenings, as well as the forthcoming national Tour of Britain professional road cycling race and the International Sheep Dog trials.

Prospective event organisers are required to complete and submit event documentation (including a Temporary Event Notification form, where applicable), an event questionnaire and a Covid-19 Event Risk Assessment. These documents are then considered by the group before approval of the event is given.

In the case of larger events, these are referred to Ceredigion's Gold Command for consideration and when necessary, an Event Safety Advisory Group (ESAG) is also organised to enable representatives from external partners/organisations to discuss the details of the event with the event organisers with a view to promoting the health, safety and welfare of all those involved with the events. Only the forthcoming Tour of Britain event has required an ESAG forum.

### **The Licensing Act 2003 (2020 UEFA European Football Championships) Order 2021**

The above Order was laid before Parliament and came into force on 10<sup>th</sup> July 2021. The Order was laid in order that an extension to licensing hours could take place to coincide with the Euro 2020 Championship Final, which took place on Sunday 11<sup>th</sup> July 2021.

The Order applied in England and Wales and extended the hours for the sale of alcohol and entertainment until 11.15pm (in time for extra time and penalties in the Final), as long as a premises licence or club premises certificate authorised licensable activities at some time between 9.00am and 11.59pm on 11<sup>th</sup> July 2021. This meant that if a premises was authorised to provide licensable activities at any time during that period, the Order extended those hours, if not already permitted, until 11.15pm.

The Order also permitted premises to be used for the provision of late night refreshment (hot food and non-alcoholic drinks after 11pm) between 11pm and

11.15pm, but only if during that time the premises may also be used for the sale or supply of alcohol.

### **Gambling Policy Review**

Under the Gambling Act 2005, the Council as the Licensing Authority is required to adopt a Gambling Policy, setting out how it will deal with various applications for licences and permits. The Council is required to review this statement at least every 3 years.

The current Policy was approved by Council on 13<sup>th</sup> December 2018 and was published on 31<sup>st</sup> January 2019. The review of the current Policy will shortly commence and the draft policy will be consulted upon in accordance with the requirement of the Act.

### **Gambling Matters**

The Gambling Commission has published new research which explores the gambling journeys and behaviours of young people and adults aged 16 to 30.

The research, delivered by global insights agency 2CV, was conducted using a combination of quantitative and qualitative methods, which allowed the Commission to further explore the views of this demographic in their own words and reflecting their own voice.

The Commission publishes official statistics each year about the gambling behaviour of children and young people aged 11-16 in Great Britain as part of its Young People and Gambling Survey. However, due to the ongoing disruption caused by the Covid-19 pandemic, fieldwork for the 2021 survey has been postponed.

This research supplements the Commission's wider research programme to understand the experiences of children, young people and vulnerable adults - with the findings adding a deeper insight to the Commission's work.

The key findings of the research show that:

- engagement with gambling throughout childhood and early adulthood aligns to a familiar set of life events and milestones, such as family holidays, first jobs and increasing financial independence;
- engaging with gambling or gambling-style activities during childhood is common, but participation is primarily passive;
- exposure to the positive and negative extremes of gambling (e.g. witnessing big wins or big losses, or being exposed to very positive or very negative attitudes about gambling) at an early age led to an increased interest in gambling in later life, and in some cases riskier or more harmful gambling behaviour;
- friends and family played an influential role in shaping gambling behaviour, whilst advertising and marketing has less of an influence on young people's tendency to gamble;
- young people are most vulnerable to experiencing gambling harm after achieving independence from their parents and moving out of home;

- as people grow older gambling behaviour did not stay the same; rather it fluctuates according to personal (and peer) experiences of wins and losses, and alongside changes in lifestyle and responsibility.

To continue to advance knowledge about children and young people's gambling behaviour, they commissioned smaller, alternative pieces of research which utilise a different methodology and do not rely on pupils being in schools.

It is important to note that the findings published are qualitative and quantitative in nature and do not constitute a replacement for the official statistics, which will resume in 2022.

The full report is available online at:

<https://www.gamblingcommission.gov.uk/statistics-and-research/publication/exploring-the-gambling-journeys-of-young-people>

**Recommendation:** Members receive the report for information.

**Reason for recommendation:** To advise Members of activity undertaken by the Licensing Section since the last Committee meeting.

**Policy:** The Council will provide services that contribute to a healthy environment, healthier lives and protect those who are vulnerable in the County.

