

# Pecyn Dogfennau



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
Chief Executive,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

DYDD MERCHER, 17 HYDREF 2018

## AT: HOLL AELODAU'R PWYLLGOR TRWYDDEDU

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R PWYLLGOR TRWYDDEDU A GYNHELIR YN Y SIAMBR, NEUADD Y SIR, CAERFYRDDIN, AM 10.00 AM, DYDD MERCHER, 24AIN HYDREF, 2018 ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA ATODEDIG.

*Mark James* DYB

PRIF WEITHREDWR



AILGYLCHWCH OS GWELWCH YN DDA

Swyddog Democrataidd:	Martin S. Davies
Ffôn (Llinell Uniongyrchol):	01267 224059
E-bost:	MSDavies@sirgar.gov.uk
Cyf:	AD016-001

# PWYLLGOR TRWYDDEDU

14 AELOD

## Y GRŴP PLAID CYMRU – 7 AELOD

- |    |              |                              |
|----|--------------|------------------------------|
| 1. | Y Cynghorydd | Mansel Charles               |
| 2. | Y Cynghorydd | Ann Davies                   |
| 3. | Y Cynghorydd | Tyssul Evans                 |
| 4. | Y Cynghorydd | Ken Howell                   |
| 5. | Y Cynghorydd | Susan Phillips               |
| 6. | Y Cynghorydd | Eirwyn Williams              |
| 7. | Y Cynghorydd | D.E. Williams [Is-Gadeirydd] |

## Y GRŴP LLAFUR – 4 AELOD

- |    |              |                 |
|----|--------------|-----------------|
| 1. | Y Cynghorydd | Fozia Akhtar    |
| 2. | Y Cynghorydd | Penny Edwards   |
| 3. | Y Cynghorydd | Amanda Fox      |
| 4. | Y Cynghorydd | Andre McPherson |

## Y GRŴP ANNIBYNNOL – 3 AELOD

- |    |              |                           |
|----|--------------|---------------------------|
| 1. | Y Cynghorydd | Rob Evans                 |
| 2. | Y Cynghorydd | Irfon Jones               |
| 3. | Y Cynghorydd | Edward Thomas [Cadeirydd] |

**DYLAI AELODAU FOD YN YMWYBODOL NA CHANIATEIR IDDYNT OFYN I AELODAU O FEWN EU GRWPIAU EU HUNAIN I'W CYNRYCHIOLI MEWN CYFARFODYDD O'R PWYLLGOR YMA**

# AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB
2. DATGANIADAU O FUDDIANNAU PERSONOL.
3. TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT - MRS REBECCA LOUISE BURTON. 5 - 6
4. CAIS AM DRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT - MR LIONEL HUGH PHILLIPS. 7 - 8
5. DRWYDDED CERBYD HURIO PREIFAT. 9 - 12
6. CAIS AM DRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT - MR SIMON JOHN GRIFFITHS. 13 - 14
7. CAIS I ADNEWYDDU TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT - MR BERNARD PRICE. 15 - 16
8. CAIS AM DRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT - MR DANIEL PETER LEAVER. 17 - 18
9. CAIS I ADNEWYDDU TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT - MR DAVID WILLIAM DAVIES. 19 - 20
10. ADOLYGIAD O'R POLISI HAPCHWARAE. 21 - 82
11. ADOLYGIAD O'R POLISI TRWYDDEDU. 83 - 198
12. DEDDF TRWYDDEDU 2003 GWEITHDREFNAU AWDURDODI FFILMIAU. 199 - 210
13. PENODI AELODAU I EISTEDD AR IS-BWYLLGORAU TRWYDDEDU AR GYFER GWEDDILL 2018-19. 211 - 214
14. PENODI CADEIRYDDION YR IS-BWYLLGORAU TRWYDDEDU AR GYFER WEDDILL FLWYDDYN Y CYNGOR 2018/19.
15. LLOFNODI FEL COFNOD CYWIR COFNODION CYFARFOD YR IS-BWYLLGOR TRWYDDEDU A GYNHALIWDYD AR Y DYDDIADAU CANLYNOL:-
  - 15.1 IS BWYLLGOR TRWYDDEDU 'B' A GYNHALIWDYD AR Y 215 - 220  
31AIN GORFFENNAF 2018;
  - 15.2 IS BWYLLGOR TRWYDDEDU 'A' A GYNHALIWDYD AR Y 221 - 222  
18FED MEDI 2018;
  - 15.3 IS BWYLLGOR TRWYDDEDU 'B' A GYNHALIWDYD AR Y 223 - 234  
26AIN MEDI 2018;
16. LLOFNODI FEL COFNOD CYWIR COFNODION CYFARFOD Y PWYLLGOR TRWYDDEDU A GYNHALIWDYD AR Y 235 - 240  
2AIL AWST 2018.

Mae'r dudalen hon yn wag yn fwriadol

**PWYLLGOR TRWYDDEDU**  
**24/10/18**

**TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT - MRS  
REBECCA LOUISE BURTON**

**ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:**  
Bod Mrs Burton yn cael rhybudd ynghylch ei ymddygiad yn y dyfodol.

**RHESYMAU:**  
Canllawiau'r Cyngor.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	Amherthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad	Amherthnasol
Angen i'r Cyngor wneud penderfyniad	Amherthnasol

Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio: Cynghorydd P.M. Hughes

**Y Gyfarwyddiaeth:**  
Cymunedau

**Enw Pennaeth y Gwasanaeth**  
Mr Jonathan Morgan

**Awdur yr Adroddiad**  
Justin Power

**Swydd:**

**Pennaeth Dros Dro Cartrefi a  
Chymunedau Mwy Diogel**

**Uwch-swyddog Trwyddedu**

**Rhifau Ffôn:**  
**Cyfeiriadau E-bost:**

**01554 899285**  
**jmorgan@sirgar.gov.uk**

**01267 228932**  
**JHPower@sirgar.gov.uk**

# EXECUTIVE SUMMARY

## Licensing Committee

### 24/10/18

## Hackney Carriage/Private Hire Dual Drivers Licence - Mrs Rebecca Louise Burton

Mrs Rebecca Louise Burton of The Old Mill, Dre-Fach, Felindre, Llandysul is a licensed hackney carriage/private hire dual driver with this authority.

DETAILED REPORT ATTACHED ?

NO

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

- 1. Local Member(s):** No local member involvement and therefore no consultation necessary.
- 2. Community / Town Council:** No Community / Town Council involvement and therefore no consultation necessary.
- 3. Relevant Partners:** No Police and Fire Authority involvement and therefore no consultation necessary.
- 4. Staff Side Representatives and other Organisations:** There are no other organisations involved and therefore no consultation necessary.

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**

### THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD10763	Licensing Section, 3 Spilman Street, Carmarthen

**PWYLLGOR TRWYDDEDU**  
**24/10/18**

**CAIS AM DRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT -  
MR LIONEL HUGH PHILLIPS**

**ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:**

Caniatáu cais Mr Phillips.

**RHESYMAU:**

Canllawiau'r Cyngor.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	Amherthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad	Amherthnasol
Angen i'r Cyngor wneud penderfyniad	Amherthnasol

Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio: Cyngorydd P.M. Hughes

Y Gyfarwyddiaeth:  
Cymunedau

Enw Pennaeth y Gwasanaeth  
Mr Jonathan Morgan

Awdur yr Adroddiad  
Justin Power

Swydd:

Pennaeth Dros Dro Cartrefi a  
Chymunedau Mwy Diogel

Uwch-swyddog Trwyddedu

Rhifau Ffôn:

Cyfeiriadau E-bost:

01554 899285  
jmorgan@sirgar.gov.uk

01267 228932  
JHPower@sirgar.gov.uk

**EXECUTIVE SUMMARY**  
**Licensing Committee**  
**24/10/18**

**Application for the Grant of a Hackney Carriage/Private Hire Dual Drivers Licence - Mr Lionel Hugh Phillips**

To consider an application from Mr Lionel Hugh Phillips of Elm Lodge, Cwmbach, Whitland for the grant of a hackney carriage/private hire dual drivers licence.

DETAILED REPORT ATTACHED ?

NO

### IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder <b>NONE</b>	Legal <b>NONE</b>	Finance <b>NONE</b>	ICT <b>NONE</b>	Risk Management Issues <b>NONE</b>	Organisational Development <b>NONE</b>	Physical Assets <b>NONE</b>
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### CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

- 1. Local Member(s):** No local member involvement and therefore no consultation necessary.
- 2. Community / Town Council:** No Community / Town Council involvement and therefore no consultation necessary.
- 3. Relevant Partners:** No Police and Fire Authority involvement and therefore no consultation necessary.
- 4. Staff Side Representatives and other Organisations:** There are no other organisations involved and therefore no consultation necessary.

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD10785	Licensing Section, 3 Spilman Street, Carmarthen



**PWYLLGOR TRWYDDEDU**  
**24/10/18**

**DRWYDDED CERBYD HURIO PREIFAT**

**ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:**

Bod y cais yn cael ei ganiatáu.

**RHESYMAU:**

Canllawiau'r Cyngor yn ymwneud â'r broses gwneud cais.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	Amherthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad	Amherthnasol
Angen i'r Cyngor wneud penderfyniad	Amherthnasol

Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio: Cyngorydd P.M. Hughes

<p><b>Y Gyfarwyddiaeth:</b> Cymunedau</p> <p><b>Enw Pennaeth y Gwasanaeth</b> Mr Jonathan Morgan</p> <p><b>Awdur yr Adroddiad</b> Justin Power</p>	<p><b>Swydd:</b></p> <p><b>Pennaeth Dros Dro Cartrefi a Chymunedau Mwy Diogel</b></p> <p><b>Uwch-swyddog Trwyddedu</b></p>	<p><b>Rhifau Ffôn:</b> <b>Cyfeiriadau E-bost:</b></p> <p><b>01554 899285</b> <b>jmorgan@sirgar.gov.uk</b></p> <p><b>01267 228932</b> <b>JHPower@sirgar.gov.uk</b></p>
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**EXECUTIVE SUMMARY**  
**Licensing Committee**  
**24/10/18**

**PRIVATE HIRE VEHICLE LICENCE**

To consider an application from Mr Lionel Hugh Phillips of LHP Consulting Services Ltd, Elm Lodge, Cwmbach, Whitland to be granted an exemption from Condition 5a and 5b of the Council's Licence Conditions for Private Hire Vehicles for his Private Hire Vehicle PH 120 a Land Rover Discovery registration number CP17 FXU.

Mr Phillips has requested that as he intends to operate this vehicle for his business Operation France, which provides executive style transportation for patients and their families to France, that he be granted an exemption from Condition 5a and 5b of the Council's Licence Conditions, namely that he be not required to display door stickers and a licence plate on the rear bumper of his Vehicle.

Should the Licensing Committee agree to grant Mr Phillips an exemption from condition 5a and 5b of the Council's Licence Conditions for Private Hire vehicles, then the following Licence Conditions be attached to the Licence:-

That the Land Rover Discovery PH 120 registration number CP17 FXU be exempt from licence conditions 5a and 5b, whilst being used for Operation France purposes as outlined in the application by Mr Phillips.

That should the vehicle be used for Private Hire other than for transporting patients and Families to France, then the applicant shall immediately notify the Licensing Authority and the exemption shall cease in relation to such hiring.

That the vehicle displays an identification disc on the front and rear windscreens, as specified by the Licensing Authority.

DETAILED REPORT ATTACHED ?

NO

**IMPLICATIONS**

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder <b>NONE</b>	Legal <b>NONE</b>	Finance <b>NONE</b>	ICT <b>NONE</b>	Risk Management Issues <b>NONE</b>	Organisational Development <b>NONE</b>	Physical Assets <b>NONE</b>
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## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below  
Signed: Mr Jonathan Morgan Acting Head of Homes and Safer Communities

- 1. Local Member(s):** No local member involvement and therefore no consultation necessary.
- 2. Community / Town Council:** No Community / Town Council involvement and therefore no consultation necessary.
- 3. Relevant Partners:** No Police and Fire Authority involvement and therefore no consultation necessary.
- 4. Staff Side Representatives and other Organisations:** There are no other organisations involved and therefore no consultation necessary.

### Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	PH 120	Licensing Section, 3 Spilman Street, Carmarthen

Mae'r dudalen hon yn wag yn fwriadol

**PWYLLGOR TRWYDDEDU**  
**24/10/18**

**CAIS AM DRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT -  
MR SIMON JOHN GRIFFITHS**

**ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:**  
Caniatáu cais Mr Griffiths gyda rhybudd ynghylch ei ymddygiad yn y dyfodol.

**RHESYMAU:**  
Canllawiau'r Cyngor.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	Amherthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad	Amherthnasol
Angen i'r Cyngor wneud penderfyniad	Amherthnasol

Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio: Cynghorydd P.M. Hughes

<p><b>Y Gyfarwyddiaeth:</b> Cymunedau</p> <p><b>Enw Pennaeth y Gwasanaeth</b> Mr Jonathan Morgan</p> <p><b>Awdur yr Adroddiad</b> Justin Power</p>	<p><b>Swydd:</b></p> <p><b>Pennaeth Dros Dro Cartrefi a Chymunedau Mwy Diogel</b></p> <p><b>Uwch-swyddog Trwyddedu</b></p>	<p><b>Rhifau Ffôn:</b> <b>Cyfeiriadau E-bost:</b></p> <p><b>01554 899285</b> <b>jmorgan@sirgar.gov.uk</b></p> <p><b>01267 228932</b> <b>JHPower@sirgar.gov.uk</b></p>
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**EXECUTIVE SUMMARY**  
**Licensing Committee**  
**24/10/18**

**Application for the Grant of a Hackney Carriage/Private Hire Dual Drivers Licence - Mr Simon John Griffiths**

**To consider an application from Mr Simon John Griffiths of 36 Harddfan, Bryn, Llanelli for the grant of a hackney carriage/private hire dual drivers licence.**

**DETAILED REPORT ATTACHED ?**

**NO**

**IMPLICATIONS**

**I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :**

**Signed: Mr Jonathan Morgan**

**Acting Head of Homes and Safer Communities**

Policy and Crime & Disorder <b>NONE</b>	Legal <b>NONE</b>	Finance <b>NONE</b>	ICT <b>NONE</b>	Risk Management Issues <b>NONE</b>	Organisational Development <b>NONE</b>	Physical Assets <b>NONE</b>
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**CONSULTATIONS**

**I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below**

**Signed: Mr Jonathan Morgan**

**Acting Head of Homes and Safer Communities**

- 1.Local Member(s):** No local member involvement and therefore no consultation necessary.
- 2.Community / Town Council:** No Community / Town Council involvement and therefore no consultation necessary.
- 3.Relevant Partners:** No Police and Fire Authority involvement and therefore no consultation necessary.
- 4.Staff Side Representatives and other Organisations:** There are no other organisations involved and therefore no consultation necessary.

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

<b>Title of Document</b>	<b>File Ref No.</b>	<b>Locations that the papers are available for public inspection</b>
Application Form and File Contents.	DD30971	Licensing Section, 3 Spilman Street, Carmarthen

## PWYLLGOR TRWYDDEDU

24/10/18

**CAIS I ADNEWYDDU TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO  
PREIFAT - MR BERNARD PRICE**

### **ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:**

Caniatáu cais Mr Price gyda rhybudd ynghylch ei ymddygiad yn y dyfodol.

### **RHESYMAU:**

Canllawiau'r Cyngor.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	Amherthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad	Amherthnasol
Angen i'r Cyngor wneud penderfyniad	Amherthnasol

Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio: Cyngorydd P.M. Hughes

**Y Gyfarwyddiaeth:**  
Cymunedau

**Enw Pennaeth y Gwasanaeth**  
Mr Jonathan Morgan

**Awdur yr Adroddiad**  
Justin Power

**Swydd:**

**Pennaeth Dros Dro Cartrefi a  
Chymunedau Mwy Diogel**

**Uwch-swyddog Trwyddedu**

**Rhifau Ffôn:**  
**Cyfeiriadau E-bost:**

**01554 899285**  
**jmorgan@sirgar.gov.uk**

**01267 228932**  
**JHPower@sirgar.gov.uk**

**EXECUTIVE SUMMARY**  
**Licensing Committee**  
**24/10/18**

**Application to renew a Hackney Carriage/Private Hire Dual Drivers  
Licence - Mr Bernard Price**

To consider an application from Mr Bernard Price of 159 Trilwm, Trimsaran, Kidwelly to renew his hackney carriage/private hire dual drivers licence.

**DETAILED REPORT ATTACHED ?**

**NO**

**IMPLICATIONS**

**I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :**

**Signed: Mr Jonathan Morgan**

**Acting Head of Homes and Safer Communities**

Policy and Crime & Disorder <b>NONE</b>	Legal <b>NONE</b>	Finance <b>NONE</b>	ICT <b>NONE</b>	Risk Management Issues <b>NONE</b>	Organisational Development <b>NONE</b>	Physical Assets <b>NONE</b>
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**CONSULTATIONS**

**I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below**

**Signed: Mr Jonathan Morgan**

**Acting Head of Homes and Safer Communities**

- 1. Local Member(s):** No local member involvement and therefore no consultation necessary.
- 2. Community / Town Council:** No Community / Town Council involvement and therefore no consultation necessary.
- 3. Relevant Partners:** No Police and Fire Authority involvement and therefore no consultation necessary.
- 4. Staff Side Representatives and other Organisations:** There are no other organisations involved and therefore no consultation necessary.

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD30945	Licensing Section, 3 Spilman Street, Carmarthen



**PWYLLGOR TRWYDDEDU**  
**24/10/18**

**CAIS AM DRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT -  
MR DANIEL PETER LEAVER**

**ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:**  
Caniatáu cais Mr Leaver gyda rhybudd ynghylch ei ymddygiad yn y dyfodol.

**RHESYMAU:**

Canllawiau'r Cyngor.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	Amherthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad	Amherthnasol
Angen i'r Cyngor wneud penderfyniad	Amherthnasol

Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio: Cyngorydd P.M. Hughes

**Y Gyfarwyddiaeth:**  
Cymunedau

**Enw Pennaeth y Gwasanaeth**  
Mr Jonathan Morgan

**Awdur yr Adroddiad**  
Justin Power

**Swydd:**

Pennaeth Dros Dro Cartrefi a  
Chymunedau Mwy Diogel

Uwch-swyddog Trwyddedu

**Rhifau Ffôn:**  
**Cyfeiriadau E-bost:**

01554 899285  
jmorgan@sirgar.gov.uk

01267 228932  
JHPower@sirgar.gov.uk

**EXECUTIVE SUMMARY**  
**Licensing Committee**  
**24/10/18**

**Application for the Grant of a Hackney Carriage/Private Hire Dual Drivers Licence - Mr Daniel Peter Leaver**

To consider an application from Mr Daniel Peter Leaver of 1 Dyffryn Tywi, Carmarthen for the grant of a hackney carriage/private hire dual drivers licence.

**DETAILED REPORT ATTACHED ?**

**NO**

**IMPLICATIONS**

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder <b>NONE</b>	Legal <b>NONE</b>	Finance <b>NONE</b>	ICT <b>NONE</b>	Risk Management Issues <b>NONE</b>	Organisational Development <b>NONE</b>	Physical Assets <b>NONE</b>
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**CONSULTATIONS**

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

- 1. Local Member(s):** No local member involvement and therefore no consultation necessary.
- 2. Community / Town Council:** No Community / Town Council involvement and therefore no consultation necessary.
- 3. Relevant Partners:** No Police and Fire Authority involvement and therefore no consultation necessary.
- 4. Staff Side Representatives and other Organisations:** There are no other organisations involved and therefore no consultation necessary.

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD10784	Licensing Section, 3 Spilman Street, Carmarthen

**PWYLLGOR TRWYDDEDU**  
**24/10/18**

**CAIS I ADNEWYDDU TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO  
PREIFAT - MR DAVID WILLIAM DAVIES**

**ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:**

1. Caniatáu cais Mr Davies.
2. Bod y Drwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat a oedd wedi'i rhoi i Mr Davies yn cael ei hatal am 7 diwrnod.

**RHESYMAU:**

Canllawiau'r Cyngor.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	Amherthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad	Amherthnasol
Angen i'r Cyngor wneud penderfyniad	Amherthnasol

Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio: Cyngorydd P.M. Hughes

Y Gyfarwyddiaeth:  
Cymunedau

Enw Pennaeth y Gwasanaeth  
Mr Jonathan Morgan

Awdur yr Adroddiad  
Justin Power

Swydd:

Pennaeth Dros Dro Cartrefi a  
Chymunedau Mwy Diogel

Uwch-swyddog Trwyddedu

Rhifau Ffôn:

Cyfeiriadau E-bost:

01554 899285  
jmorgan@sirgar.gov.uk

01267 228932  
JHPower@sirgar.gov.uk

# EXECUTIVE SUMMARY

## Licensing Committee

### 24/10/18

### Application to renew a Hackney Carriage/Private Hire Dual Drivers Licence - Mr David William Davies

To consider an application from Mr David William Davies of 15 Maes y Ffair, Carmarthen to renew his hackney carriage/private hire dual drivers licence.

DETAILED REPORT ATTACHED?

