

CEREDIGION COUNTY COUNCIL

Report to: Licensing Committee (Statutory Committee)

Date of meeting: 6th October 2022

Title: General Update

Purpose of the report: To update Members on relevant matters, with regard to the Licensing Act 2003 and the Gambling Act 2005.

Background

Members will be aware that this 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.

Licensing Act 2003 Associated Matters

Eisteddfod Tregaron 2022

The National Eisteddfod took place in Tregaron between 31 July 2022 and 6 August 2022. A detailed Premises Licence was issued to the organisers, which contained the allowable licensable activities, a plan outlining the licensed areas, which included the main Maes, Maes B, caravan and camping sites and the caravan and campsite shops. The licence also contained a detailed operating schedule and together with the conditions attached to the licence ensured that measures were taken to ensure that the 4 licensing objectives were upheld.

The application for the premises licence had been advertised in accordance with the Licensing Act legislation and no representations were received.

In the lead up to the Eisteddfod, two TEN's (Temporary Event Notices) were received from members of the public notifying of their intention of holding licensable events in the grounds of their homes during the week of the Eisteddfod. In addition, a local licensed premises issued two TEN's informing their intention of holding events at their premises during the week. They had an existing premises licence which authorised the sale of alcohol until 23:00 but their intention was to operate during the week until 01:00.

During the week of the Eisteddfod, in addition to the daily formal inter agency briefings at the site, regular contact was maintained between the licensing team and the Police Licensing Officer. Following initial concerns that members of the public were encroaching onto and congregating on the road outside two premises located in Tregaron itself, Licensing and Police officers visited the premises concerned, and following discussions, safety barriers were placed at the identified pinch points. Officers also periodically visited licensed premises in the area in response to minor reports.

Contested Applications (Reviews/Appeals)

Since the last Licensing Committee, the Licensing Team has had to arrange 2 sub-committee hearings which dealt with:

1. An application made under Section 34 of the Licensing Act 2003 by The Saddler's Arms, High Street, Cardigan to vary their licensing hours, and
2. An application for a personal licence.

Case #1: The Saddlers Arms

An application for a full variation for extension of hours of The Saddler's Arms, High Street, Cardigan was received by the Licensing Authority on the 4th February 2022. The application was for an increase of hours to 2am Monday to Thursday night and 2:30am Friday to Sunday for the sale of alcohol. Their current licence authorised the sale of alcohol Monday to Thursday until 1:00 and Friday to Sunday until 1:30.

During the 28-day consultation period, one representation was received from Cardigan Town Council and one from a local County Councillor. No representations were received from responsible authorities such as the police or environmental health.

In response to the representations, the Applicant offered to amend the hours for Monday to Thursday by 30 minutes closing at 02:00am. Both objectors declined the offering. Consequently, a hearing was held.

A virtually-held hearing took place before a Licensing Sub-Committee Panel. During the Hearing, the Panel heard that three Temporary Event Notices (TENs) had been submitted to permit the sale of alcohol on the premises for the same hours as applied for, as amended. These dates of the events were 18/12/2021, 25/12/2021 and the 01/01/22. No complaints had been received.

Decision

The Panel carefully considered the application and all representations made and decided to allow the application as it would not affect the promotion of the licensing objectives. The application was therefore granted as applied for with an added condition:

- i. The use of door staff is to be risk assessed in written form by the Premises and in the event door staff are required, they must be SIA registered.

Case #2: Application for Personal Licence

On 14th March 2022, an application for a personal licence was received by the Authority where the Applicant disclosed to the Authority a conviction for a drink-driving.

As the Applicant had a conviction for a relevant offence, the application was sent to Dyfed-Powys Police for consideration.

On 25th March 2022, Dyfed-Powys Police's Police Licensing Officer submitted a representation giving reasons relevant to the prevention of crime and disorder licensing objective that the Applicant was not a fit and proper person to hold a personal licence

on the grounds of the Applicant's conviction for a drink driving offence committed on 1.1.2022.

Decision

On 12th July 2022, a virtually-held hearing took place where the Applicant appeared before a Licensing Sub-Committee Panel. Given the nature of the conviction and how recent it was, the Panel decided not to grant the licence on the grounds that granting it would not be promoting the licensing objective of preventing crime and disorder. The application was therefore rejected and a personal licence was not issued to the Applicant.

Temporary Event Notices

The Licensing Team has, over the summer months, experienced an increase in the number of TEN's (Temporary Event Notices) that they have received. The number of events notices decreased significantly during the Covid-19 pandemic but this year's summer period demonstrates that the number of notices has significantly exceeded the pre-pandemic numbers.

Period	No of Event Notices
01/06/2019 - 31/08/2019	80
01/06/2020 - 31/08/2020	19 (2 refused)
01/06/2021 - 31/08/2021	38
01/06/2022 - 31/08/2022	128

Part B Gambling Act 2005 Associated Matters

Gambling Act Review White Paper

The UK Government's Gambling Act White Paper which was due to be published in September but has been postponed for a fourth time due to recent national events.

UK Government Ministers and officials at the Department for Digital, Culture, Media & Sport (DCMS) have been reviewing the current gambling laws since 2019 with industry regulators and the Gambling Commission. It is anticipated that the proposed reforms will make far-reaching changes and improvements to current gambling laws.

Recommendation(s):

Members receive this report for information.

Reason for recommendation

To advise elected Members of activity undertaken by the Licensing Section since the last Committee meeting and other relevant information.

Policy Framework:

The statutory functions delivered by the Licensing Team is a fundamental element of Public Protection policy framework.

Corporate Priorities

- Boosting the economy, supporting businesses and enabling employment

Finance and procurement implications:

Within budget

Service Area

Policy, Performance and Public Protection

Statutory Powers:

Licensing Act 2003, Gambling Act 2005 and any Regulations made under the Acts.

Background Papers

None

Corporate Lead Officer:

Alun Williams (Policy, Performance and Public Protection)

Reporting Officer:

Anne-Louise Davies (Trading Standards & Licensing Manager)

Date:

14 September 2022