**Budget:** Within budget

**Human Rights Act:** Compliant

**Statutory powers:** Licensing Act 2003, Gambling Act 2005

**Background papers:** None

**Service area:** Policy, Performance and Public Protection

**Contact name:** Anne-Louise Davies

**Designation:** Trading Standards and Licensing Manager

**Date of report:** 31<sup>st</sup> August 2021

## Appendix A

Table of Covid-19 enforcement Notices issued since March 2020

Premises	Type of Notice	Number issued
1425	Compliance Notice	1
4 Brothers Barbers, Aberystwyth	Compliance Notice	2
Atomic Health & Fitness, Glanyrafon Ind Est, Llanbadarn Fawr	Improvement Notice	1
B & M Retail Ltd, Aberystwyth	Prohibition Noitce	1
Bar 46, Aberystwyth	Fixed Penalty Notice	1
Bar 46, Aberystwyth	Closure Notice	1
Bell Hotel, Cardigan	Direction Notice	1
Black Lion Hotel, Aberaeron	Fixed Penalty Notice	1
Black Lion Hotel, Llanrhystud	Prohibition Noitce	1
Cardigan Arms, Cardigan	Improvement Notice	1
Cardigan fried chicken, Cardigan	Improvement Notice	2
Castle Hotel, Aberaeron	Improvement Notice	1
Davi John's Florist Studio, Aberystwyth	Fixed Penalty Notice	1
Davi John's Florist Studio, Aberystwyth	Compliance Notice	1
Domino's Pizza, Aberystwyth	Improvement Notice	1
Evola Hairdressing, Aberystwyth	Compliance Notice	1
Express Café, Aberystwyth	Improvement Notice	1
Ffostrasol Arms, Ffostrasol	Fixed Penalty Notice	4
Ffostrasol Arms, Ffostrasol	Closure Notice	2
Ffostrasol Arms, Ffostrasol	Improvement Notice	2
G.one, Aberystwyth	Closure Notice	1
G.one, Aberystwyth	Improvement Notice	1
Gogreddan Arms, Llanbadarn Fawr	Improvement Notice	1
Hafod Hotel, Devil's Bridge	Improvement Notice	1
Harrys Hotel, Aberystwyth	Direction Notice	1
Harrys Hotel, Aberystwyth	Improvement Notice	1
Hollywood Pizza, Aberystwyth	Improvement Notice	1
Hot Dumplings, Aberystwyth	Improvement Notice	1
Ideal Fitness, Glanyrafon Ind Est, Llanbadarn Fawr	Fixed Penalty Notice	1
Karizma Barber, Cardigan	Compliance Notice	1
Lidl, Aberystwyth	Improvement Notice	1
LIGHT OF ASIA LTD, Aberystwyth	Improvement Notice	1
Oh My Cod, Lampeter	Improvement Notice	1
Oscar's Den, Lampeter	Improvement Notice	1
P D's Diner, Aberystwyth	Improvement Notice	1
Paradise Pizza, Aberaeron	Closure Notice	1
Paradise Pizza, Aberaeron	Improvement Notice	1
Penguin Café, Aberystwyth	Improvement Notice	2
Red Lion Hotel, Pontrhydfendigaid	Improvement Notice	1

Red Lion Inn, Cardigan	Direction Notice	1
Rhydypennau Inn, Bow Street	Improvement Notice	1
Royal Oak Hand Car Wash, Llanfarian	Compliance Notice	1
Sea Horse Inn, New Quay	Improvement Notice	1
Star fried chicken and pizza, Aberystwyth	Improvement Notice	1
T Samways High Class Butchers, Cardigan	Direction Notice	1
T Samways High Class Butchers, Cardigan	Improvement Notice	1
Teifi Inn, Ffair Rhos	Improvement Notice	1
The Carlton, Aberystwyth	Improvement Notice	1
The Castle Hotel, Lampeter	Closure Notice	1
The Ivy Bush Inn, Lampeter	Improvement Notice	1
The Mill Inn, Aberystwyth	Improvement Notice	1
The Mill Inn, Aberystwyth	Closure Notice	1
The Moody Cow Farm Shop, Llwynceilyn	Improvement Notice	1
The Saddlers Arms, Cardigan	Improvement Notice	1
The Western, Aberystwyth	Improvement Notice	1
Vale Of Aeron, Felinfach	Improvement Notice	1
Vale of Rheidol, Aberystwyth	Improvement Notice	1
Venus Barber, Aberystwyth	Improvement Notice	1
Venus Barber, Aberystwyth	Fixed Penalty Notice	1
Venus Barber, Aberystwyth	Compliance Notice	1
WM Morrisons Supermarkets Plc, Aberystwyth	Prohibition Noitce	1
Yr Hen Llew Du, Aberystwyth	Improvement Notice	1
Priory Café, Cardigan	Direction Notice	1
Yousif Mohammedi	Prohibition Noitce	1