NO

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

**Legal:** The legal implication of Suspending Mr Davies' licence is that he may lodge an appeal.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

- 1. Local Member(s):** No local member involvement and therefore no consultation necessary.
- 2. Community / Town Council:** No Community / Town Council involvement and therefore no consultation necessary.
- 3. Relevant Partners:** No Police and Fire Authority involvement and therefore no consultation necessary.
- 4. Staff Side Representatives and other Organisations:** There are no other organisations involved and therefore no consultation necessary.

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD10584	Licensing Section, 3 Spilman Street, Carmarthen

**Y PWYLLGOR TRWYDDEDU****24/10/18****ADOLYGIAD O'R POLISI HAPCHWARAE****Yr argymhellion / penderfyniadau allweddol sydd eu hangen:**

Atodir crynodeb o'r ymatebion i'r ymgynghoriad.

Argymhellir :-

- Bod y Polisi Hapchwarae diwygiedig yn cael ei gymeradwyo.

**Y rhesymau:**

- Mae'r Polisi Hapchwarae diwygiedig amgaeedig yn adlewyrchu canlyniadau'r ymgynghoriad a'r broses adolygu ac yn cydymffurfio â deddfwriaeth a chyfarwyddyd perthnasol.

Angen ymgynghori â'r Pwyllgor Craffu perthnasol : OES - Diogelu'r Cyhoedd a'r Amgylchedd, 1 Hydref 2018

Angen i'r Bwrdd Gweithredol wneud Penderfyniad OES – 19 Tachwedd 2018

Angen i'r Cyngor wneud penderfyniad OES - 12 Rhagfyr 2018

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:-****Y Cyngorydd P M Hughes (Deiliad Portffolio Diogelu'r Cyhoedd)**Cyfarwyddiaeth yr Adran  
CymunedauEnw Pennaeth y  
Gwasanaeth: Jonathan  
Morgan

Awdur yr Adroddiad:

Emyr Jones

Swydd:

Pennaeth Dros Dro Cartrefi a  
Chymunedau Mwy Diogel

Arweinydd Trwyddedu

Rhif 01554 899285

[jmorgan@sirgar.gov.uk](mailto:jmorgan@sirgar.gov.uk)

Ffôn: 01267 228717

[eorjones@sirgar.gov.uk](mailto:eorjones@sirgar.gov.uk)**EXECUTIVE SUMMARY**

# Licensing Committee

## 24/10/18

### REVIEW OF GAMBLING POLICY

#### Context

The current Gambling Policy was adopted by the authority in February 2016 and came into effect on the 11th of March 2016. The legislation requires it to be reviewed at least every three years to ensure that it reflects feedback from the local community that the statutory objectives are being met.

#### Consultation

As part of the review, the authority is required to undertake a consultation exercise aimed at the chief officer of Police, representatives of gambling businesses and persons representing the interests of residents and businesses in the area, in order for their views to be formally considered by the authority.

The consultation began on the 3rd of April and finished on the 1st of June 2018.

Over one thousand individuals and organisations, including licence holders and their representatives, town and community councils, members of parliament, assembly members, county councillors, council departments and responsible authorities received consultation documents. The responsible authorities include, The Licensing Authority, Dyfed Powys Police, Police and Crime Commissioner, Mid and West Wales Fire and Rescue Service, Gambling Commission, Environmental Health (Pollution Section), Planning Authority, HMRC, Children Services, Neighbouring Licensing Authorities.

The survey was again undertaken using the consultation facility on the Council's web site. This enabled the majority of consultees to be contacted via e-mail, thus reducing the cost whilst increasing the accessibility of the consultation.

#### The key issues raised as a result of the consultation exercise and review were:-

No clear evidence that specific areas of the county are suffering with gambling related problems.

There is evidence of a link between alcohol and gambling behaviours and awareness training should be provided to staff in licensed premises.

The authority's licensing section in conjunction with the council's legal department have reviewed the policy document in light of revisions to Gambling Commission guidance and best practice. The authority has liaised closely with the Gambling Commission to ensure that the revised document embraces the changes being introduced by the Commission. This included hosting meetings with representatives of the Gambling Commission as well as the licensing sections of, Pembrokeshire, Powys and Ceredigion licensing authorities, with the aim of ensuring as far as possible a consistent approach to the revised Gambling Policy.

#### The key changes to Gambling Policy document include:-

1. New section inserted regarding safeguarding advice for licence holders.(Page 13)
2. Notification of premises licence applications to the Health Board.(Page 13)
3. Information on how to access training courses for staff on drug and alcohol issues. (Page 13)
4. Signposting Gambling premises operators to the report of the Chief Medical Officer for Wales – Annual Report 2016/17 Gambling with our Health (Page 13)
5. Advising premises licence holders to keep premises risk assessments at the premises alongside the premises licence.(Page 23)
6. Require applicants for unlicensed Family Entertainment Centres to provide basic criminal conviction disclosures from the Disclosure and Barring Service (Page 24)



Consultation Responses	Review of Gambling Policy 2018	3, Spilman Street, Carmarthen
Gambling Commission Guidance	Review of Gambling Policy 2018	3, Spilman Street, Carmarthen



# CARMARTHENSHIRE COUNTY COUNCIL



## **Gambling Policy CONSULTATION REPORT**

## Contents

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1	Introduction and context
1	Outline of approach and consultation methods
4	Key quantitative findings from the survey
9	Analysis of general comments from the survey (matrix table)
14	Summary – key changes to the gambling policy
<hr/>	
15	<i>Appendix A – Gambling Policy survey</i>
19	<i>Appendix B – Map of Carmarthenshire’s postcode districts</i>

# **CARMARTHENSHIRE COUNTY COUNCIL**

## **Gambling Policy CONSULTATION**

### **INTRODUCTION & CONTEXT**

On a periodic basis – at least once every three years – the local authority is legally required to review its Gambling Policy under the Gambling Act 2005 to ensure fitness for purpose. Consultation is an intrinsic part of this process: the policy must be responsive to local needs, it should take under advisement comments from myriad stakeholders and seek evidence that will help evaluate progress against its statutory objectives.

To this end, a ten week consultation (3<sup>rd</sup> April to 1<sup>st</sup> June 2018) was held to garner views from a wide range of organisations and individuals with an interest in licensing matters. The consultation was the first opportunity that local residents, businesses, existing licence holders and their representatives have had to formally comment on the Policy since 2015.

This report, incorporating the results of the public consultation and the authority's response in summary form, will go to both the Licensing Committee and Environmental & Public Protection Scrutiny Committee in October and then to the Executive Board in November before going to full Council in December.

---

This report:

- 1) Outlines the approach and consultation methods deployed;
  - 2) Summarises results and key findings;
  - 3) Considers free-text responses from residents, licence holders, organisations and town and community councils in a summary matrix table;
  - 4) Provides a short summary
- 

### **1) OUTLINE OF APPROACH AND CONSULTATION METHODS**

A mixed-methods approach to ascertaining views on Carmarthenshire's Gambling Policy was employed to gather quantitative and qualitative data for analytical and evaluative purposes. Specifically, the consultation focused on identifying locations where gambling and gambling-related problems were perceived to be a serious issue.

In accordance with the Gambling Act 2005, a number of statutory consultees were engaged throughout the consultation. This included:

- the fire authority
- the police service
- the Gambling Commission
- Planning
- Environmental Health
- Child Protection
- HMRC

The gambling consultation was jointly publicised with the licensing policy. Awareness was raised through use of the following consultation channels:

### **Publicity**

The consultation was publicised through the Council’s press office, through means including: press releases; information on the Council’s website; online consultation portal and through social media feeds.

### **Carmarthenshire Citizens’ Panel & 50+ Forum**

Carmarthenshire’s Citizens’ Panel (a representative group comprising c. 557 members) – and 50+ Forum (2700 members aged 50 plus) are a useful barometer of public opinion and are regularly consulted on Council services. Information was disseminated electronically to members on email: c. 281 Citizens’ Panel and c. 759 50+ members.

### **Survey**

Surveys are a cost-effective method for finding out stakeholders’ views and can be administered in a variety of different ways. An electronic and paper survey was thus selected as the principal method for gathering data. The survey contained a number of fixed-response (closed) and free-response (open) questions. Furthermore, the survey encouraged respondents to upload/attach evidence to support their submission.

The on-line survey was made available through Carmarthenshire County Council’s website (Seen in appendix A). In addition to listed statutory consultees, links to the survey were circulated to members of the Citizens Panel, 50+ Forum, county councillors and town and community councils, gambling licence holders, licensing solicitors, MPs, AMs and the Police and Crime Commissioner. Taken as a whole, consultation invites were sent to over 1000 individuals and organisations.

The consultation exercise resulted in **23 submissions**, covering a wide section of the community. The table presented below provides a breakdown of the composition of respondents. Some have responded on a number of capacities, therefore the table presented below contains 28 responses.

<b>Are you responding as a... (Multiple choice question)</b>	
<b>Gambling premises licence holder</b>	2 (9%)
<b>Gambling permit holder</b>	2 (9%)
<b>Premises licence holder</b>	3 (13%)
<b>Personal licence holder</b>	-
<b>Club premises certificate holder</b>	7 (30%)
<b>Member of the Public</b>	6 (26%)
<b>Local business</b>	1 (4%)
<b>Body representing licence holders / clubs</b>	1 (4%)
<b>Body/ Person representing members of the Public (e.g. County councillors; Town &amp; Community Council)</b>	4 (17%)
<b>Other Organisation or Group</b>	2 (9%)

The table below presents the areas respondents resided in. Respondents were asked to enter the first two digits of their postcode following SA. The following table presents the postcodes entered. No other postcode attracted a response.

<b>Postcode*</b>	<b>Number of responses</b>
SA14	3 (23%)
SA15	2 (15%)
SA16	1 (8%)
SA17	1 (8%)
SA18	4 (30%)
SA20	1 (8%)
SA34	1 (8%)

\*Note Postcode areas seen in Appendix B.

### **Other**

Carmarthenshire's Licensing Section has convened a number of meetings with representatives of Ceredigion, Pembrokeshire and Powys Council licensing sections as well as the Gambling Commission to discuss revisions to Gambling Policies and to adopt a consistent approach where possible.

## 2) KEY QUANTITATIVE FINDINGS FROM THE SURVEY

The section will be structured by considering each quantitative survey question in turn. Mention will be made of the views of different categories of respondent (i.e. Postcode area and nature of respondent), to enable comparisons to be made. In section 3, comments from the consultation will be considered separately in a matrix table, whether these have arisen through survey submission, or letter or email submissions.

### *About the Average Index Score (AIS)*

Sometimes known as a 'weighted average', the AIS is a way of distilling the 'balance and strength of opinion' down into one number. Useful for questions with options to 'strongly agree', 'disagree', etc., the technique is used throughout the report.

#### **Example**

10 people are asked whether they 'strongly agree', 'agree', 'have no opinion', 'disagree' or 'strongly disagree' that Wales will win the six nations.

Results...

3 strongly agree (each response worth 2, so=**6**)

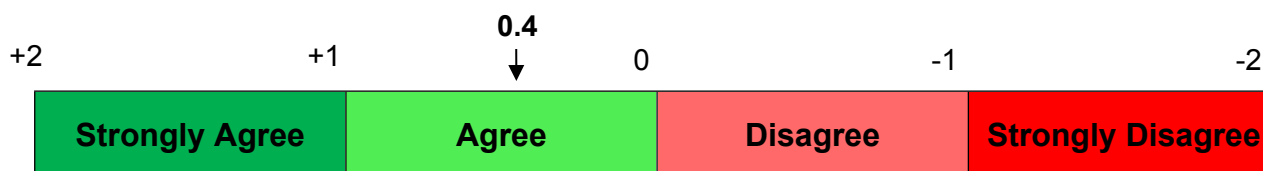
3 agree (each response worth 1, so=**3**)

1 no opinion (each response worth 0, so=**0**)

1 disagree (each response worth -1, so= **-1**)

2 strongly disagree (each response worth -2, so=**-4**)

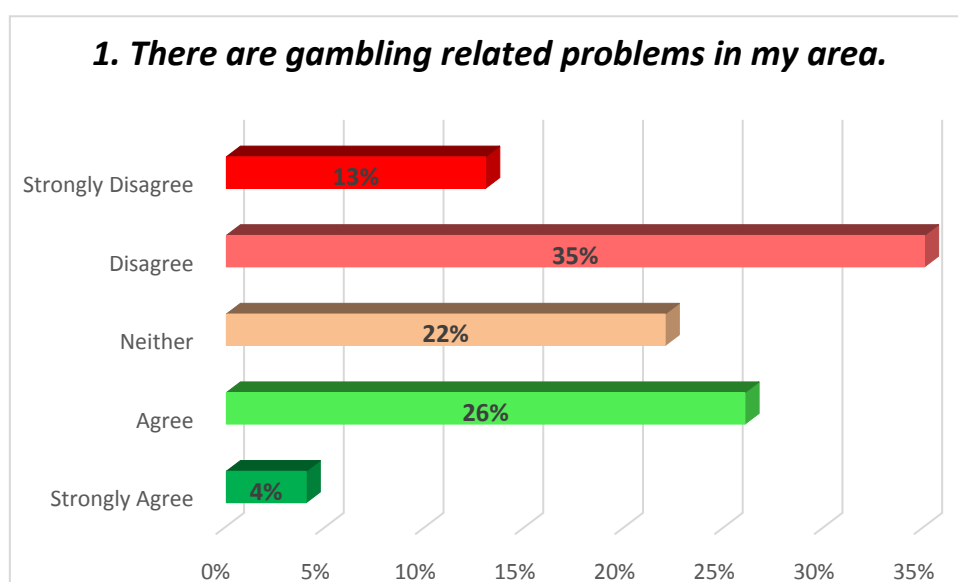
The AIS is calculated by adding all the numbers in bold: So,  $6+3+0-1-4=4$ ; Then dividing by the number of responses (10 in this case). The average index score is:  $4 \div 10 = \mathbf{0.4}$



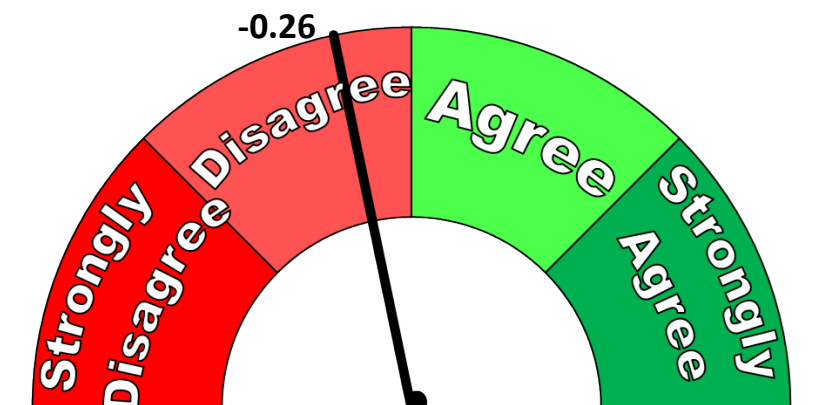
Respondents were asked to indicate the extent to which they agreed or disagreed with a series of statements about gambling – designed to produce information on the gambling-related problems across Carmarthenshire. A likert scale was used, with 'strongly agree' and 'strongly disagree' as response anchors.

**1. There are gambling related problems in my area.**

Firstly, 48% of respondents disagreed (35% disagree; 13% strongly disagree) that there were **gambling-related problems in their area**. 22% of respondents reported that they 'Neither' disagreed nor agreed with this statement. This may suggest that respondents do not feel they have sufficient knowledge/information or local intelligence to make an informed judgment, thus preferring to remain neutral. It was seen that over a quarter (30%) of respondents agreed with the statement with 4% of these participants strongly agreeing. Of those who agreed gambling-related problems were an issue in their area, the following postcodes were cited: SA14 (x1 respondents); SA18 (x1) and SA34 (x1).

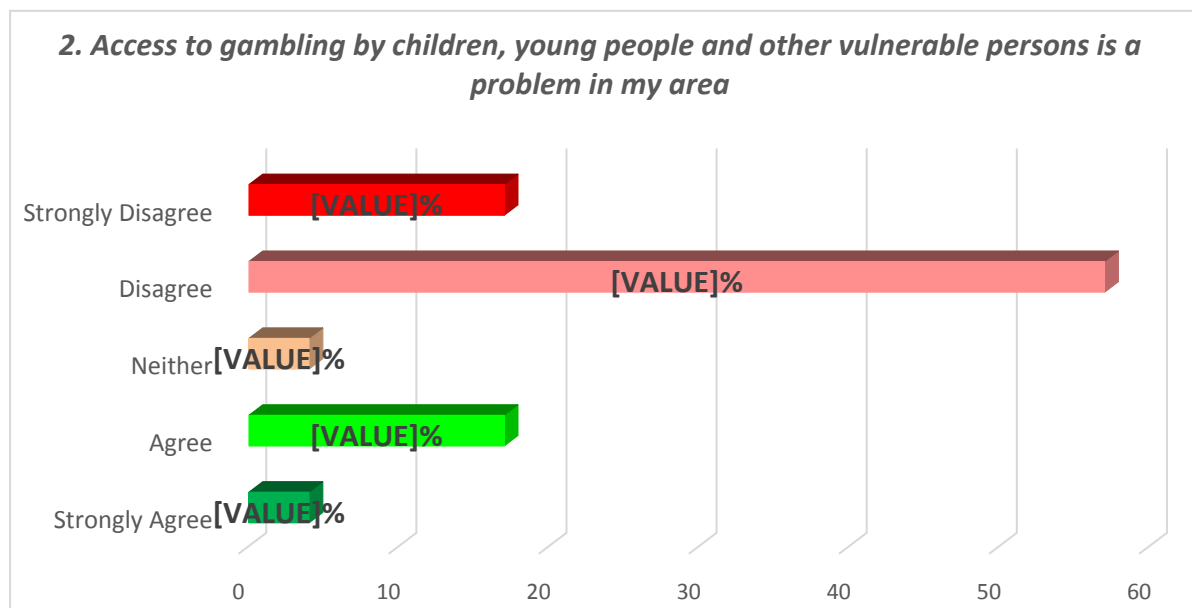


That the majority do not consider gambling-related problems to be an issue in their area is borne out by a negative Average Index Score (AIS) of **-0.26** (plotted below).

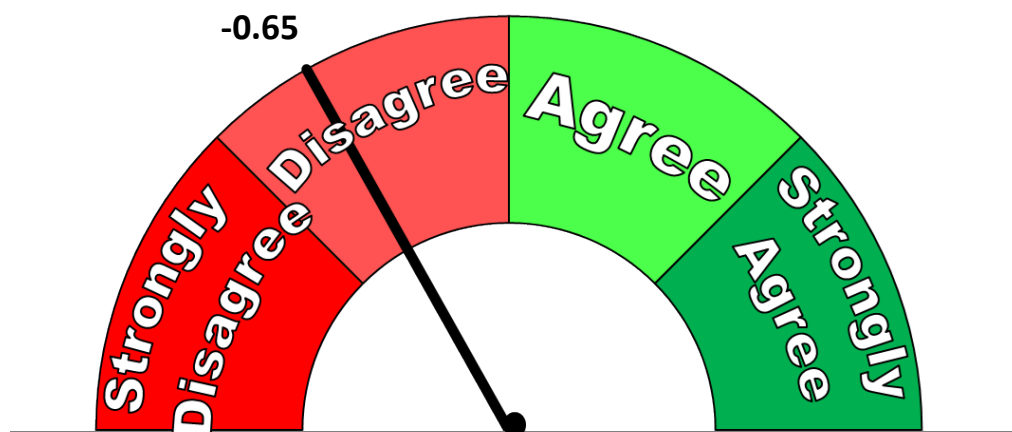


**2. Access to gambling by children, young people and other vulnerable persons is a problem in my area**

Next, 74% of respondents disagreed (57%) or strongly disagreed (17%) that **access to gambling by children and young people was a problem in their area**. Contrastingly, 17% agreed with this statement and 4% strongly agreed. The results can be seen in the table below. When examining the breakdown, it is clear that most individuals, organisations and businesses noted that access to gambling by children, young people and vulnerable persons is not a problem in their area. Furthermore, when examining postcode areas, only one agreement was seen which derived from SA14 postcode.