## Appendix B

<b>Premises: Bar 46, Bridge Street, Aberystwyth, Ceredigion</b>	<b>Date of Review: N/A</b>
<b>Case Summary</b> <p>On the evening of 20<sup>th</sup> March 2021, whilst Officers from Ceredigion’s Public Protection Covid-19 Enforcement Team was conducting routine Covid-19 compliance patrols in the county, they discovered a makeshift room set up in the cellar of Bar 46, Bridge Street, Aberystwyth. The cellar was being used by some of the bar’s workers and their friends.</p> <p>Officers entered the cellar using their powers under the Coronavirus Restrictions regulations and found a group of individuals sitting around a table littered with drinks glasses, smoking and watching the post-match commentary on a television installed in the room. The cellar room had been fitted out with bench seating, a sofa, a table and bar stools.</p> <p>As a result, the premises (relevant to main bar area and the cellar) were issued with a Premises Closure Notice, which required the premises to remain closed for 28 days, or until it could be demonstrated that they had made improvements and met the requirements of the Coronavirus Restriction regulations.</p> <p>Pubs and bars were required to remain closed during Alert Level 4 and not carry on business at their premises. Food was allowed to be sold for consumption off the premises, such as takeaways and deliveries, but not for consumption on the premises.</p> <p>The restrictions also prevented individuals from different households gathering indoors unless a relevant exemption applies, and then only to the extent that it was reasonably necessary to gather with others. Gathering in a bar was not considered reasonably necessary under the restrictions, nor in the context of the sacrifices that the majority of Ceredigion residents made on a daily basis.</p> <p>The premises was issued with a £1,000 fixed penalty notice for the breaches of the Coronavirus regulations.</p>	
<b>Reason for Review</b> <p>On 26<sup>th</sup> April 2021, an application was received from Ceredigion Public Protection’s Trading Standards/Covid-19 Enforcement Team, requesting a review of the Premises Licence following what they had discovered on the evening of 20<sup>th</sup> March 2021.</p>	

The application to review was circulated to other Responsible Authorities and advertised in accordance with the requirements of the Licensing Act.

During the review period a representation was also received from Ceredigion Public Protection's Health and Safety Officers expressing concerns regarding the safety of using the cellar for licensable activity.

The Licensing Team facilitated contact between the Responsible Authority members and the Premises Licence Holders.

The Licence Holders cooperated with requests made of them.

### **Outcome of Review**

The Licence Holders agreed with a request to change the Designated Premises Supervisor and complied with requests made by the Health and Safety Officer to:

- provide a detailed health and safety risk assessment,
- provide a handrail for the stairway in the cellar and
- carry out other identified maintenance.

A condition was also put on the Premises Licence directing that the Cellar area was not be used by members of the public:

- *'The Old cellar in Bar 46, situated under the flat is must not be used for the consumption of food or drink. This area is not to be accessed by members of the public with the exception of persons carrying out bone fide work in the area'.*

Following positive mediation facilitated by the Licensing Team, the agreed action taken satisfied the representations made and all parties agreed that a hearing was not necessary.

**Premises: Castle Hotel, Aberaeron, Ceredigion**

**Date of Review: N/A**

### **Case Summary**

On Tuesday 18<sup>th</sup> May 2021, at Aberystwyth Magistrates' Court, the licence holders of The Castle Hotel, Market Street, Aberaeron, pleaded guilty to Coronavirus restrictions and public order offences on the day of their scheduled trial.

On the night of 4<sup>th</sup> December 2020 while Ceredigion County Council's Public Protection Trading Standards/Covid-19 Enforcement officers were conducting late night Covid-19 compliance patrols, officers heard drunken voices from within the premises. The officers requested the assistance of Dyfed-Powys Police and entry was allowed into the premises. Once inside the premises, the officers were faced with verbal abuse from the male licence holder. The couple appeared intoxicated and officers identified, after viewing the premises CCTV, that another male had been present in the bar in the company of the licence holders when the Local Authority officers initially attended at the premises.

While speaking to the officers, the male licence holder became increasingly obstructive and continued to act in an abusive manner towards the officers outside the premises. Footage of both the CCTV and of the offensive behaviour were recorded on the Council officers' body cameras which was presented as evidence in court.

The male joint-licence holder pleaded guilty to three counts of public order offences contrary to section 4A of the Public Order Act 1986, obstruction of officers exercising their functions, and permitting the supply of alcohol when not permitted. The female joint licence holder pleaded guilty to three counts of public order offences, again contrary to section 4A of the Public Order Act 1986.

The Chair of the Magistrates told the couple that this was a frightening and unnecessary incident that the officers should not have had to face during their ordinary working day.

The female was fined £450 for each of the three public order offences, ordered to pay £300 costs, a court surcharge of £135, and compensation of £50 to each of the three officers.

The male was fined £1500 for the obstruction offence, £500 for each of the three public order offences, and £1000 for serving alcohol when not permitted. He was ordered to pay £300 costs, a court surcharge of £190, and compensation of £50 to each of the three officers.

**Reason for Review**

On 27<sup>th</sup> May 2021, the Police licensing officer submitted a request to the Local Authority, requesting a review of the Castle Hotel Premises Licence. The request was submitted to all relevant Responsible Authorities and was advertised in accordance with the requirements of the Licensing Act 2003.

The Authority did not receive any further representations from any of the responsible authorities or other persons. The Licensing Team facilitated contact between the Responsible Authority members and the Premises Licence Holders.

The Licence Holders cooperated with requests made of them.

**Outcome of Review**

Following successful liaison between the Licensing Team, the Police Licensing Officer, the licence holders and their legal representative, it became apparent that the Police required that a different person be put in charge of running the premises as a Designated Premises Supervisor.

The current licence holders, through their legal representative, agreed with this proposal and the necessary arrangements were made to change the designated premises supervisor for the premises.

The licence holders cooperated fully with the Licensing Authority during the mediation stage and all parties agreed that a hearing was not necessary.