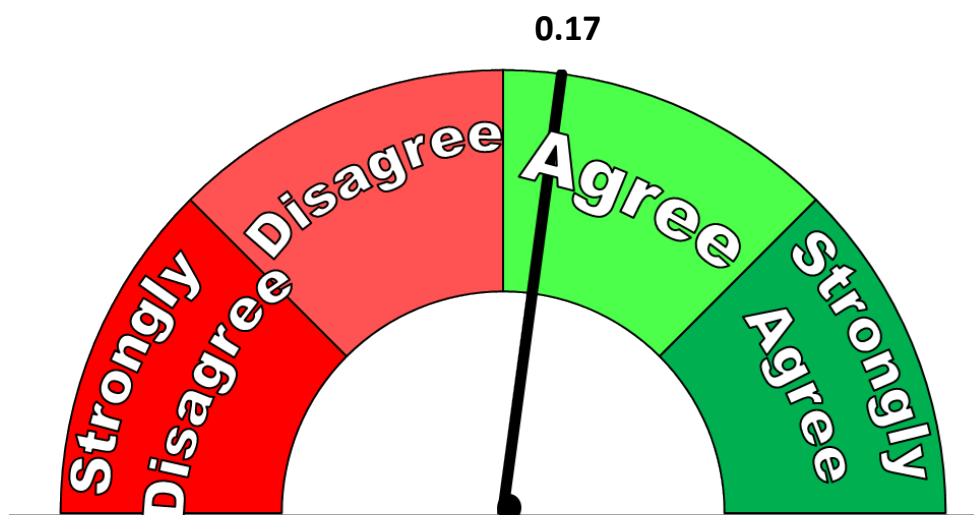
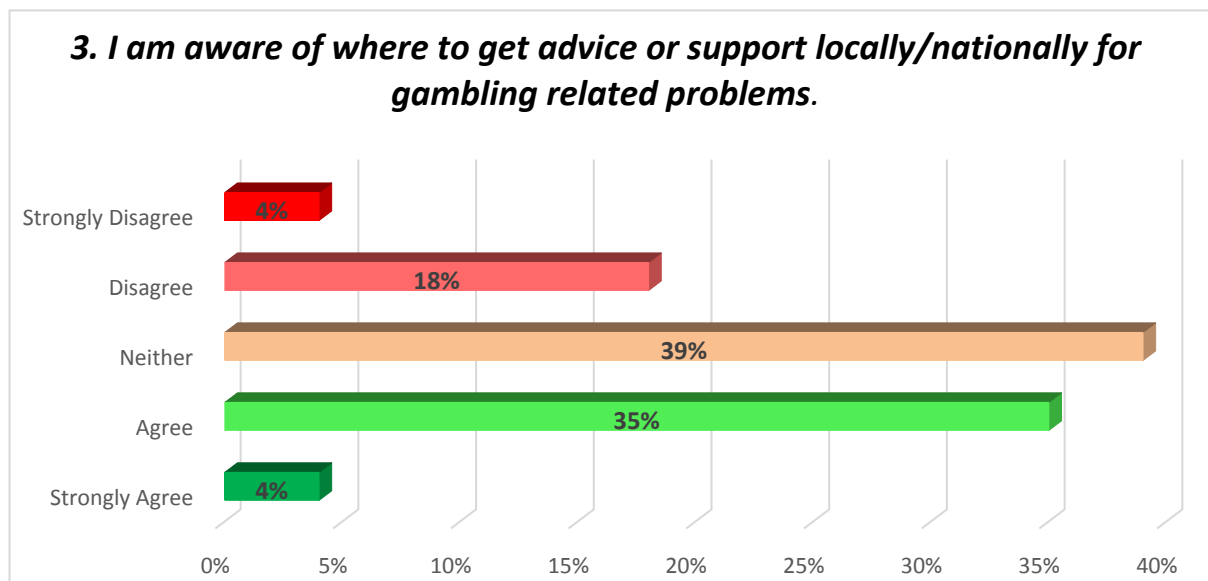
An Average Index Score of -0.65 confirms this result, with a score in the 0 – -1 range indicating disagreement.





**3. I am aware of where to get advice or support locally/nationally for gambling related problems.**

It was seen that 39% (N=9) respondents neither agreed nor disagreed that they were aware of where to get advice or support locally / nationally for gambling related problems. Again, this suggests most respondents are neutral/undecided on the matter or have insufficient knowledge or experience to form strong feelings. The same amount of respondents (39%) (Strongly agreed 4%; agreed 35%) with this statement. A significantly lower amount of participants disagreed (18% strongly disagree; 4% disagree).

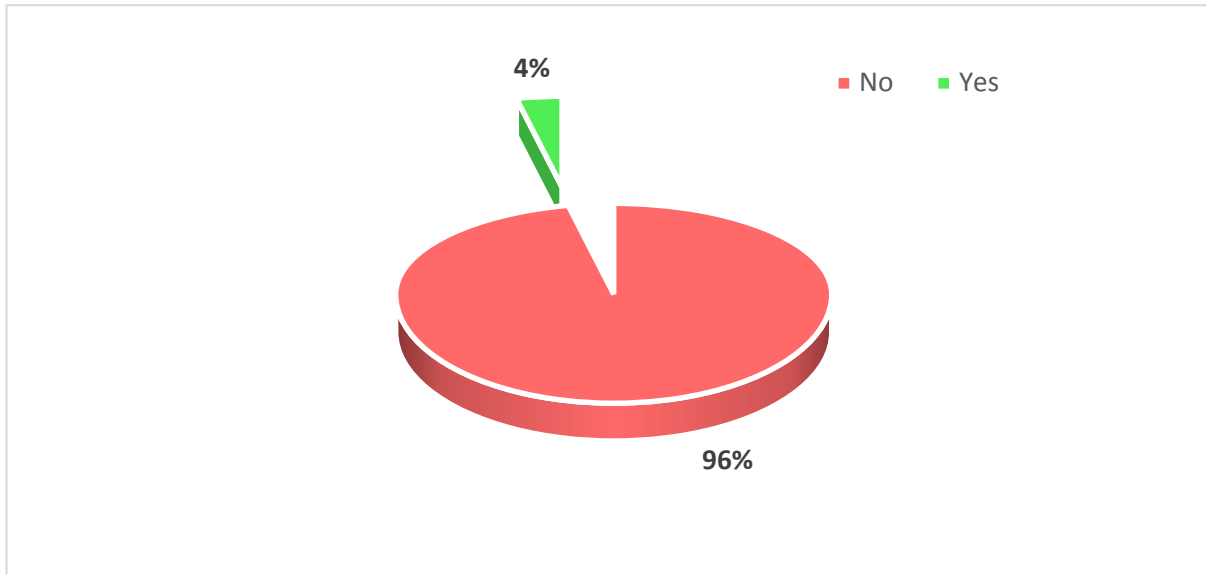


An Average Index Score of 0.17 suggests, overall, respondents slightly agreed with the statement. Values closer to a '0' value are indicative of a fairly neutral response.

**4, Are you aware of any problems that have occurred as a result of gambling premises being located in close proximity to sensitive buildings e.g. schools,**

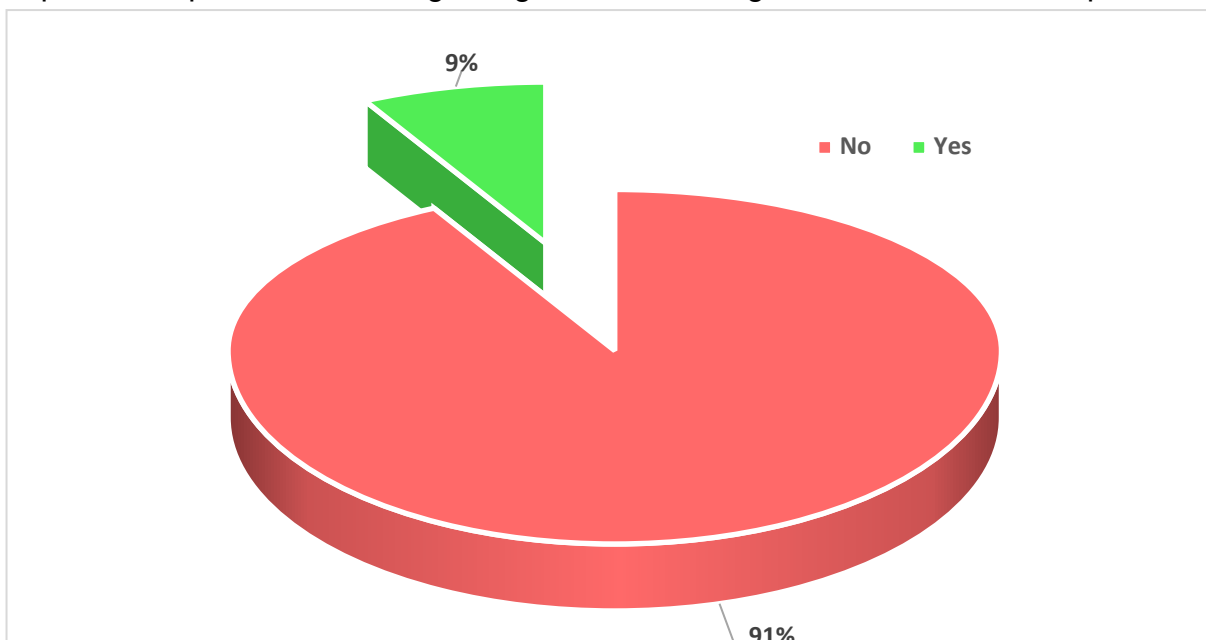
**sixth form colleges, children's play areas, treatment centres for drug, alcohol and other addictions?**

The pie chart below shows that the majority of respondents (n=22; 96%) are unaware of any problems which have occurred as a result of gambling premises being located in close proximity to sensitive buildings. Only one person responded that they were aware of problems which have occurred.



**5. Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public?**

Similar to the preceding question, 91% (N=20) were unaware of any premises in their area where problems have occurred as a result of gaming machines being made available to the public. In contrast only 9% (N=2) noted that they have experiences problems due to gaming machines being made available to the public.



### 3) ANALYSIS OF COMMENTS – SUMMARY MATRIX TABLE

The report now considers comments expressed in the survey’s free-text questions. Note is made of the respondents’ ID number (to provide a traceable record), comment(s) received, the Council’s response and, where appropriate, changes to the gambling policy as a result of the consultation. Respondents that have not submitted a reply are omitted from the table.

RESPONDENT	COMMENTS	APPRAISAL	RESPONSE	CHANGES
Respondent 1	<p><b>Question 1,2 and 6</b></p> <p>With Llanelli being that a deprived area Gambling can be a problem with it been seen as a way out of poverty etc</p>	Noted	To be taken into account when reviewing the policy	No Change necessary, already covered on page 12 of the Policy document under the heading of vulnerable persons.
Respondent 2	<p><b>Question 1</b></p> <p>A load of residents mainly male using wages/benefits in bookmakers . Machines and then cards games in pub/club (Llwynhendy)</p> <p><b>Question 2</b></p> <p>Machines in club/pub and bookmakers</p>	<p>Noted</p> <p>Noted</p>	<p>To be taken into account when reviewing the policy</p> <p>To be taken into account when reviewing the policy</p>	<p>No Change necessary, already covered on page 12 of the Policy document under the heading of vulnerable persons.</p> <p>No change necessary as above.</p>

	<p><b>Question 5</b></p> <p>Children in club and machine was punched by a man who lost all his monies</p> <p><b>Question 6</b></p> <p>Lower the amount. There are too many gambling premises and online gambling is worse as in my opinion people do not actually use the cash but cards and seems they are not in the reality of losing cash. Also continued emails texts and letters to people offering “free spins” 100% match bonuses etc.</p>	<p>Noted</p> <p>Noted</p>	<p>To be taken into account when reviewing the policy</p> <p>No change required to policy</p>	<p>Covered on page 12 of the policy document under the heading Children.</p> <p>No power to control the number of premises and online gambling controlled by the Gambling Commission.</p>
Respondent 6	<p><b>Question 1</b></p> <p>Ready availability of gambling outlets in the town (Carmarthen)</p>	<p>Noted</p>	<p>No change required to policy</p>	<p>Cannot limit number of premises.</p>
Respondent 7	<p><b>Question 6</b></p> <p>Most of the gambling within Llangennech RFC is by smart phone directly to gambling firms</p>	<p>Noted</p>	<p>No change required to policy</p>	<p>No Change</p>

Respondent 14	<p><b>Question 6</b> The policy should discourage the use of fixed odds betting terminals</p>	Noted.	No change required to policy	No change as it is a statutory entitlement.
Respondent 19	<p><b>Question 6</b> It would be useful if a local pathway / protocol was put in place to obtain Health Board views on gambling premise applications, particularly in ensuring that the council meets its licensing objective “protecting children and other vulnerable persons from being harmed or exploited by gambling”. This would be particularly important for instance, in considering location of premises near services for vulnerable people, particularly children and young people and drug or alcohol services.</p>	Noted.	The Policy will be amended to include a process for notifying the Health Board of Applications.	Paragraph 9.20(3)e inserted to outline the notification process.



	<p>(Previously “Legal Highs”) in order to better equip staff to handle use on premises.</p> <p>Local services can provide short, bespoke courses free to licensed premises. It is suggested that given the evidenced links between gambling and problematic alcohol and / or drug use,</p> <p>Consideration should be given to suggesting gambling premises granted licenses should promote local help services for addressing gambling and drug and alcohol issues. Such promotional materials could be provided free of charge.</p>	Noted	Amend Policy to reflect this advice	Paragraph 9.20(3)g inserted to reflect this change
Respondent 20	<p><b>Question 3</b> Able to obtain advise from Working Men's Club &amp; Institute</p>	Noted	No change required to policy	No Change
Respondent 23	<p><b>Question 6</b> Take into account location of gambling machines so that they do not tempt or harm young people.</p>	Noted	The policy already contains references to the Code of practice in relation to Gaming machines.	No Change

#### **4) SUMMARY – KEY CHANGES TO THE GAMBLING POLICY**

1. New section inserted regarding safeguarding advice for licence holders. ( Page 13)
2. Notification of premises licence applications to the Health Board. (Page 13)
3. Information on how to access training courses for staff on drug and alcohol issues. (Page 13)
4. Signposting Gambling premises operators to the report of the Chief Medical Officer for Wales – Annual Report 2016/17 Gambling with our Health (Page 13)
5. Advising premises licence holders to keep premises risk assessments at the premises alongside the premises licence.(Page 23)
6. Require applicants for unlicensed Family Entertainment Centres to provide basic criminal conviction disclosures from the Disclosure and Barring Service. (Page 24)
7. Require applicants for Licensed Premises Gaming Machine Permits to provide plans of the premises as well as additional information regarding the supervision of the proposed machines, the nature of the premises and access for under 18s. (Page 26)





## Gambling Act 2005 - Review of Gambling Policy Consultation Document 2018

### Part 1 - About You

Are you responding as a...

Gambling premises license holder

Gambling permit holder

Premises license holder

Personal license holder

Club premises certificate holder

Member of the Public

Local business

Body representing license holders / clubs

Body/ Person representing members of the Public (e.g. County councilors; Town & Community Council)

Other Organisation or Group

If responding as an organisation/business/body, please write its name here

Following 'SA', please specify the two numbers of your postcode

4	<b>20</b>	39
9	31	40
14	<b>32</b>	44
15	33	48
16	34	<b>66</b>
17	35	67
18	37	out of county
19	38	

**Part 2**

To what extent would you agree or disagree with the following statements:

**1. There are gambling related problems in my area**

Strongly agree

Agree

Neither

Disagree

Strongly disagree

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of problem

**2. Access to gambling by children, young people and other vulnerable persons is a problem in my area**

Strongly agree

Agree

Neither

Disagree

Strongly disagree

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of problem

**3. I am aware of where to get advice or support locally / nationally for gambling related problems.**

Strongly agree

Agree

Neither

Disagree

Strongly disagree

If you agree, please give details of the services that you are aware of below

Street

Town / Village

Nature of problem

Tudalen 42

**4. Are you aware of any problems that have occurred as a result of gambling premises being located in close proximity to sensitive buildings e.g. schools, sixth form colleges, children's play areas, treatment centres for drug, alcohol and other addictions?**

Yes

No

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of problem

**5. Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public?**

Yes

No

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of Problem

**6. Is there anything else that you want us to take into account when reviewing the Gambling Policy?**

If you would like to attach a document to your survey response, please do so:

### Part 3 - Your Details

(optional)

Name:

Address:

Tel No:

Fax:

E-mail:

Under certain circumstances, we may wish to contact you to follow-up on your response, either to ask for additional comment or to reply to the points you have raised.

Do you consent to CCC using your details in this way?

Yes - I am happy to be contacted

No - I do not wish to be contacted

#### **How we will use your information**

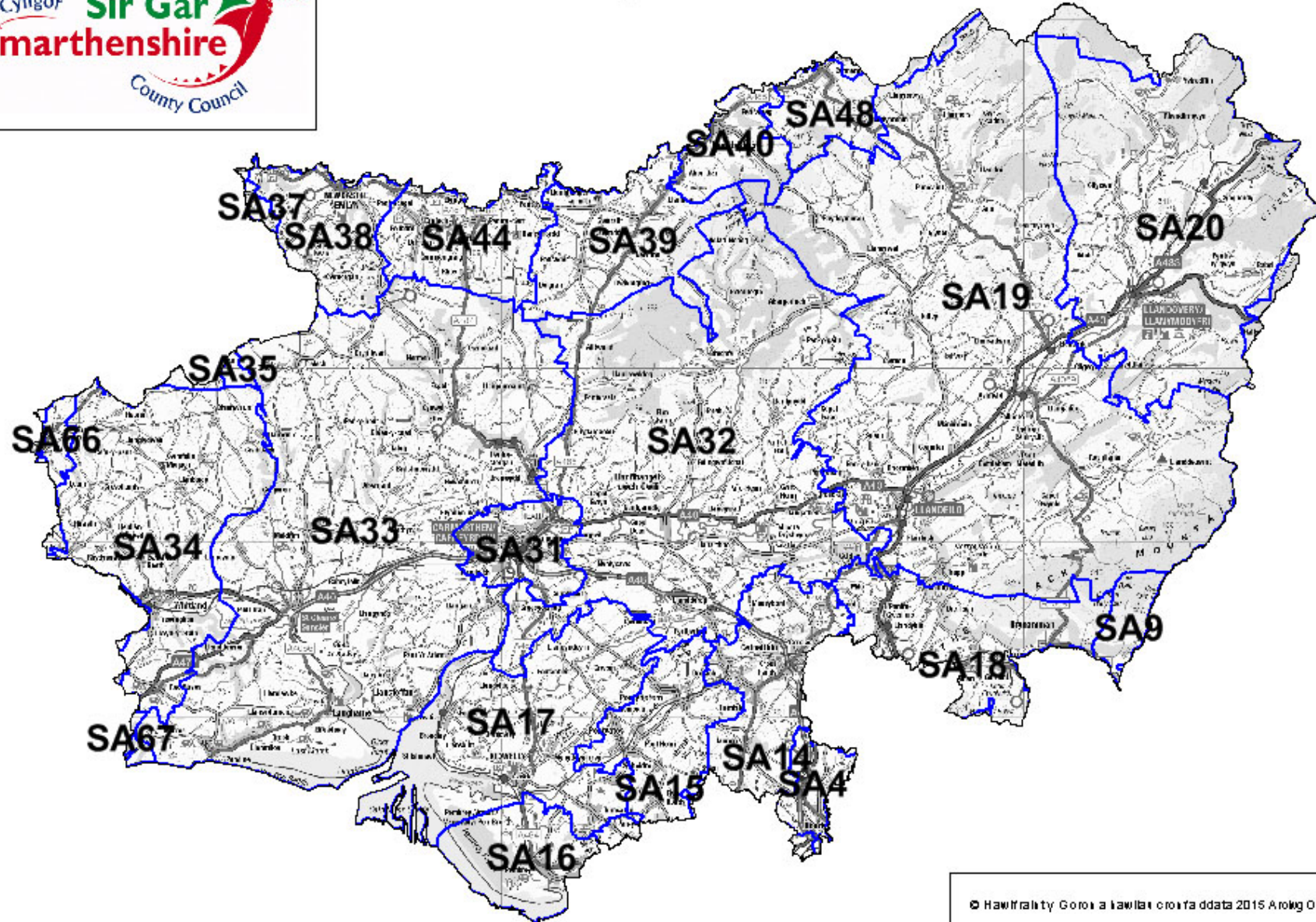
We are collecting personal data about you on this form to comply with requirements in the Gambling Act 2005 on carrying out consultations.

This personal data will only be used for the purpose of this consultation exercise by the Licensing team and will not be shared with any other Council service or external organisation. When we publish a report on this consultation this will not contain your personal details.

To find out more about how we will use your information, including your Data Protection rights, please contact the Licensing Section on 01267 228717.



### APPENDIX 2 - Map of Carmarthenshire Postcode Districts



© Hawflrality Goron a lawllwr crofta ddata 2015 Arolwg Odiava 1000230  
© Crown copyright and database rights 2015 Ordnance Survey 100023377

Mae'r dudalen hon yn wag yn fwriadol



# **Gambling Policy Gambling Act 2005**

# STATEMENT OF GAMBLING POLICY

## Gambling Act 2005

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# PART A

## Statement of Gambling Policy

### 1. The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
- **Ensuring that gambling is conducted in a fair and open way;**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

1.2 It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- **in accordance with any relevant code of practice issued by the Gambling Commission;**
- **in accordance with any relevant guidance issued by the Gambling Commission;**
- **reasonably consistent with the licensing objectives and**
- **in accordance with the authority's statement of Gambling policy.**

### 2. Introduction

2.1 Carmarthenshire is the third largest county in Wales in geographic terms, with a population in 2013 of 184 681. As a primarily rural area, Carmarthenshire has a strong agricultural base with a 'necklace' of key market towns providing for the needs of communities in those rural areas. South East Carmarthenshire is the most densely populated part of the county, and is characterised by close knit former industrial communities. A plan of the county showing individual wards is attached as Appendix C.

2.2 Currently there are 26 Gambling Premises in the County, consisting of 15 Betting Premises, 4 Bingo Premises, 4 Adult Gaming Centres, 2 Family Entertainment Centre and 1 Track Betting Licence.

2.3 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed periodically and any amended parts re-consulted upon. The statement must be then re-published. This document is Carmarthenshire County Council's statement of principles in accordance with the Act.

2.4 This policy has been formulated as a result of a consultation exercise involving (but not limited to):-

- a) The Police
- b) Gambling Commission

- c) Other Responsible Authorities
- d) Licence Holders and their representatives
- e) Permit Holders and their representatives
- f) Local Gambling businesses and their representatives
- g) Local residents and their representatives

Due consideration has been given to all those who have responded.

- 2.5 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 2.6 It is noted that applicants for premises licences need to obtain operating licences from the gambling commission and have responsibilities to the Commission as a result.

### 3. Declaration

- 3.1 In producing this policy document, Carmarthenshire County Council declares that it has had regard to the licensing objectives of the Gambling Act 2005 and the guidance issued by the Gambling Commission.

### 3.2 Glossary of Terms

Within this Statement of Policy, the following words and terms are defined as stated:

Licensing Objectives:	As defined in section 1.1 above
Council:	Carmarthenshire County Council (hereinafter referred to as “the Council”)
County	The area of Carmarthenshire administered by Carmarthenshire County Council referred to in the map attached (see Appendix C)
Licences:	As defined in Part B
Applications:	Applications for licences and permits as defined in Parts B and C
Licensing Authority	A Licensing Authority within the meaning of Section 2 of the Gambling Act 2005 (hereinafter referred to as “the Authority”)
Notifications:	Means notification of Temporary and Occasional Use Notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence

Default Condition: Means a specified condition provided by regulations to be attached to a licence, unless excluded by Carmarthenshire County Council

#### **4. Responsible Authorities**

The following are responsible authorities in relation to premises licences under the Act :-

1. The Licensing Authority in whose area the premises are wholly or partly situated (“Carmarthenshire County Council”);
2. The Gambling Commission;
3. Chief Constable of Heddlu Dyfed-Powys Police;
4. Mid and West Wales Fire and Rescue Service
5. Head of Planning, Carmarthenshire County Council or Brecon Beacons National Park Authority.
6. Public Health Services Manager, Public Protection, Carmarthenshire County Council.
7. Department for Education and Children, Carmarthenshire County Council.
8. HM Revenue and Customs.
9. In relation to a vessel, a navigation authority, Environment Agency, British Waterways Board and Secretary of State
10. Any other person prescribed in regulations by the Secretary of State

4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

4.2 The principles are:

- a) the need for the body to be responsible for an area covering the whole of the licensing authority’s area; and
- b) the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

4.3 For these reasons, this authority designates the Department for Education and Children , Carmarthenshire County Council for this purpose.

4.4 The contact details of all the Responsible Authorities under the Gambling Act 2005 are contained in Appendix B of this Policy document and are also available via the Council’s website at: [www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)

## 5. Interested parties

5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”.

5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities at 8.9 and 8.17. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, community councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the **Licensing Section, Department for Communities, 3 Spilman Street, Carmarthen, SA31 1LE.**

5.3 Any community or County Councillors who are approached to represent interested persons should ensure that they comply with the Code of Conduct and seek dispensation from the Standards Committee if appropriate.

## 6. Exchange of Information

6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission,

and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 of the Act.

- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the **General Data Protection Regulation 2016 and Data Protection Act 2018 will not be contravened**. The licensing authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

## 7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities, and will endeavour to be:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
  - Consistent: rules and standards must be joined up and implemented fairly;
  - Transparent: regulators should be open, and keep regulations simple and user friendly; and
  - Targeted: regulation should be focused on the problem, and minimise side effects.
- 7.3 As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission
- 7.5 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.6 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Section, 3 Spilman Street, Carmarthen, Carmarthenshire, SA31 1LE.

## 8. Licensing Authority functions

8.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences; for Bingo premises, Betting premises, Tracks, Adult Gaming Centres and Family Entertainment Centres.
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- Maintain registers of the permits and licences that are issued under these functions.

8.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

## **PART B PREMISES LICENCES – CONSIDERATION OF APPLICATIONS**

### 9. General Principles

9.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

9.2 All applicants for Premises Licences will be required to set out how they will have regard to the licensing objectives, as specified in section 1.1 above, and what measures they intend to employ to ensure compliance with them.

#### 9.3 Decision-making

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;
- reasonably consistent with the licensing objectives; and

- in accordance with the authority's statement of licensing policy.

9.4 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.

This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licenses.

In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity.

- The offer of established core products (including live event pictures and bet range)
- The provision of information of products and events
- The promotion of gambling opportunities and products
- The actual use made of betting facilities
- The size of premises
- The delivery of betting facilities

9.5 **Definition of "premises"** – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, we will pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

9.6 The Gambling Commission states in S7.6 of the fifth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. S7.7 The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit"

9.7 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should

be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

9.8 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

9.9 **The Gambling Commission’s relevant access provisions for each premises type are reproduced below:**

7.23:

#### **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.21 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

#### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

#### **Betting Shops**

- Access must be from a street (as per para 7.20 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind **unless that shop is itself a licensed betting premises.**

#### **Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

#### **Bingo Premises**

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track



## Family Entertainment Centre

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

### 9.10 Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

9.11 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

9.12 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

9.13 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

9.14 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58-7.65 of the Guidance.

9.15 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This does not preclude any applications being made and each application will be decided on its merits.

9.16

When determining an application to grant a Premises Licence or review a Premises Licence, regard will be taken regarding the proximity of the premises to schools, youth centres, vulnerable adult centres or residential areas where there is an evidential link between the proximity of such premises and the gambling premises. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises. Therefore, if an Applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

### 9.17 **Duplication with other regulatory regimes**

When determining an application, the Authority shall not take into account matters not relevant under the Act such as the likelihood of the applicant obtaining planning permission or building control approval.

An applicant can apply for a “provisional statement” if the building is not complete or if he does not yet have a right to occupy it. Such an application is, however, a separate and distinct process to the granting of planning permission or building control approval.

9.18 This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a premises is likely to be awarded planning permission or building regulations approval or comply with any existing permission or approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.

9.19 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

9.20 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission’s Guidance to local authorities and some comments are made below.

## **1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime –**

- a) This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.
- b) The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective.
- c) Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.
- d) When preparing licence applications, applicants are advised to consider the following:-

1. The design and layout of the premises;
2. Location in so far as the location relates to the licensing objectives
3. The training given to staff in crime prevention measures appropriate to those premises;
4. Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
5. Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
6. The likelihood of any violence, public order or policing problem if the licence is granted.
7. In relation to the prevention of disorder, the Authority has the ability (under S169 of the Act) to impose licence conditions.
8. The staffs awareness of the Money Laundering Regulations and the provision of a clear procedure for reporting any suspicious activity to senior management

## **2. Ensuring that gambling is conducted in a fair and open way –**

This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below – page 16).

## **3. Protecting children and other vulnerable persons from being harmed or exploited by gambling –**

- a) This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling. The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas within the same premises, staff training and design and layout of the premises.
- b) This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

### **c) Children and vulnerable persons**

#### **1. Children**

The Gambling Act and guidance issued by the commission make detailed provision for the protection of children from gambling harm. Licence holders should familiarise themselves with these provisions.

#### **2. Test Purchasing**

The Authority supports the stance of the Gambling Commission in promoting operators to test the integrity of their age verification policies and procedures to prevent children from accessing gambling facilities. Each premises will be expected to inform their Primary Authority (where there are such agreements in place with specific operators) in writing of the approach they have adopted and share the results of such tests with the Authority annually with a view to working with the Authority to enhance robustness of procedures preventing children using gambling facilities.

Those who do not have such primary authority agreements are expected to share the results of such test purchases with this Licensing Authority.

#### **d) Vulnerable Persons**

1. As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.
2. The Authority expects all gambling premises to make available information regarding the Financial Exploitation Safeguarding Scheme (FESS) .Given the evidence of a link between gambling and financial exploitation. Further information regarding the scheme can be obtained from the Licensing Section.

#### **e) Local Health Board Notification.**

The Licensing Authority will notify the Local Health Board of applications for gambling premises licences.

#### **f) Good Practice Guidance**

Premises operators, responsible authorities and decision makers are strongly advised to consider best practice guidance when assessing the impact of granting a licence. Particular reference should be made to the following reports:-

- Welsh Government Framework on Tackling the Night Time Economy
- The Relationship Between Alcohol and Gambling behaviours - Alcohol Concern Cymru (2015)
- Gambling with Our Health – Chief Medical Officer for Wales Annual Report 2016/17

#### **g) Training**

Premises operators are advised to provide staff training that includes training on drug and alcohol related issues, particularly training on local policies for dealing with discarded needles and the risks of blood borne virus in order to protect staff. Training could also include awareness of the types of new and emerging drugs referred to as “New Psychoactive Substances” (previously “Legal Highs”) in order to better equip staff to handle use on premises.

Local services can provide short, bespoke courses free to licensed premises and operators are strongly advised to contact the licensing authority for details of how to access these courses.

Premises operators are also strongly advised to promote local help services for addressing gambling, drug and alcohol issues. Details of where to obtain relevant promotional material can be obtained from the licensing authority.

#### **h) Safeguarding**

1. Carmarthenshire County Council believes that the safeguarding of Children and Vulnerable persons is a priority.
2. Carmarthenshire’s Licensing Section in conjunction with agencies, including the Gambling Commission and Dyfed Powys Police is looking to work in partnership with licensees, their staff and other organisations to ensure that premises offering

gambling activities operate responsibly and with due regard to children and vulnerable persons.

3. As part of this initiative the group has produced information and training material to raise awareness of safeguarding issues, including Child Sexual Exploitation and to provide local points of contact for advice and guidance as well as to report concerns.
4. The authority recommends that businesses offering gambling activities need to ensure that their staff have been adequately trained in relation to safeguarding matters in order to respond appropriately and quickly where issues arise. This advice is equally as important to operators of premises which offer gaming machines alongside the sale or supply of alcohol.
5. The authority strongly suggests that applicants for authorisations include information regarding their arrangements for staff safeguarding training as part of the application documents.
6. Gambling businesses are advised to contact the licensing section or visit the Authority's gambling web pages to obtain copies of the documents.

#### **I) Bet – Watch**

The Authority encourages and will support local operators to create and maintain an information sharing network to discuss issues of problem gamblers that are identified. This will also be an opportunity for operators to discuss issues with licensing officers.

#### **Conditions**

9.21 - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

9.22 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

9.23 This licensing authority will also consider specific measures, which may be required for buildings that are subject to multiple premises licences.

9.24 Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

9.25 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- that all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- that only adults are admitted to the area where these machines are located;
- that access to the area where the machines are located is supervised;
- that the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- that at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

9.26 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

9.27 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

9.28 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirement for different types of premises vary (as per the Guidance, Part 33).

9.29 However, where an applicant chooses not to engage SIA registered door supervisors this Licensing Authority will expect the applicant to describe in their application how they intend to: -

- a) Carry out Criminal Record checks (CRB) on each individual
- b) Provide details of their criminal convictions criteria
- c) Explain the proposed method of identifying these individuals when working in the capacity of door supervisors.
- d) Indicate the ratio of male and female operatives
- e) Provide details of the appropriate training for the role
- f) Provide a work register showing the duty time and date (same applies to SIA registered).

9.30 **Closed Circuit Television Systems** - This Licensing Authority recognises the value of CCTV systems in preventing crime and disorder. Applicants are advised to follow the guidance available from the Dyfed Powys Police regarding the standards and specifications of any proposed system to ensure that it is appropriate for the premises.

## 10. Adult Gaming Centres

10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

10.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions **should** cover issues such as:

- Adopt a proof of age scheme such as challenge 21 or 25;
- How any risks to children and vulnerable persons from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## 11. (Licensed) Family Entertainment Centres:

11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Applicants are strongly advised to refer to the safeguarding information set out on page 13 of this policy document.

11.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However appropriate measures/licence conditions **should** cover issues such as:

- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;

- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Measures/training for staff on how to deal with suspected truant school children on the premises.
- How any risks to children and vulnerable adults from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

11.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

## 12. Casinos

12.1 There are currently no casinos operating within the county.

12.2 There is no resolution to prohibit casinos in the county at present. However the Council reserves the right to review this situation and may, at some time in the future, resolve not to permit casinos.

12.3 Should the Council choose to make such a resolution, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

## 13. Bingo premises

13.1 This licensing authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

13.2 This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

13.3 Paragraph 18.7 further states that children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.



13.4 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions should cover issues such as:

- Adopt a proof of age scheme such as challenge 21 or 25;
- How any risks to children and vulnerable persons from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

## 14. Betting premises

14.1 **Betting machines** - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. This Licensing Authority expects applicants to demonstrate suitable measures to ensure children do not have access to such machines.

14.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions should cover issues such as:

- Adopt a proof of age scheme such as challenge 21 or 25;
- How any risks to children and vulnerable persons from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

14.3 The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Authority a single named point of contact, who shall be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.

## 15. Tracks

- 15.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 15.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.
- 15.3 It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 15.4 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes, such as challenge 21 or 25;
  - CCTV;
  - Supervision of entrances/machine areas;
  - Physical separation of areas;
  - Location of entry;
  - Notices/signage;
  - Specific opening hours;
  - Self-exclusion schemes
  - Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 15.5 **Gaming machines** - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 15.6 **Betting machines** - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.
- 15.7 **Condition on rules being displayed** - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to

ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

15.8 This Licensing Authority will expect applicants to demonstrate how they will comply with this guide as part of their application.

### 15.9 Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.43).

15.10 **Plans** – Applicants will be expected to provide a plan of the premises in a scale of 1:100 unless the Authority has agreed in writing to the applicant to accept a plan in an alternative scale. The plan should show:

- The entire boundary of the premises, and all buildings and structures within the premises.
- The location of the points of access to and egress from the premises.
- The areas to be used for gambling activities whether permanent or temporary.
- Any areas where access by children is restricted/prohibited.
- Location of any warning or information notices.
- Location of any public conveniences.
- Location of any gambling areas at the premises covered by separate licences or permits.
- The plan may include a legend through which the above matters may be identified.

15.11 This Licensing Authority is of the view that, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

15.12 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information so that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.46).

## 16. Travelling Fairs

16.1 It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

16.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

16.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## 17. Provisional Statements

17.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

17.2 S.204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

17.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

17.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

17.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## 18. Reviews:

- 18.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement of principles.
- 18.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 18.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 18.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 18.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 18.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
  - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
  - (c) suspend the premises licence for a period not exceeding three months; and
  - (d) revoke the premises licence.
- 18.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 18.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 18.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
  - the applicant for review (if any)
  - the Commission

- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

## 19. Risk Assessments

- 19.1 Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The Licence Conditions and Code of Practice issued by the Gambling Commission ( The code ) requires all operators of; Adult Gaming Centres (AGC's), Bingo Premises, Family Entertainment Centres (FEC's), Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.
- 19.2 Operators are required by the code from 6<sup>th</sup> April 2016 to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the Authority's inspection regime and may be requested when officers are investigating complaints.
- 19.3 Operators are strongly advised to ensure that a copy of the current premises risk assessment is kept at the premises alongside the premises licence document and made available to staff.
- 19.4 The code requires the Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Authority expects the following matters to be considered by operators when making their risk assessment.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
  - Gaming trends that may reflect benefit payments and paydays.
  - Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
  - Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
  - Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
  - Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
- 19.5 The Authority expects the following matters to be considered by Operators when making their risk assessment.
- Matters relating to children and young persons, including;
- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.
  - Any premises where children congregate including bus stops, cafés, shops, and any other place where children are attracted,
  - Areas that are prone to issues of youths participating in anti social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
  - Recorded incidents of attempted underage gambling
- 19.6 Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, places of worship, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

19.7 This list is not exhaustive and other relevant factors not in this list that are identified must be taken into consideration.

## **PART C**

### **Permits/Temporary & Occasional Use Notice**

#### **20. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits – Schedule 10 paragraph 7).**

20.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the act).

20.2 An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and the Chief Officer of Police has been consulted on the application. This Licensing Authority will expect applicants to :

- **Demonstrate** a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- **Demonstrate** that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- **Demonstrate** that staff are trained to have a full understanding of the maximum stakes and prizes.
- **Demonstrate an understanding of safeguarding issues highlighted on page 13 of this policy.**
- **Provide a basic criminal record check from the Disclosure and Barring Service (DBS) or a Subject Access printout from the Police National Computer dated within one calendar month of the date of application being submitted (unless the applicant holds a current Operator's licence issued by the Gambling Commission)**
- **Provide plans of the premises which comply with the requirements of paragraph 15.9 – 15.10 of this policy and which illustrate the proposed locations of gaming machines and the locations of staff managing and supervising the centre.**

**20.3 When considering any convictions revealed in an application the licensing authority will consider the nature and relevance of the offence, how long ago it took place and any other factors that may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and "spent" convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 7 to the Gambling Act 2005.**

20.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.

20.5 **Statement of Principles** - This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

20.6 The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, appropriate measures / vetting of staff/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

20.7 Applicants are advised to refer to the **Safeguarding advice outlined on page 13 of this Policy** or contact the relevant Responsible Authorities for further guidance.

## 21.(Alcohol) Licensed premises gaming machine permits

### **Gaming Machines -Automatic Entitlement**

21.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee.

21.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

### **21.3 Gaming Machine Permit: 3 or more machines – (schedule 13 paragraph 4(1))**

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives under the 2005 Act, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant”.

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being



in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

Applicants for Licensed premises Gaming Machine Permits are therefore required to provide the following information alongside their application:-

1. A plan of the premises in accordance with paragraph 15.10 of this policy on which they shall show the proposed location of each gaming machine along with details of the locations of supervising staff as well as Notices and signage.
2. Information regarding the nature of the premises including access to the premises by persons aged under 18.
3. Applicants are required to demonstrate that the gambling activity proposed at the premises will be incidental / ancillary to the other licensable activities at the premises.

21.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

21.5 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

21.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

21.7 The Local Authority may consult the Police prior to determining any such applications.

## **22. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3)).**

22.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

22.2 **Statement of Principles** - Applicants should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.
- Clear policies that outline the steps to be taken to protect children from harm.

22.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).

22.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

## 23. Club Gaming and Club Machines Permits

23.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

23.2 This licensing authority notes that the Gambling Commission's Guidance states:

25.44 The LA has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in sections 25.45-25.47 of the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

23.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police".

23.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced". The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

23.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

23.6

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions should cover issues such as:

- Adopt a proof of age scheme such as challenge 21 or 25;
- How any risks to children and vulnerable persons from gambling will be addressed;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

## 24. Temporary Use Notices

24.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

24.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

24.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

24.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.

24.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

## **25. Occasional Use Notices**

25.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

## **26. Small Society Lotteries**

26.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

26.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this licensing authority on 01267 228717 for further advice.

## DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Council	Sub Committee	Officers
Final approval of three year Licensing policy	X		
Policy not to permit casinos	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received and representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received and representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received and representations have been withdrawn
Application for a review of a premises / club licence		X	
Application for club gaming/ Club machine permits		Where objections have been made and not withdrawn	Where no objections made or where objections have been withdrawn
Cancellation of club gaming/ Club machine permits		X	
Applications for other permits		Where objections have been made and not withdrawn	Where no objections made or where objections have been withdrawn
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Fee setting (when appropriate)	Executive Member Board Decision Meeting		
Decision of whether a representation is irrelevant, frivolous or vexatious			X In consultation with Licensing Committee Chairperson

## GAMBLING ACT 2005

### GAMBLING POLICY

## Appendix B

### Contact Details

#### Licensing Authority

Licensing Section  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

Tel No. 01267 234567

e-mail : [PublicProtection@Carmarthenshire.gov.uk](mailto:PublicProtection@Carmarthenshire.gov.uk)

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel No. 0121 230 6666

e-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Fax No. 0121 230 6720

HMRC  
The National Registration Unit  
Betting and Gaming  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ

Tel No. 03000 516023

e-mail [nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk)

Fax No. 03000 516249

#### The Relevant planning Authority

#### Either ,

Head of Planning  
Carmarthenshire County Council  
8 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LQ

Tel No. 01267 242454

Tudalen 78

e-mail: [Planning@Carmarthenshire.gov.uk](mailto:Planning@Carmarthenshire.gov.uk)

**Or**

Brecon Beacons National Park, for premises within its administrative area

Enforcement Officer  
Brecon Beacons National Park Authority  
Plas Y Ffynnon  
Cambrian Way  
Brecon  
Powys  
LD3 7HP

Tel No: 01874 620431  
Email: [planning.enquiries@breconbeacons.org](mailto:planning.enquiries@breconbeacons.org)  
Fax: 01874 622524

Commercial Services Manager  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

Tel No. 01267 234567  
e-mail: [PublicProtection@Carmarthenshire.gov.uk](mailto:PublicProtection@Carmarthenshire.gov.uk)

Licensing Officer  
Dyfed Powys Police  
Police Station  
Foundry Road  
Ammanford  
Carmarthenshire  
SA18 2LS

Tel No. 101 Ext 26464  
e-mail: [Mike.Price@Dyfed-Powys.pnn.police.uk](mailto:Mike.Price@Dyfed-Powys.pnn.police.uk)

County Commander  
Mid and West Wales Fire and Rescue Service  
Carmarthenshire Command HQ  
Lime Grove Avenue  
Carmarthen  
Carmarthenshire  
SA31 1SP

Tel No. 0870 6060699  
e-mail : [Mail@Mawwfire.gov.uk](mailto:Mail@Mawwfire.gov.uk)

Head of Children Services  
Department for Education and Children

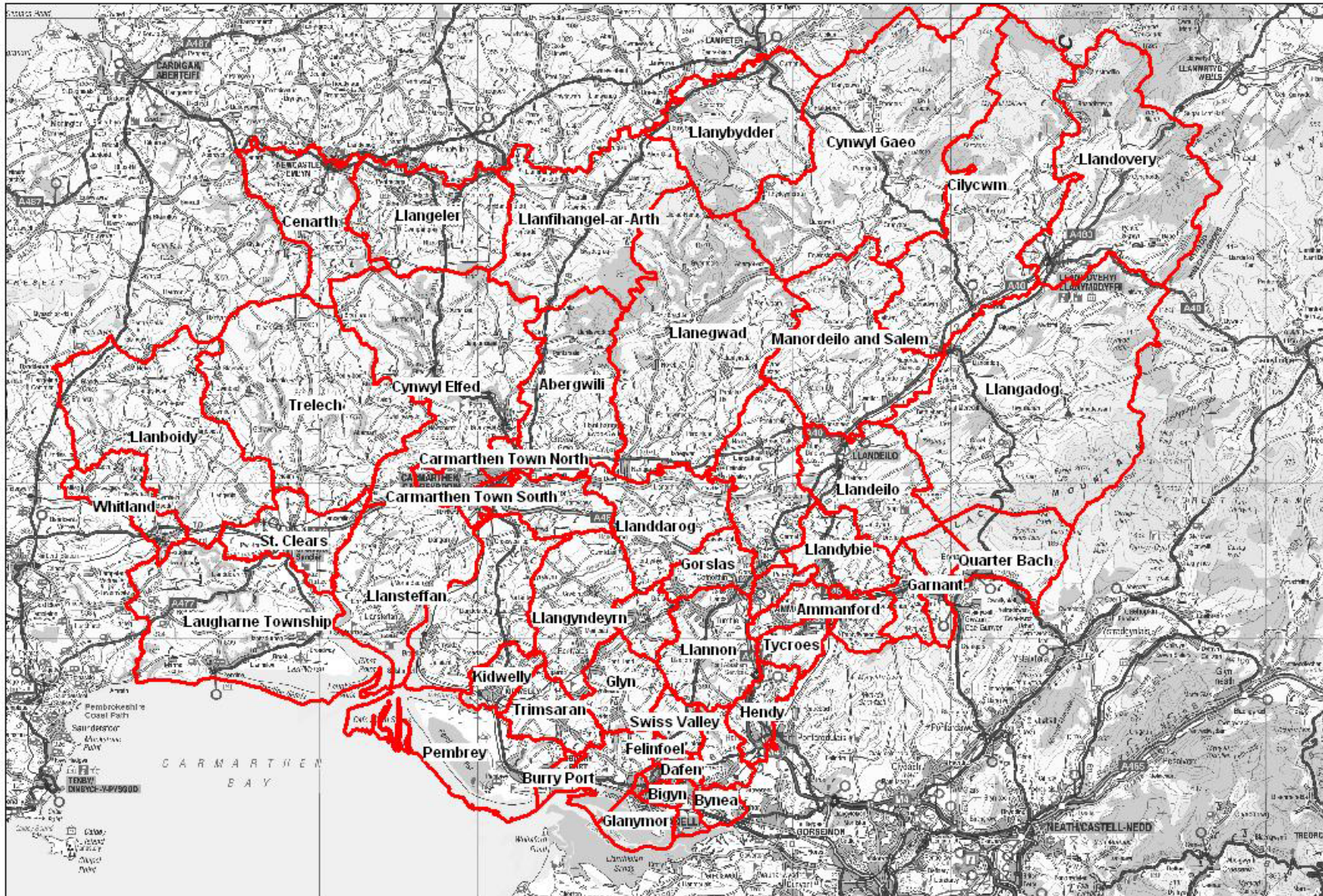
Carmarthenshire County Council  
Building 2  
St. Davids Park  
Jobs Well Road  
Carmarthen  
Carmarthenshire  
SA31 3HB

Tel No. 01267 246549

e-mail. [Childrensocialcare@Carmarthenshire.gov.uk](mailto:Childrensocialcare@Carmarthenshire.gov.uk)

**Applicants for licences in respect of vessels should contact the Licensing Authority for additional information.**





Mae'r dudalen hon yn wag yn fwriadol

**Y PWYLLGOR TRWYDDEDU****24/10/18****ADOLYGIAD O'R POLISI TRWYDDEDU****Yr argymhellion / penderfyniadau allweddol sydd eu hangen:**

Atodir crynodeb o'r ymatebion i'r ymgynghoriad.

Argymhellir :-

- Bod y Polisi Trwyddedu diwygiedig yn cael ei gymeradwyo.

**Y rhesymau:**

- Mae'r ddogfen Polisi Trwyddedu ddiwygiedig amgaeedig yn adlewyrchu canlyniadau'r ymgynghoriad a'r broses adolygu.
- Mae tystiolaeth ddigonol wedi'i darparu i gyfiawnhau mabwysiadu Asesiad o'r Effeithiau Cronnol mewn perthynas â Heol Awst, Caerfyrddin.
- Mae'r cynllun dirprwyo wedi'i ddiwygio i adlewyrchu arferion da a newidiadau i'r ddeddfwriaeth.

Angen ymgynghori â'r Pwyllgor Craffu perthnasol :	OES - Diogelu'r Cyhoedd a'r Amgylchedd, 1 Hydref 2018
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Angen i'r Bwrdd Gweithredol wneud Penderfyniad	OES – 19 Tachwedd 2018
--	------------------------

Angen i'r Cyngor wneud penderfyniad	OES - 12 Rhagfyr 2018
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**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:-****Y Cynghorydd P M Hughes (Deiliad Portffolio Diogelu'r Cyhoedd a'r Amgylchedd)**Cyfarwyddiaeth yr Adran  
CymunedauEnw Pennaeth y  
Gwasanaeth: Jonathan  
Morgan

Awdur yr Adroddiad:

Emyr Jones

Swyddi:

Pennaeth Dros Dro Cartrefi a  
Chymunedau Mwy Diogel

Arweinydd Trwyddedu

Rhif 01554 899285

[jmorgan@sirgar.gov.uk](mailto:jmorgan@sirgar.gov.uk)

Ffôn: 01267 228717

[eorjones@sirgar.gov.uk](mailto:eorjones@sirgar.gov.uk)**EXECUTIVE SUMMARY  
LICENSING COMMITTEE**

24/10/18

## REVIEW OF LICENSING POLICY

### Context

When the current Licensing Policy was adopted in February 2016, it was resolved that a further consultation would be undertaken regarding the possible adoption of a Cumulative Impact Policy in relation to Lammas Street, Carmarthen.

The legislation was amended in April 2018 to refer to Cumulative Impact Assessments rather than Cumulative Impact Policies.

### Consultation

This consultation exercise was undertaken between the 3<sup>rd</sup> of April and the 1<sup>st</sup> of June 2018 and was aimed at responsible authorities, local residents, businesses, existing licence holders and their representatives.

Approximately a thousand individuals and organisations, including licence holders and their representatives, town and community councils, members of parliament, assembly members, county councillors, council departments and responsible authorities received consultation documents.

The survey was undertaken using the consultation facility on the Council's web site. This enabled the majority of consultees to be contacted via e-mail, thus reducing the cost whilst increasing the accessibility of the consultation. Properties within the area highlighted in the consultation document received a hand delivered consultation letter.

The Authority's licensing section in conjunction with the council's legal department have reviewed the policy document in light of the consultation responses, revised government guidance, amendments to the Licensing Act and recent case law.

The Key issues raised as a result of the consultation exercise were:-

- That there is evidence to support the adoption of a Cumulative Impact Assessment for Lammas Street, Carmarthen.

### The Key changes to the Policy document include :-

- A Cumulative Impact statement in respect of Lammas Street, Carmarthen. (Page 21)
- An amended schedule of delegations to reflect amendments to the Licensing Act 2003 and to deal with film classification requests. (Page 33)

A revised licensing policy document, incorporating amendments to reflect the review process is attached.

### DETAILED REPORT ATTACHED?

YES –

Licensing Policy Consultation Report

Licensing Policy Statement – The Licensing Act 2003



Mae'r dudalen hon yn wag yn fwriadol

# CARMARTHENSHIRE COUNTY COUNCIL



## Licensing Policy CONSULTATION REPORT

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65	<i>Appendix B – Map of Carmarthenshire’s postcode districts</i>
66	<i>Appendix C – Plan from consultation document</i>



# CARMARTHENSHIRE COUNTY COUNCIL

## Licensing Policy Consultation

### INTRODUCTION & CONTEXT

On a periodic basis – at least once every five years – the local authority is legally required to review its Licensing Policy under the Licensing Act 2003 to ensure fitness for purpose. When the current policy was adopted by the authority in February 2016, it was resolved that a further consultation would be undertaken regarding the possible adoption of a Cumulative Impact Assessment in respect of Lammas Street, Carmarthen. Consultation is an intrinsic part of this process: the policy must be responsive to local needs, it should take under advisement comments from myriad stakeholders and seek evidence that will help evaluate progress against its statutory objectives.

To this end, a ten week consultation (April 3<sup>rd</sup> to June 1<sup>st</sup> 2018) was held to garner views from a wide range of organisations and individuals with an interest in licensing matters.

This report, incorporating the results of the public consultation and the authority's response in summary form, will go to both the Licensing Committee and Environmental & Public Protection Scrutiny Committee in October and then to the Executive Board in November before full Council in December.

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This report:

- 1) Outlines the approach and consultation methods deployed;
  - 2) Summarises results and key findings;
  - 3) Considers free-text responses from residents, licence holders, organisations and town and community councils in a summary matrix table;
  - 4) Provides a short summary
- 

### 1) OUTLINE OF APPROACH AND CONSULTATION METHODS

A mixed-methods approach to ascertaining views on Carmarthenshire's Licensing Policy was employed to gather quantitative and qualitative data for analytical and evaluative purposes. Specifically, the consultation focused on (i) identifying whether alcohol related anti-social behaviour continues to be a problem in Lammas Street and whether a Cumulative Impact Assessment is required for the street (ii) the types of licensable activities to which the assessment should apply and (iii) the area to which the assessment should apply.

In accordance with the Licensing Act 2003, a number of statutory consultees were engaged throughout the consultation. This included:

- the chief officer of police
- the fire authority
- persons/bodies representative of local premises licence holders
- persons/bodies representative of local club premises certificate holders
- persons/bodies representative of local personal licences
- persons/bodies representative of businesses and residents in the area

More generally, the following mechanisms and consultation channels were utilised:

### **Publicity**

The consultation was publicised through the Council's press office, through means including: press releases; information on the Council's website; online consultation portal and through social media feeds. Properties in the area highlighted in the consultation document received a hand delivered consultation letter.

### **Carmarthenshire Citizens' Panel & 50+ Forum**

Carmarthenshire's Citizens' Panel (a representative group comprising c. 557 members) – and 50+ Forum (2700 members aged 50 plus) are a useful barometer of public opinion and are regularly consulted on Council services. Information was disseminated electronically to members on email: c. 281 Citizens' Panel and c. 759 50+ members.

### **Workshop**

The licensing committee on the 24<sup>th</sup> of May was used as an opportunity to take members of committee through the consultation document.

### **Survey**

Surveys are a cost-effective method for finding out stakeholders' views and can be administered in a variety of different ways. An electronic and paper survey was thus selected as the principal method for gathering data. The survey contained a number of fixed-response (closed) and free-response (open) questions. Furthermore, the survey encouraged respondents to upload/attach evidence to support their submission.

The on-line survey (Appendix A) was made available through Carmarthenshire County Council's consultation page. In addition to listed statutory consultees, links to the survey were circulated to members of the Citizens Panel, 50+ Forum, county councillors and town and community councils, license holders, licensing solicitors, MPs, AMs and the Police and Crime Commissioner. Taken as a whole, consultation invites were sent to over 1000 individuals and organisations.

The consultation exercise resulted in **36 submissions**, covering a wide section of the community. A full breakdown of response sources is seen below and postcode areas can be seen on the following page.

<b>Are you responding as a...</b>	
<b>Premises licence holder</b>	2 (6%)
<b>Personal licence holder</b>	1 (3%)
<b>Club premises certificate holder</b>	-
<b>Member of the Public</b>	25 (71%)
<b>Local business</b>	3 (8%)
<b>Body representing licence holders / clubs</b>	-
<b>Body/ Person representing members of the Public (e.g. County councillors; Town &amp; Community Council)</b>	2 (6%)
<b>Body representing local businesses</b>	-
<b>Other Organisation or Group</b>	2 (6%)

Postcode*	Number or responses
SA14	3 (10%)
SA15	2 (7%)
SA17	1 (3%)
SA19	2 (7%)
SA31	16 (54%)
SA32	3 (10%)
SA33	1 (3%)
SA34	1 (3%)
SA38	1 (3%)

\*Note. Postcode areas can be viewed in Appendix B. Questions 1 and 2 were not mandatory, therefore the totals do not match the total number of surveys submitted.

### **Other**

Carmarthenshire's Licensing Section highlighted the consultation to the local Licensing Action Group, made up of representatives of the Police and other responsible authorities and the consultation was discussed at a Police problem solving group meeting, looking at ways of dealing with the anti-social behaviour problems associated with Lammas Street Carmarthen.

The consultation responses identified a number of examples of alcohol related anti-social behaviour and crime and disorder in Lammas Street, which will not be addressed by the Cumulative Impact Assessment, because the licences are already in place. The licensing section will discuss these responses with the local Licensing Action Group, the Police problem solving group and any other relevant stakeholders in an effort to address the problems.

## 2) KEY QUANTITATIVE FINDINGS FROM THE SURVEY

In order to illustrate the key findings of the survey, this section will be structured by considering each quantitative survey question in turn. Mention will be made of the views of different categories of respondent, to enable comparisons to be made. This process is known as the disaggregation of survey data: examining trends by age, gender and other demographic variables to enrich the consultation. In section 3, comments from the consultation will be considered separately in a matrix table, whether these have arisen through survey submission, or letter or email submissions.

### *About the **Average Index Score (AIS)***

Sometimes known as a 'weighted average', the AIS is a way of distilling the 'balance and strength of opinion' down into one number. Useful for questions with options to 'strongly agree', 'disagree', etc., the technique is used throughout the report.

#### **Example**

10 people are asked whether they 'strongly agree', 'agree', 'have no opinion', 'disagree' or 'strongly disagree' that Wales will win the six nations.

Results...

3 strongly agree (each response worth 2, so=**6**)

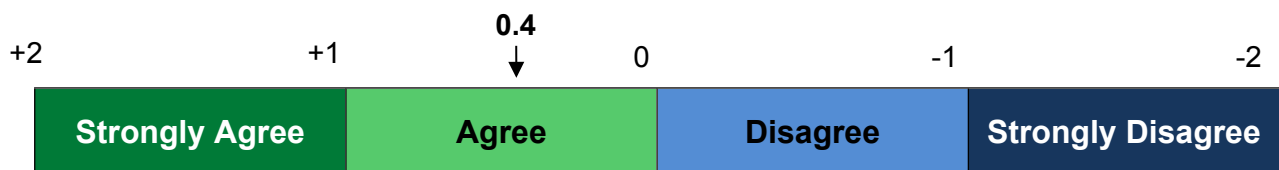
3 agree (each response worth 1, so=**3**)

1 no opinion (each response worth 0, so=**0**)

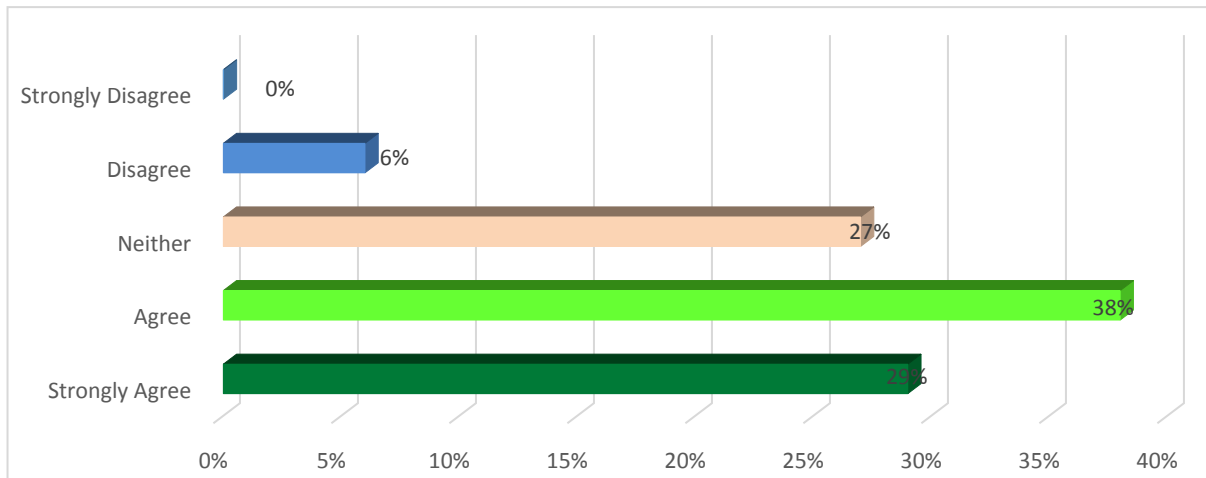
1 disagree (each response worth -1, so= **-1**)

2 strongly disagree (each response worth -2, so=**-4**)

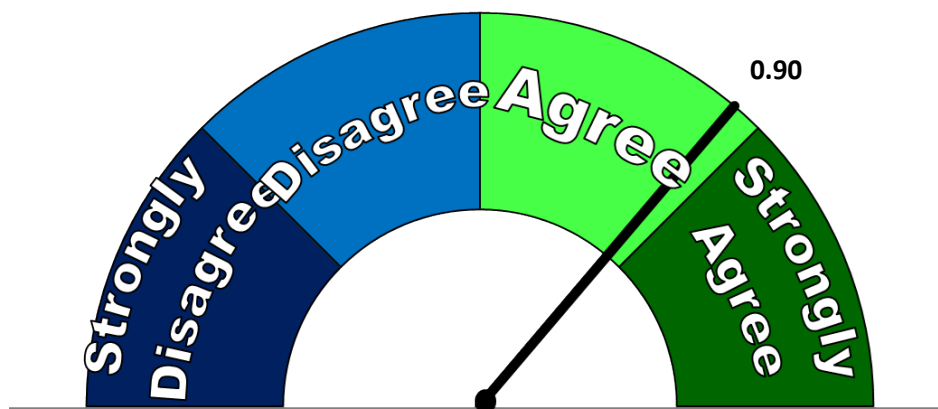
The AIS is calculated by adding all the numbers in bold: So,  $6+3+0-1-4=4$ ; Then dividing by the number of responses (10 in this case). The average index score is:  $4\div 10=$ **0.4**



**2. Do you agree that there continues to be a problem with alcohol related anti-social behaviour in Lamma Street, Carmarthen?**



As pictured in the chart above, 67% of respondents either agreed (38%) or strongly agreed (29%) that Lamma Street, Carmarthen continues to have a problem with alcohol related anti-social behaviour. This amounted to 23 out of 29 of responses to this question. It was also seen that 27% of responses neither agreed nor disagreed with the statement. It was seen that only 2 individuals (6%) disagreed that there continues to be a problem.



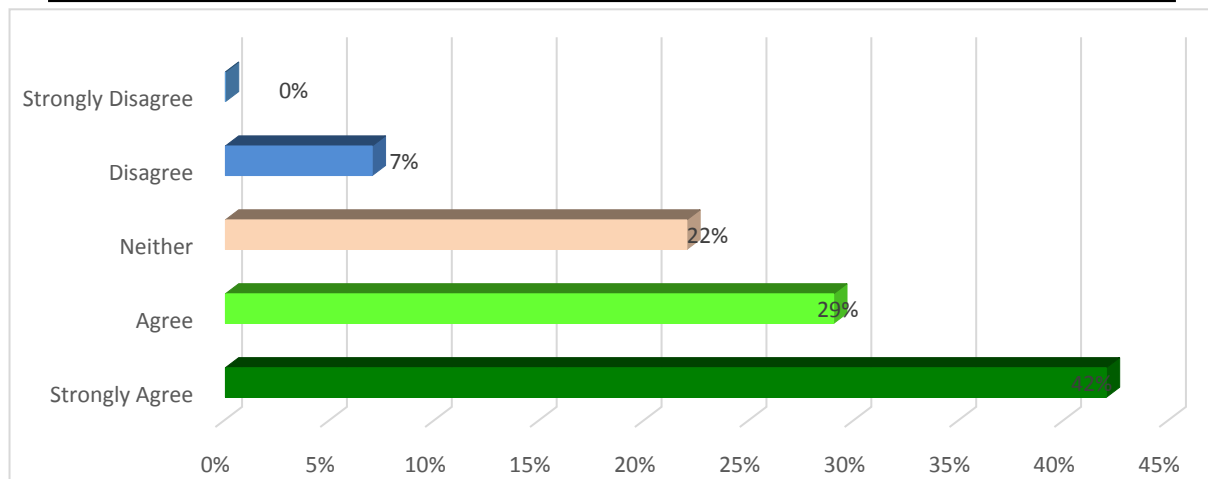
That the majority of respondents consider there continues to be a problem with alcohol related anti-social behaviour on Lamas Street which is highlighted by a positive Average Index Score (AIS) of 0.90 (plotted above). Interestingly, when examining the postcode areas, the highest AIS score (1.19) was seen in the SA31 district which is where Lamma Street is situated. Furthermore, the highest number of respondents were members of the public (N=24) who produced an AIS of 1.00 which indicates that on average, the public strongly agree that there continues to be a problem.

3. The following question asked residents to indicate on a likert scale their agreement to these statements.

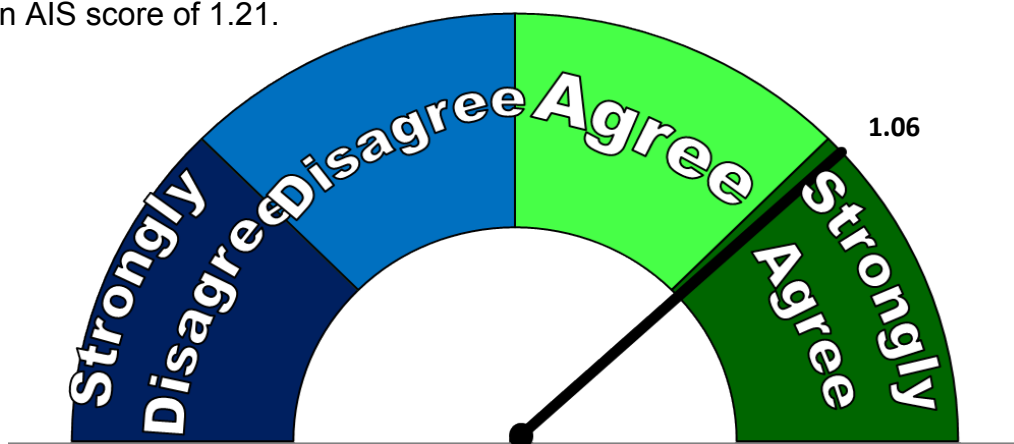
- A Cumulative Impact Policy is still needed for Lammas Street, Carmarthen
- Should the policy apply to the whole length of Lammas Street as shown on the accompanying plan?

Firstly, 71% (n=22) of respondents agreed that a Cumulative Impact Policy is still needed for Lammas Street, Carmarthen. It was seen that 42% (n=13) of participants strongly agreed with this statement whilst 29% (n=9) agreed. Conversely, only 7% (n=2) of respondents feel that there is still no need for a Cumulative Impact Policy for Lammas Street. The results can be seen in the bar chart below.

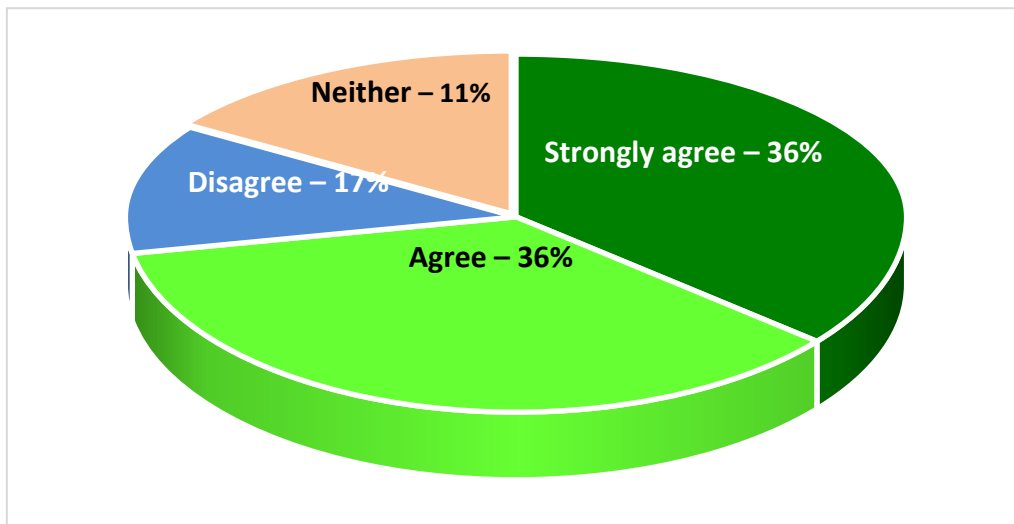
**A Cumulative Impact Policy is still needed for Lammas Street, Carmarthen**



As seen in the speedometer below, on average, respondents strongly agreed that Lammas Street, Carmarthen still requires a Cumulative Impact Policy as represented by an AIS score of 1.06. When examining postcode areas, the only district which could be analysed was SA31 as there was a significant number (n=14) of respondents from this area. Other postcodes did not receive sufficient responses in order to be analysed (n<4). For the SA31 district, on average, respondents strongly agreed that Lammas Street, Carmarthen still requires a Cumulative Impact Policy which was highlighted with an AIS score of 1.21.



When examining respondents thoughts on whether they agreed that the policy should apply to the whole length of Lammas Street, it was seen that 7 in 10 agreed (72%). There was an equal divide between the number who strongly agreed (36%: n=10) and those who agreed (36%: n=10). 11% of participants noted that they neither agreed nor disagreed with the statement. Whilst 17% (n=5) disagreed that there is a need to apply the Cumulative Impact Policy for the whole length of Lammas Street. Not one respondent strongly disagreed with this statement. The results can be seen in the pie chart below.

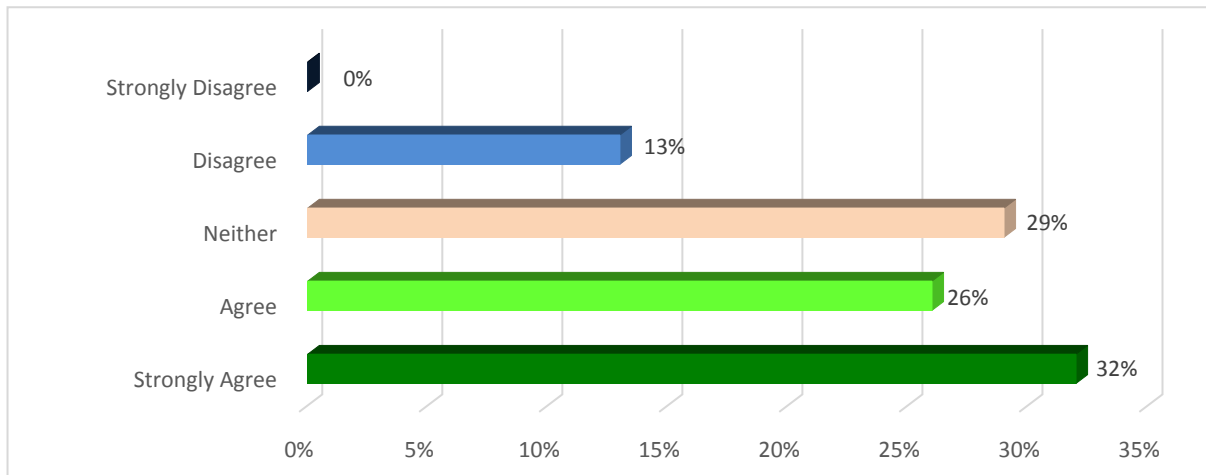


The table below shows the overall AIS in order to better understand the result. A range of +2 (strongly agree) to -2 (strongly disagree) is used. It is evident that on average, respondents agreed that there is a need to extend the Cumulative Impact Policy for the whole length of Lammas Street with an AIS score of 0.89. Furthermore, the majority of respondents were members of the public who strongly agreed (AIS = 1.06) that there is a need to extend the policy. Other sources of respondents could not produce a reliable AIS score because of the insufficient number (n<4).

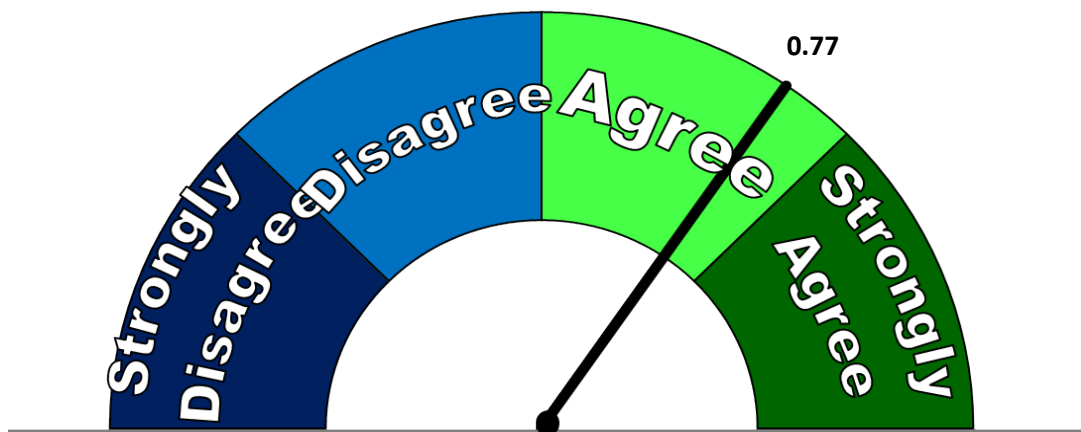


**4. Is a Cumulative Impact Policy needed for the highlighted streets on the plan (Appendix C) leading to or from Lammas Street, Carmarthen?**

68% of respondents agreed that there is a need for a Cumulative Impact Policy for the streets highlighted in the plan. Most of the respondents 'strongly agreed' with the question (32%) whilst another 26% agreed. 29% of participants noted that they neither agreed nor disagreed, whilst the remaining 13% disagreed that there is a need for a Cumulative Impact Policy for the highlighted streets on the plan. 0% of the respondents noted that they strongly disagree. Results can be seen in the bar graph below.



Overall, it was seen that respondents agree that there is a need for a Cumulative Impact Policy for the highlighted streets on the plan. This is pictured below and reflected with an average index score of 0.77.



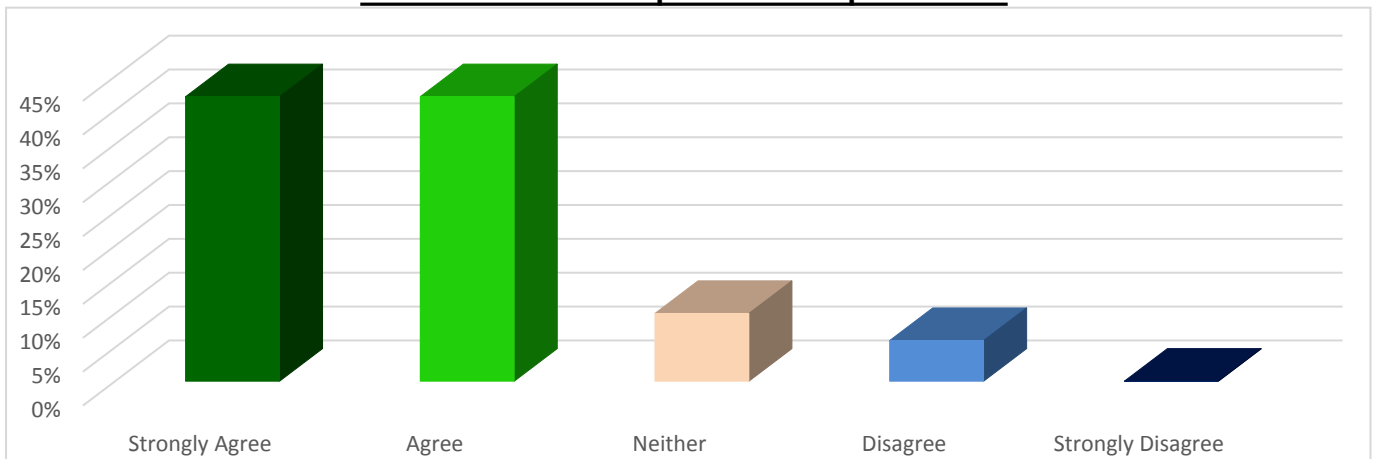
**5. The following question asked respondents to note to what extent did they agree or disagree with the following statements:**



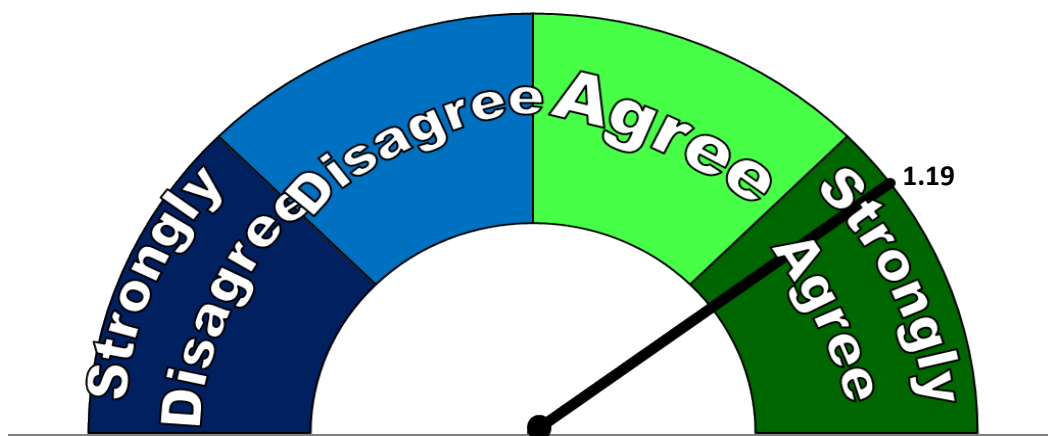
- Should the cumulative impact policy apply to premises that wish to sell alcohol for consumption on the premises?
- Should the cumulative impact policy apply to premises that wish to sell alcohol for consumption off the premises?

Firstly, it was seen that 84% (n=26) of the respondents agreed that the cumulative impact policy should apply to premises that wish to sell alcohol for consumption on the premises. Of the 84% that agreed, there was an equal divide (42%:42%) between those who strongly agreed and agreed. 3 individuals (10%) noted that they did not agree nor disagree with the statement whilst the remaining 6% (n=2) disagreed. Interestingly, a high percentage of members of the public (86%) agreed that there is a need to apply the policy to premises that wish to sell alcohol for consumption on the premises. Results can be seen in the bar graph below.

**Should the cumulative impact policy apply to premises that wish to sell alcohol for consumption on the premises?**



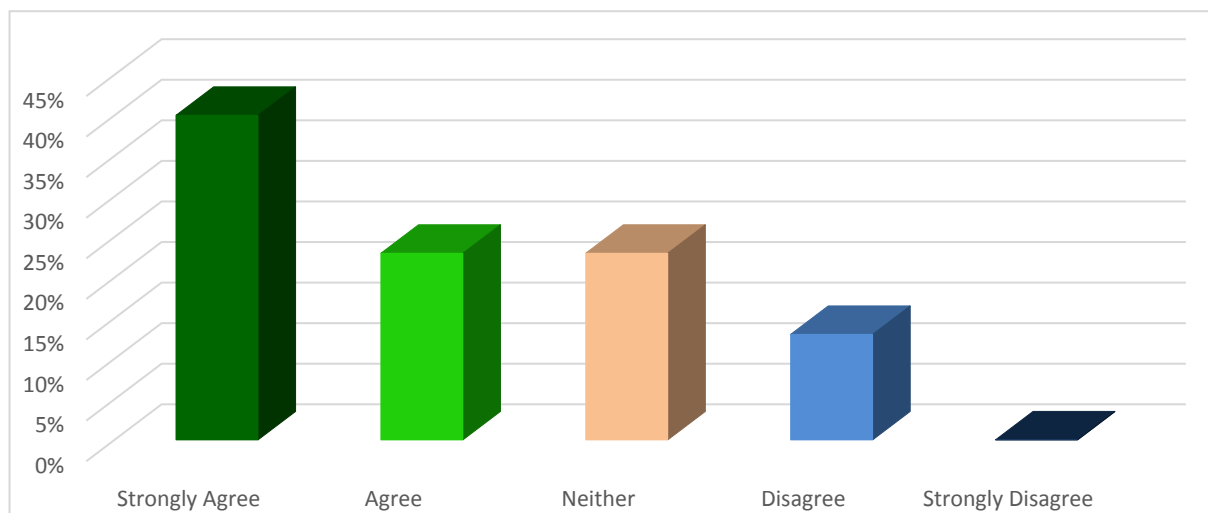
As pictured on the speedometer below, on average, respondents strongly agreed that the cumulative impact policy should apply to premises that wish to sell alcohol for consumption on the premises. This is represented by an average index score of 1.19.



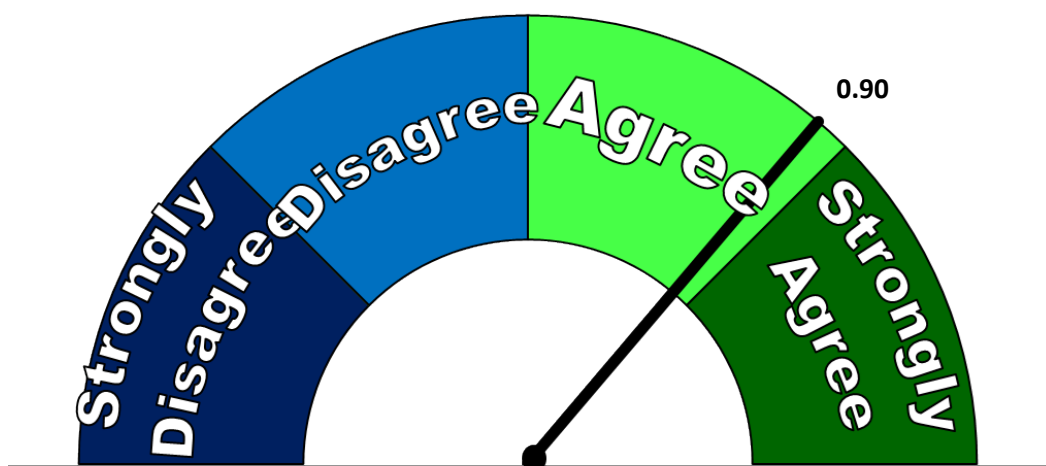
Secondly, when asked ‘should the cumulative impact policy apply to premises that wish to sell alcohol for consumption off the premises, the majority of respondents agreed. It was seen that 40% (n=12) and 23% (n=7) of respondents strongly agreed

and agreed, respectively. A relatively high percentage of respondents (23%; n=7) neither agreed nor disagreed with the question. Furthermore, 13% of participants indicated that they disagree with the statement. Not one respondent noted that they strongly disagree with the question. The results are displayed in the bar chart below.

**Should the cumulative impact policy apply to premises that wish to sell alcohol for consumption off the premises?**

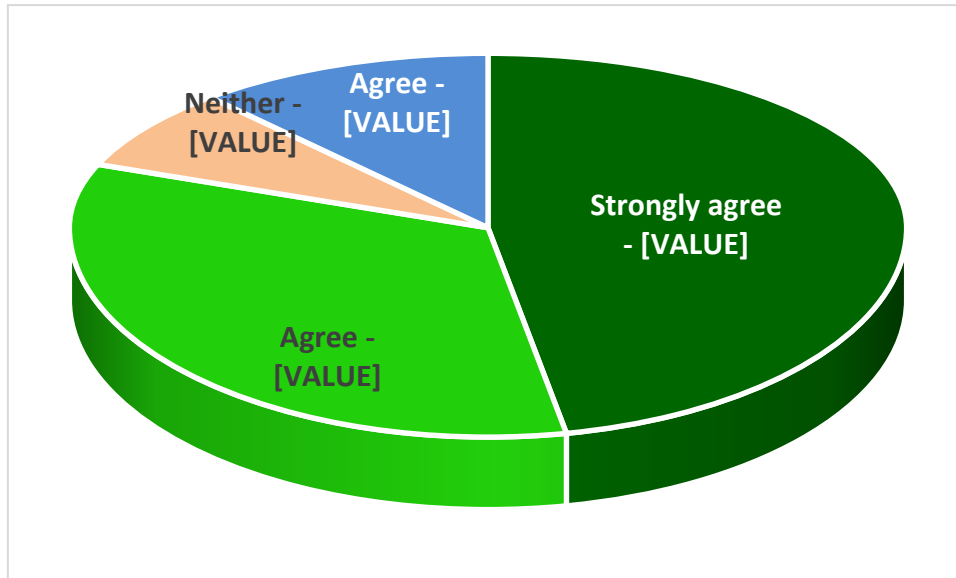


Overall, it was seen that respondents agreed that the cumulative impact policy should apply to premises that wish to sell alcohol for consumption off the premises. This is reflected by an Average index score of 0.90 and is pictured below.

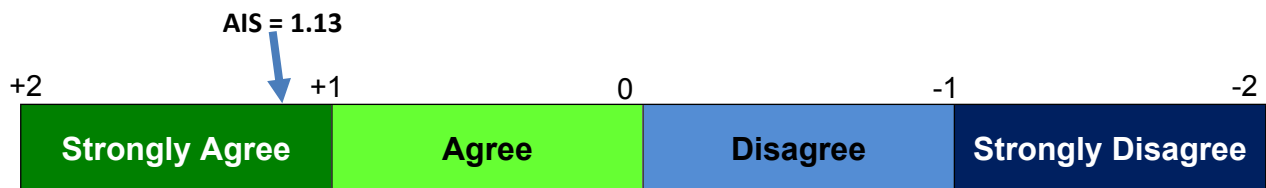


**6. Should the cumulative impact policy apply to premises that wish to provide late night refreshments (e.g. Takeaway premises)?**

The majority of participants (80%) either agreed, or strongly agreed that the cumulative impact policy should apply to premises that wish to provide late night refreshments. It was seen that nearly half (47%) of respondents strongly agreed whilst one third (33%), agreed. Only two respondents (7%) neither agreed no disagreed with this proposal, while the remaining 13% (n=7) disagreed. Not one participant noted that they strongly disagreed with the question. Results are demonstrated in the pie chart below.



The table below shows the overall Average index score for the question. An AIS of 1.13 demonstrates that on average, respondents strongly agree that the cumulative impact policy apply to premises that wish to provide late night refreshments.



### 3) ANALYSIS OF COMMENTS – SUMMARY MATRIX TABLE

The report now considers comments expressed in the survey's free-text questions. Note is made of the respondents ID number (to provide a traceable record), comment(s) received, the Council's response and, where appropriate, changes to the licensing policy as a result of the consultation. Respondents that have not submitted a reply are omitted from the table.

RESPONDENT	COMMENTS	APPRAISAL	RESPONSE	CHANGES
Respondent 1	<b>Question 2b</b>  Lammas Street.	Noted	This will be taken into account when reviewing the policy.	The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.
	<b>Question 2c</b>  Late at night/ early hours of morning	Noted	As Above	No further change necessary
	<b>Question 2d</b>  Alcohol related ASB (anti-social behaviour)	Noted	As Above	No further change necessary
	<b>Question 3c</b> Always reports in the local paper of police having to be involved.	Noted	As Above	No further change necessary

	<p><b>Question 4b</b> Closest to Lammas</p> <p><b>Question 5c</b> Reports in local paper</p> <p><b>Question 5d</b> Reports in local paper</p> <p><b>Question 6b</b> Drunken behaviour reports in local paper regarding fast food outlets late at night/early morning.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>As Above</p> <p>As Above</p> <p>As Above</p> <p>As Above</p>	<p>This is not supported by the Police evidence.</p> <p>The assessment will reflect this.</p> <p>The assessment will reflect this.</p> <p>The assessment will reflect this</p>
Respondent 2	<p><b>Question 2b</b> In Lammas street and surrounding streets</p>	<p>Noted</p>	<p>This will be taken into account when reviewing the policy.</p>	<p>The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.</p>

	<p><b>Question 2c</b></p> <p>From 10pm onwards</p> <p><b>Question 2d</b></p> <p>There are crowds of people walking the streets, often drunk and unstable, the police have to have a continual presence, taxis are parked everywhere blocking the road.</p> <p><b>Question 3c</b></p> <p>I work nights in a local food business and often have to take staff home, I find that it is often difficult to navigate through Lammas Street due to pedestrians wandering around and taxis parked inconsiderately.</p> <p><b>Question 4b</b></p> <p>I think that the area should be extended to include the Tesco superstore which sells alcohol 24/7</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>As Above</p> <p>As Above</p> <p>As Above</p> <p>As Above</p>	<p>No further change necessary</p> <p>No further change necessary</p> <p>No further change necessary</p> <p>This is not supported by the Police evidence.</p>
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	<p><b>Question 4c</b></p> <p>People going out for the night frequently drink at home to get part way drunk before they go to the pub/club as it is cheaper.</p> <p><b>Question 5c</b></p> <p>I believe that landlords of pubs and clubs should operate a more rigid policy towards refusing to sell alcohol to anyone who is already drunk, they do not do this at present. Some of the people involved cause problems for other users of Lammas Street.</p> <p><b>Question 6b</b></p> <p>The offer of late night food can draw more people to the area leading to more problems</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>As Above</p> <p>As Above</p> <p>As Above</p>	<p>No further change necessary</p> <p>No further change necessary</p> <p>No further change necessary</p>
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Respondent 3	<b>Question 2b</b> Whole of Lammas Street	Noted	This will be taken into account when reviewing the policy	The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.
	<b>Question 2c</b> Late at night - got so bad though we don't go into town of a night time.	Noted	As Above	No further change necessary
	<b>Question 2d</b> Excess alcohol	Noted	As Above	No further change necessary
	<b>Question 3c</b> Anti-social behaviour continues throughout the street.	Noted	As Above	No further change necessary
	<b>Question 5c</b> Often people arrive at venues after having had a lot of alcohol.	Noted	As Above	No further change necessary



	<p><b>Question 5d</b></p> <p>As above. Foul language and behaviour that is off putting to general public.</p>	Noted	As Above	No further change necessary
Respondent 4	<p><b>Question 2b</b></p> <p>Lammas Street.</p> <p><b>Question 2c</b></p> <p>10 pm - 2 am</p> <p><b>Question 2d</b></p> <p>Alcohol</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>This will be taken into account when reviewing the policy</p> <p>As Above</p> <p>As Above</p>	<p>The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.</p> <p>No further change necessary</p> <p>No further change necessary</p>

	<p><b>Question 3c</b></p> <p>The overall impact is essential to formulate an effective policy.</p>	<p>Noted</p>	<p>As Above</p>	<p>No further change necessary</p>
	<p><b>Question4b</b></p> <p>All of the streets.</p>	<p>Noted</p>	<p>As Above</p>	<p>This is not supported by the Police evidence.</p>
	<p><b>Question 4c</b></p> <p>There is a problem. Look at it in the round. Select a small central area and the problem moves outside that boundary.</p>	<p>Noted</p>	<p>As Above</p>	<p>This is not supported by the Police evidence and no issues of displacement have been encountered following the adoption of the cumulative impact policy for Station Road Llanelli.</p>

	<p><b>Question 5c</b></p> <p>Regular alcohol related issues are on the record.</p> <p><b>Question 5d</b></p> <p>Regular alcohol related issues are on the record.</p> <p><b>Question 6b</b></p> <p>Depends where you want to start. Zero tolerance is where I start.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>As Above</p> <p>As Above</p> <p>As Above</p>	<p>No further change necessary</p> <p>No further change necessary</p> <p>No further change necessary</p>
Respondent 5				
Respondent 6	<p><b>Question 3c &amp;4c</b></p> <p>Not a resident of Carmarthen</p>	<p>Noted</p>	<p>No change necessary</p>	<p>No further change necessary</p>

Respondent 7	<p><b>Question 3c</b> Seems logical</p> <p><b>Question4b</b> All</p> <p><b>Question 4c</b> Seems logical as these questions wouldn't be raised</p> <p><b>Question 5c</b> You wouldn't be asking if there wasn't a perceived problem</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>This will be taken into account when reviewing the policy.</p> <p>As Above</p> <p>As Above</p> <p>As Above</p>	<p>The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.</p> <p>This is not supported by the Police evidence.</p> <p>No further change necessary</p> <p>No further change necessary</p>

Respondent 8				
Respondent 9				
Respondent 10	<p><b>Question 3c &amp; 4c</b> I am not familiar with the arrangements or issues in Lammas St</p> <p><b>Question 5c , 5d &amp; 6b.</b> It makes common sense</p>	<p>Noted</p> <p>Noted</p>	<p>No change necessary</p> <p>This will be taken into account when reviewing the policy</p>	<p>No change necessary</p> <p>The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.</p>
Respondent 11				
Respondent 12	<p><b>Question 2b</b> Top end of the street</p>	<p>Noted</p>	<p>This will be taken into account when reviewing the policy</p>	<p>The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.</p>

	<p><b>Question 2c</b></p> <p>Post 11 pm</p> <p><b>Question 2d</b></p> <p>Crowds</p>	<p>Noted</p> <p>Noted</p>	<p>As above</p> <p>As above</p>	<p>No further change necessary</p> <p>No further change necessary</p>
Respondent 13	<p><b>Question 6b</b></p> <p>I regret that I am not aware of matters which have or are effecting Lammas Street. As there appear to be issues of uncertainty here, I would suggest discussions with the Carmarthen Police as well as other emergency services prior to your final considerations. I would certainly be interested in being made aware of the outcome here and thank you for the opportunity to comment.</p>	<p>Noted</p>	<p>No change necessary</p>	<p>No further change to assessment .</p>

Respondent 14	<b>Question 2b</b>			
	In and around licensed premises	Noted	This will be taken into account when reviewing the policy	The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.
	<b>Question 2c</b>			
	All day - read the court reports in the local papers	Noted	As above	No further change necessary.
	<b>Question 2d</b>			
	Landlords continue to serve people who are clearly intoxicated	Noted	As above.	No further change necessary
	<b>Question 4c</b>			
	If you restrict to Lammas St then the problem will move to nearby locations	Noted	As above	This is not supported by the Police evidence. No

	<p><b>Question 5d</b></p> <p>Selling to people who are intoxicated</p> <p><b>Question 6b</b></p> <p>It is difficult to tease out the separate strands - keep it simple</p>	<p>Noted</p> <p>Noted</p>	<p>As above</p> <p>As above</p>	<p>issues of displacement in Station Road, Llanelli.</p> <p>No further change necessary.</p> <p>No further change necessary</p>
Respondent 15	<p><b>Question 2b</b></p> <p>Lammas Street</p>	<p>Noted</p>	<p>This will be taken into account when reviewing the policy</p>	<p>The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.</p>



	<p><b>Question 2c &amp; 4c</b></p> <p>Too much heavy drinking at pubs and clubs that are open for far too long</p> <p><b>Question 2d</b></p> <p>Dreadful drunkenness after heavy drinking causing very rowdy and dangerous behaviour</p> <p><b>Question 4b</b></p> <p>All</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>As above</p> <p>As above</p> <p>As above.</p>	<p>No further change necessary</p> <p>No further change necessary</p> <p>This is not supported by the Police evidence.</p>
Respondent 16				
Respondent 17	<p><b>Question 2b</b></p> <p>Around the Morfa lane junction side of Lammas Street</p>	<p>Noted</p>	<p>This will be taken into account when reviewing the policy</p>	<p>The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.</p>

	<p><b>Question 2c</b> Between 2am - 5am</p> <p><b>Question 2d</b>  Late opening hours of certain businesses when others are closed</p> <p><b>Question 3c</b>  I feel there is only a problem at the stated area, not along the whole of the street.</p> <p><b>Question 4c</b>  It's mainly the really late opening venues where the issues seem to arise</p> <p><b>Question 5c</b>  I have personally witnessed a handful of altercations in that area which seem to always be fuelled by alcohol.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>As above.</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p>	<p>No further change necessary</p> <p>No further change necessary</p> <p>No further change necessary</p> <p>No further change necessary</p> <p>No further change necessary</p>
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	<p><b>Question 6b</b></p> <p>The takeaways are not adding to the problem.</p>	Noted	As above	This is not supported by the Police evidence.
Respondent 18	<p><b>Question 2b</b></p> <p>Outside the golden lion</p>	Noted	This will be taken into account when reviewing the policy	The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.
	<p><b>Question 2c</b></p> <p>Weekends</p>	Noted	As above	No further change necessary
	<p><b>Question 2d</b></p> <p>It's the last port of call</p>	Noted	As above	No further change necessary

	<p><b>Question 5c</b></p> <p>People get drunk and move on</p>	Noted	As above	No further change necessary
Respondent 19	<p><b>Question 2b</b></p> <p>Lammas Street and streets leading to and from such Water St, Parcmaen St, St Catherine Street, Mansel Street, Morley Street, Morfa Lane</p> <p><b>Question 2c</b></p> <p>Usually at weekends, after midnight</p> <p><b>Question 2d</b></p> <p>Late closing times being permitted at pubs and nightclubs</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>This will be taken into account when reviewing the policy</p> <p>As above</p> <p>As above</p>	<p>This is not supported by the Police evidence.</p> <p>No further change necessary</p> <p>No further change necessary</p>

	<p><b>Question 3c</b></p> <p>Lammas Street is surrounded by residential areas. Not applying the policy to the length of the street may cause a build-up of licensed premises just outside the area covered by the cumulative impact policy</p>	Noted	As above	This is not supported by the Police evidence. No evidence of displacement in Station Road, Llanelli
	<p><b>Question 4b</b></p> <p>all highlighted area</p>	Noted	As above	This is not supported by the Police evidence.
	<p><b>Question 4c</b></p> <p>high incidence of anti-social behaviour - shouting, minor vandalism, urinating and vomiting in street and doorways.</p>	Noted	As above	No further change necessary
	<p><b>Question 5c</b></p> <p>I don't have dates and time of individual incidents but bottles and glasses half-filled with</p>	Noted	As above	No further change necessary



	<p><b>Question 2d</b></p> <p>24 hour licence, clubs should be closed from 2 am so people who live there can get some sleep</p> <p><b>Question 3c</b></p> <p>I am a resident and it is ridiculous the amount of shouting, urination, fighting in early hours. The evidence is in this article</p> <p><b>Question 4b</b></p> <p>All of them as they all filter to golden lion and Savannah's as they are the only two places open till 4</p> <p><b>Question 4c</b></p> <p>Till 4</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p>	<p>No further change necessary</p> <p>No further change necessary</p> <p>No further change necessary</p> <p>No further change necessary</p>
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	<p><b>Question 6b</b></p> <p>They are open till about the same time as the clubs and the litter and people congregating around them is a problem</p>	Noted	As above	No further change necessary
Respondent 23	<p><b>Question 2b</b></p> <p>Always outside the golden lion</p>	Noted	This will be taken into account when reviewing the policy	The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.
	<p><b>Question 2c</b></p> <p>Between the hours of 2am - 4am</p>	Noted	As above	No further change necessary
	<p><b>Question 2d</b></p> <p>Because people do not know how to handle their drink or they</p>	Noted	As above	No further change necessary



	<p>don't stop at their limit of drinking</p> <p><b>Question 3c</b></p> <p>Reason being that it stops people getting too drunk and either hurting themselves or getting into trouble</p> <p><b>Question 4b</b></p> <p>Mostly Lammas street but keep a watch on water street.</p> <p><b>Question 4c</b></p> <p>If a policy isn't put in place then all this hassle and stupidity by people will make the town look bad in which will become a bad reputation for the town.</p> <p><b>Question 6b</b></p> <p>With people having alcohol still in their system it still causes trouble within the food places,</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p>	<p>No further change necessary</p> <p>No further change necessary</p> <p>No further change necessary</p> <p>No further change necessary</p>
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	and arguments maybe happening so they could end up having a fight. So I think it should extended to the food outlets as well			
Respondent 24				
Respondent 25	<p><b>Question 3c</b> There are a lot of areas here where there could be trouble as older people go to somewhere youngsters go to others and when younger have had a few to drink their language often is not what older people want to hear,</p> <p><b>Question 6b</b> There are open later than public houses in some instances and as the bottles they sell are GLASS the risk of damage to property in the area as well as risk to public safety is evident</p>	<p>Noted</p> <p>Noted</p>	<p>This will be taken into account when reviewing the policy</p> <p>As above</p>	<p>No further change necessary</p> <p>No further change necessary</p>
Respondent 26				
Respondent 27	<b>Question 2b</b>	Noted	This will be taken into account when reviewing the policy	The proposed cumulative impact

	<p>Mainly around the concentrated area of a pub, club, and 2 take away food vendors</p> <p><b>Question 2c</b> Mainly on a Saturday night into Sunday morning, but also late hours throughout the week</p> <p><b>Question 2d</b> Intoxicated members of the public behaving antisocially in a concentrated area</p> <p><b>Question 3c</b> I have my sleep disturbed on a nightly basis by a late night licence holder, and their</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>As above</p> <p>As above</p> <p>As above</p>	<p>assessment would only apply to the entire length of Lammas Street.</p> <p>No further change necessary</p> <p>No further change necessary</p> <p>No further change necessary</p>
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	<p>business is funded by the daily late night drinkers.</p> <p><b>Question 5c</b> They gather a mass of intoxicated people into a fixed area, and this is the most likely time antisocial behaviour will arise, usually during insocial hours</p> <p><b>Question 6b</b> My main grounds for complaint is directly from one particular takeaway vendor that has zero considerate for fellow residents with staff regularly shouting and making loud noise at very unsocial hours. They actually cause more issues and discomfort for me than the intoxicated members of the public!</p>	<p>Noted</p> <p>Noted</p>	<p>As above</p> <p>As above</p>	<p>No further change necessary</p> <p>No further change necessary</p>
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Respondent 28	<b>Question 2b</b> Late Night Opening Clubs	Noted	This will be taken into account when reviewing the policy	The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.
	<b>Question 2c</b> After 12midnight	Noted	As above	No further change necessary
	<b>Question 2d</b> People leaving pubs in the town centre to binge drink until late	Noted	As above	No further change necessary
	<b>Question 4b</b> King St through Notts Square - Hall St	Noted	As above	This is not supported by the Police evidence.
Respondent 29	<b>Question 2b</b>			

	Mansel Street	Noted	This will be taken into account when reviewing the policy.	This is not supported by the Police evidence .The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.
	<b>Question 2c</b> Usually Friday/Saturday and Bank Holiday Sunday evening and nights	Noted	As above.	No further change necessary
	<b>Question 2d</b> Too much alcohol and pubs clubs open too late	Noted	As above	No further change necessary

	<p><b>Question 3d</b> I am a resident in the area and have had drunks urinating and vomiting in my garden</p> <p><b>Question 4b</b> I live off of Mansel Street and I have in the past been threatened by a drunk man who came into my garden I am a single women who lives alone it was an awful experience which resulted in me having to call the police.</p> <p><b>Question 5c</b> The reasons are the same as before as its excess alcohol that is always the problem. The longer the premises is open the more alcohol is consumed leading to problems. The amount of packaging found on</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>As above</p> <p>As above</p> <p>As above</p>	<p>No further change necessary</p> <p>The police evidence does not support extending the policy to Mansel Street.</p> <p>No further change necessary</p>
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	<p>the pavements the morning after is dreadful.</p> <p><b>Question 6b</b> Late night takeaway only makes people hang around longer adding to the late night noise.</p>	Noted	As above	No further change necessary
Respondent 30	<p><b>Question 2b</b> Pubs</p> <p><b>Question 2c</b> Weekends</p> <p><b>Question 2d</b> Excessive noise.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>This will be taken into account when reviewing the policy</p> <p>As above</p> <p>As above</p>	<p>The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.</p> <p>No further change necessary</p> <p>No further change necessary</p>



	<p><b>Question 3c</b></p> <p>It would be unfair to target specific businesses/locations and would cause a migration of the problem not a solution.</p> <p><b>Question 4b&amp;4c</b></p> <p>Full coverage to be fair to all parties concerned and prevent circumnavigation of policy.</p> <p><b>Question 5c</b></p> <p>Individual drunks tend to be placid but lose control quickly when in a collective.</p> <p><b>Question 6b</b></p> <p>Should only be exempt if they do not sell alcohol of any kind.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p>	<p>There is no evidence of displacement in Station Road, Llanelli.</p> <p>This is not supported by the Police evidence</p> <p>No further change necessary</p> <p>This is not supported by Police evidence</p>
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Respondent 31	<p><b>Question 2b</b></p> <p>Outside those premises that service the late night economy</p>	Noted	This will be taken into account when reviewing the policy	The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.
	<p><b>Question 2c</b></p> <p>Between the hours of 10pm and 6am especially at weekends</p>	Noted	As above	No further change necessary
	<p><b>Question 2d</b></p> <p>Number of people that make their way to this location to visit the pubs and clubs, late night refreshment premises and to use taxis to leave the area</p>	Noted	As above	No further change necessary
	<p><b>Question 3c</b></p> <p>Police statistics will show that there is a significant problem</p>	Noted	As above	The assessment will reflect this.

	<p>within the street of alcohol related crime and disorder.</p> <p><b>Question 4c</b></p> <p>The top end of the street is where the late night venues are plus the food outlets and this is where the taxis wait for customers.</p> <p><b>Question 5c</b></p> <p>Due to the number of alcohol related crime and disorder incidents and alcohol related anti-social behaviour on licensed premises.</p> <p><b>Question 5d</b></p> <p>Premises that remain open late for the off sale of alcohol could add to the problems within the street with people consuming alcohol openly in the street.</p> <p><b>Question 6b</b></p> <p>Those premises that provide late night refreshment are a</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p>	<p>The assessment will reflect this.</p> <p>The assessment will reflect this.</p> <p>The assessment will reflect this.</p> <p>The assessment</p>
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	<p>magnet for persons to visit after leaving licensed premises after having consumed alcohol. These premises will attempt to remain open until the last customer has been served, disorder regularly takes place at or near these premises and Police Officers have to intervene, these incidents go unrecorded.</p> <p><b>The Police provided the following evidence in support of their position.</b></p> <p>In September 2015 the Carmarthenshire Division of the Dyfed Powys Police in response to Carmarthenshire County Council review of Licensing Policy made an application for a Cumulative Impact Policy for Lammas Street Carmarthen.</p>	<p>Noted</p>	<p>As above</p>	<p>will reflect this.</p> <p>The assessment will reflect this.</p>
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	<p>This was as a result of a noticeable increase in both alcohol related crime and disorder and anti-social behaviour in the Street since 2013.</p> <p>The current Licensing Policy was adopted in February 2016 with further consultation to be undertaken regarding the possible adoption of a cumulative impact policy for Lammas Street.</p> <p>Lammas Street is an existing 'Hot Spot' within the Council Licensing Policy and there have been no major changes apart from the latest statistics, in the document that I previously prepared as evidence to support the request for a Cumulative impact Policy to be adopted for the street.</p> <p>Since 2015 the number of licensed premises within the street has decreased by one,</p>			
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	<p>there are now 5 pubs, 1 hotel and 1 nightclub. Three premises have the benefit of off sales only and 3 have the benefit of Late Night Refreshment with one of these not trading after 11pm.</p> <p>Also within the street there are both official and unofficial taxi ranks that operate until there are no more customers left.</p> <p>The Carmarthenshire Division of Dyfed Powys Police have gathered statistics in relation to alcohol related crime and disorder for Lammas Street between the hours of 10pm and 6am for the periods 01/01/16 until 31/03/18.</p> <p>During the review period there have been a total of 262 alcohol related crimes recorded between the hours of 10pm and 6am across Carmarthen town, 44% of these crimes (114) were committed in Lammas Street.</p>			
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	<p>Over the last two years there has been a total of 226 reported to have occurred in Lammas Street, 74% of these crimes(167) were committed between the hours of 10pm and 6am with 68% of those crimes being alcohol related(114 out of 167crimes).</p> <p>In addition to the above there were 125 incidents of anti-social behaviour reported and received between the hours of 10pm and 6am in Lammas Street. 46% of those ASB incidents were alcohol related (37).</p> <p>42% of alcohol related public order incidents and 82% of alcohol related violence against the person in Carmarthen town over the last two years were committed in Lammas Street.</p> <p>Of the 114 alcohol related crimes in Lammas Street during the times and period under</p>			
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	<p>review they can be further broken down.</p> <p>Violence against the person 79</p> <p>Arson and Criminal Damage 10</p> <p>Theft 9</p> <p>Public Order 8</p> <p>Drug Offences 3</p> <p>Sexual Offences 3</p> <p>Possession of Weapons 1</p> <p>Robbery 1</p> <p>This can be further broken down to days of the week and times.</p> <p>With Sunday being the peak day for alcohol related crimes being reported followed by Saturday, Thursday and Monday.</p>			
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	<p>The peak times when these crimes are reported being from 1am to 4am.</p> <p>An overview of Alcohol related crime and disorder trends in Lammas Street indicates that there has been no noticeable change in the four year period from 2014.</p> <p>There has been a decline in alcohol related anti-social behaviour since 2014/15 but that can be attributed to changes in recording practices.</p> <p>The above information has been taken from Police data which can under estimate the amount of violent crime actually taking place. It is estimated that only a quarter of violent offences resulting in treatment at Accident &amp; Emergency Departments are reported to the Police.</p>			
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	In conclusion there has been no significant change in the current data provided by the Police systems to that of 2015 when a request was made for a cumulative impact policy to be adopted for Lammas Street.			
Respondent 32	<p><b>Question 2b</b></p> <p>Top of Lammas Street</p> <p><b>Question 2c</b></p> <p>Weekends and late evening</p> <p><b>Question 2d</b></p>	<p>Noted</p>   <p>Noted</p>	<p>This will be taken into account when reviewing the policy</p>   <p>As above</p>	<p>The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.</p>      <p>No further change necessary</p>

	Alcohol and drug related	Noted	As above	No further change necessary
	<b>Question 3c</b> Drunken Brawls, Broken Windows, Urinating in the doorways, Litter and Vomit. Cannabis smoking in public during the day	Noted	As above	No further change necessary
	<b>Question 4b</b> All especially the top end	Noted	As above	No further change necessary
	<b>Question 5c</b> Excess alcohol consumption without limit	Noted	As above	No further change necessary
	<b>Question 5d</b> Selling alcohol to intoxicated customers	Noted	As above	No further change necessary
	<b>Question 6b</b>			

	It is encouraging intoxicated people to stay out later than necessary and causing disturbance to residence in the area e.g. Occupants in the flat above xxxxxxxx cannot sleep	Noted	As above	No further change necessary
Respondent 33	<b>Question 2b</b> Outside the clubs and hotels	Noted	This will be taken into account when reviewing the policy	The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.
	<b>Question 2c</b> At night.	Noted	As above	No further change necessary
	<b>Question 2d</b> Opening hours too long.	Noted	As above	No further change necessary
	<b>Question 6b</b>	Noted	As above	No further change necessary

	Problems occur after drinking sessions and these people then congregate at "takeaways"	Noted	As above	No further change necessary
Respondent 34	<p>Carmarthen Town Council provided the following general evidence in relation to the consultation.</p> <p>Carmarthen Town Council supports the introduction of a Cumulative Impact Policy for Lammas Street, Carmarthen.</p> <p>Members stated that Lammas Street is a renowned hotspot for anti-social behaviour, having recently been described as the busiest street in the Dyfed Powys Police area; this behaviour causes regular problems for the large number of residents of Lammas Street who suffer the consequences of noise and other anti- social behaviour.</p> <p>One member had witnessed the behaviour of people under the influence of excessive alcohol</p>	Noted	This will be taken into account when reviewing the policy	The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.

	<p>on several occasions and had spoken to police officers about this, they stated that Lammas Street was busier for the police than anywhere in Llanelli, the largest town in the Dyfed Powys Police area.</p> <p>The same member had been advised that the local police were implementing a new approach whereby their mobile police station would be regularly deployed during peak demand/incident periods in order to address the problems in Lammas Street.</p>			
Respondent 35	<p><b>Question 2b</b></p> <p>Outside takeaways and public houses.</p>	Noted	This will be taken into account when reviewing the policy	The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.

	<p><b>Question 2c</b></p> <p>weekends and a few days in the week</p>	Noted	As above	No further change necessary
	<p><b>Question 2d</b></p> <p>Noise, urine, sick , food and paper all over the street and pavements</p>	Noted	As above	No further change necessary
	<p><b>Question 3c</b></p> <p>I live in the top part of Lammas Street, where the takeaways are.</p>	Noted	As above	No further change necessary
	<p><b>Question 4c</b></p> <p>I live in the top part of Lammas Street of which those streets have no effect.</p>	Noted	As above	No further change necessary
	<p><b>Question 5c</b></p>			

	<p>Fighting starting inside ends up outside, Ask the Police.</p> <p><b>Question 6b</b></p> <p>They are open so late that they draw people from other parts of the town.</p>	<p>Noted</p> <p>Noted</p>	<p>As above</p> <p>As above</p>	<p>No further change necessary</p> <p>No further change necessary</p>
Respondent 36	<p>This respondent provided the following general evidence in relation to the consultation.</p> <p>Most properties west of Savannahs and Cogan's news agents are residential. These residents have to endure alcohol fuelled misbehaviour for many years. Including drunkenness, violent behaviour, vomiting, sexual behaviour, drug taking and damage to property.</p> <p>At weekends this behaviour continues to 4.45am!</p> <p>With late night licensing hours and takeaways open until 4.am resulting in prolonged noise levels and anti-social behaviour.</p>	<p>Noted</p>	<p>This will be taken into account when reviewing the policy</p>	<p>The proposed cumulative impact assessment would only apply to the entire length of Lammas Street.</p>



	<p>I feel that residents have not been supported in dealing with these ongoing issues. Preventing other establishments opening until the early hours is fine, but will not resolve the existing problems for Lammas Street residents.</p>			
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#### **4) SUMMARY – KEY CHANGES TO THE LICENSING POLICY**

1. As a result of the consultation exercise the Policy has been amended to include a Cumulative Impact Assessment in relation to only Lammas Street, Carmarthen. The evidence obtain indicates that Lammas Street experiences a disproportionately high level of alcohol related crime and disorder compared to the rest of Carmarthen. (Page 21)
2. The policy has been updated to reflect changes to the legislation and statutory guidance, including for example the consideration of suspensions or revocations of personal licences by the Licensing Sub Committees. (Page 33)
3. The scheme of delegation has been updated to indicate that film classification requests will be delegated to Licensing Sub Committees for consideration in the first instance. (Page 33)

# Licensing Act 2003

## Review of Licensing Policy Cumulative Impact Policy

### Lammas Street, Carmarthen - Consultation Document 2018

#### Part 1 - About You

1. Are you responding as a...

- Premises licence holder
- Personal licence holder
- Club premises certificate holder
- Member of the Public
- Local business
- Body representing licence holders / clubs
- Body/ Person representing members of the Public (e.g. County councillors; Town & Community Council etc.)
- Body representing local businesses
- Other Organisation or Group

If responding as an organisation/business/body, please write its name here

---

Following 'SA', please specify the two numbers of your postcode

- |                             |  |
|-----------------------------|--|
| <input type="checkbox"/> 4  | <input type="checkbox"/> 34            |
| <input type="checkbox"/> 9  | <input type="checkbox"/> 35            |
| <input type="checkbox"/> 14 | <input type="checkbox"/> 37            |
| <input type="checkbox"/> 15 | <input type="checkbox"/> 38            |
| <input type="checkbox"/> 16 | <input type="checkbox"/> 39            |
| <input type="checkbox"/> 17 | <input type="checkbox"/> 40            |
| <input type="checkbox"/> 18 | <input type="checkbox"/> 44            |
| <input type="checkbox"/> 19 | <input type="checkbox"/> 48            |
| <input type="checkbox"/> 20 | <input type="checkbox"/> 66            |
| <input type="checkbox"/> 31 | <input type="checkbox"/> 67            |
| <input type="checkbox"/> 32 | <input type="checkbox"/> out of county |
| <input type="checkbox"/> 33 |  |

#### Part 2

To what extent would you agree or disagree with the following statements:

**2. Do you agree that there continues to be a problem with alcohol related anti-social behaviour in Lammas Street, Carmarthen?**

- Strongly Agree    Agree    Neither    Disagree    Strongly disagree

If you agree, please tell us:

b) **Where is it a problem?**

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c) **When is it a problem?**

---

---

---

d) **Why do you think it is a problem?**

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---

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**3. To what extent would you agree or disagree with the following statements:**  
(for information on cumulative impact policies see paragraphs 14.20-14.39 of the S182 guidance published by the Home Office)

	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree
A Cumulative Impact Policy is still needed for Lammas Street, Carmarthen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Should the policy apply to the whole length of Lammas Street as shown on the accompanying plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

c) Please provide your reasons and evidence to support your answers to the above:

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**4. Is a Cumulative Impact Policy needed for the highlighted streets on the plan leading to or from Lammas Street, Carmarthen?**

Strongly Agree    Agree    Neither    Disagree    Strongly Disagree

b) Please specify what part of those streets:

---

---

---

c) Please provide your reasons and evidence that such a policy is or is not required.

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---

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**5. To what extent would you agree or disagree with the following statements:**

	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree
Should the cumulative impact policy apply to premises that wish to sell alcohol for consumption on the premises?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Should the cumulative impact policy apply to premises that wish to sell alcohol for consumption off the premises? (Please see paragraph 4(14.34 of the consultation document)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

c) Please outline your reasons and evidence for requiring the cumulative impact policy at premises that wish to sell alcohol for consumption **on the** premises (e.g Examples of incidents).

---

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---

---

d) Please outline your reasons and evidence for requiring the cumulative impact policy at premises that wish to sell alcohol for consumption **off the** premises (e.g Examples of incidents).

---

---

---

---

**6. Should the cumulative impact policy apply to premises that wish to provide late night refreshments (e.g. Takeaway premises)?**

Strongly Agree    Agree    Neither    Disagree    Strongly Disagree

b) Please outline your reasons and evidence as to why the cumulative impact policy should/should not apply to late night refreshments (e.g. Examples of incidents).

---

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### Part 3 - Your Details (optional)

Name:

---

---

---

Address:

---

---

---

Tel No:

---

E-mail:

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Under certain circumstances, we may wish to contact you to follow-up on your response, either to ask for additional comment or to reply to the points you have raised.

Do you consent to CCC using your details in this way?

- Yes - I am happy to be contacted
- No - I do not wish to be contacted

### How we will use your information

We are collecting personal data about you on this form to comply with requirements in the Licensing Act 2003 on carrying out consultations.

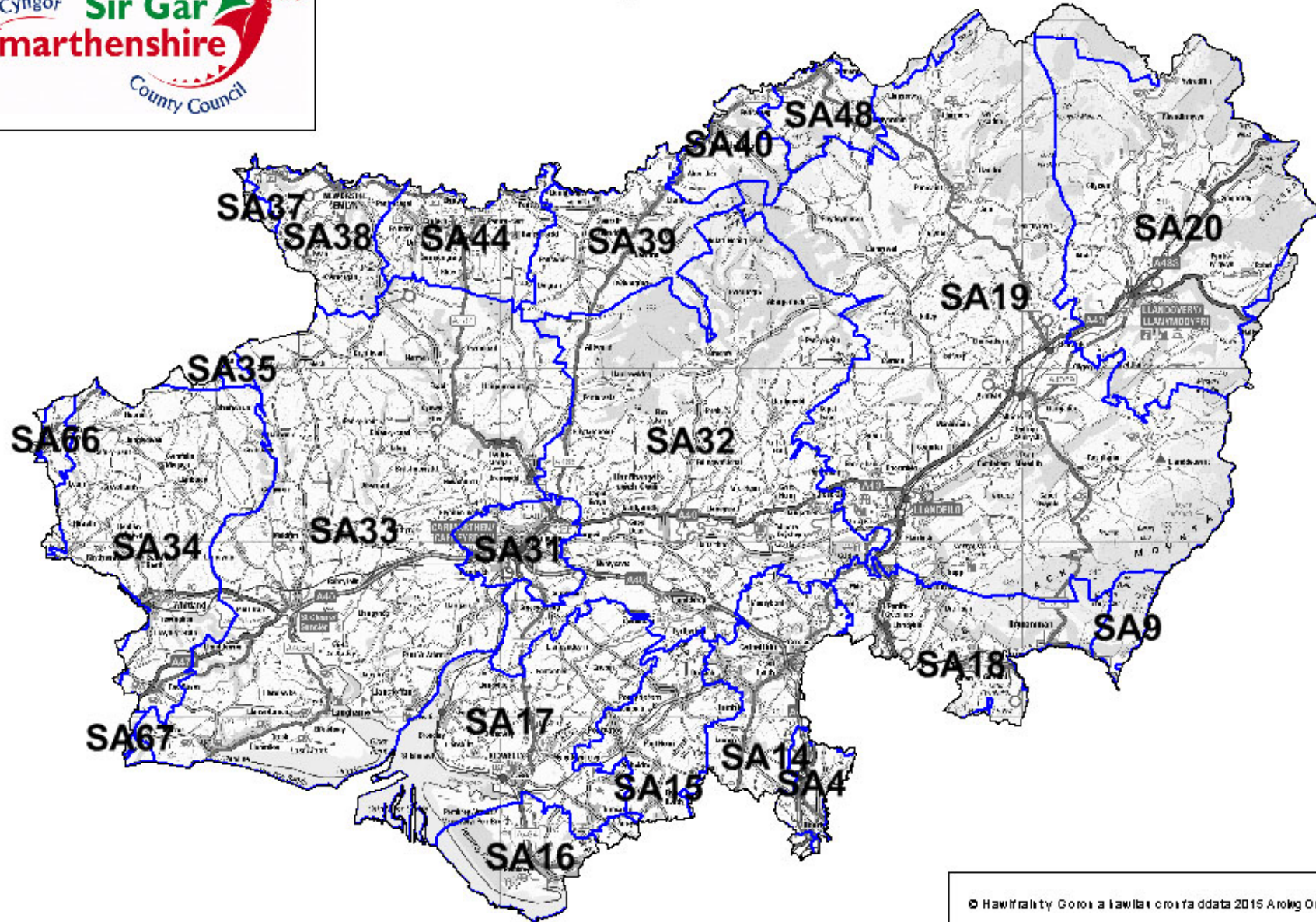
This personal data will only be used for the purpose of this consultation exercise by the Licensing team and will not be shared with any other Council service or external organisation. When we publish a report on this consultation this will not contain your personal details.

To find out more about how we will use your information, including your Data Protection rights, please contact the Licensing Section on 01267 228717.

**Thank you for your response**



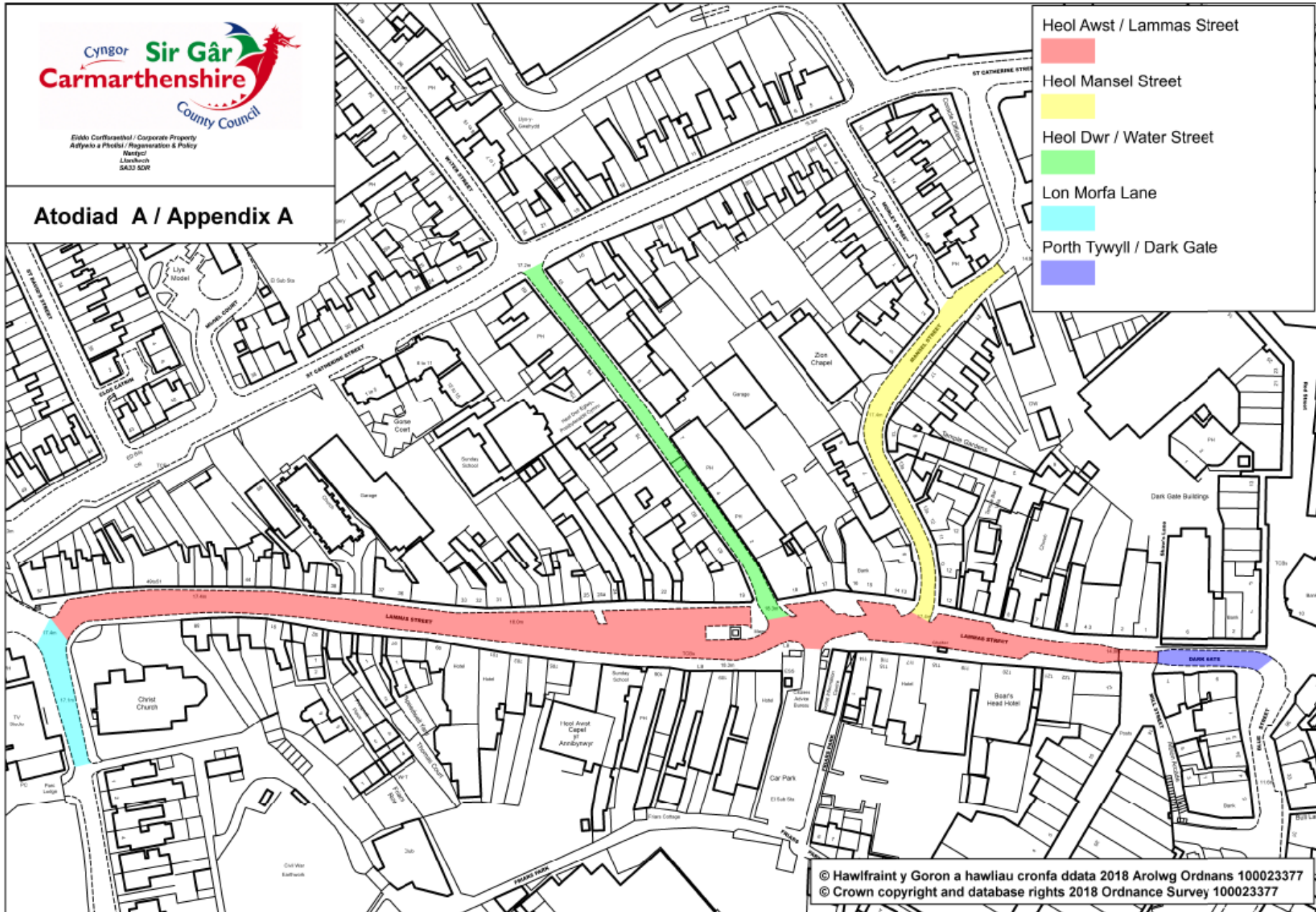
### APPENDIX 2 - Map of Carmarthenshire Postcode Districts



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Appendix C - Llamas Street, Carmarthen Plan



Mae'r dudalen hon yn wag yn fwriadol

# Licensing Policy Statement

## The Licensing Act 2003



January 2019

Tudalen 155

**LICENSING ACT 2003**  
**STATEMENT OF LICENSING POLICY**  
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**STATEMENT OF LICENSING POLICY**

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# LICENSING ACT 2003

## STATEMENT OF LICENSING POLICY

### 1. INTRODUCTION

1.1 This policy has been developed in accordance with the Licensing Act 2003 ('the Act'), regulations made under that Act, and guidance issued by the Home Office. This policy should be considered in conjunction with these documents.

1.2 The Licensing Authority will carry out its duties under the Act with a view to promoting the four Licensing Objectives. These are:

- a) **The prevention of crime and disorder**
- b) **Public safety**
- c) **The prevention of public nuisance**
- d) **The protection of children from harm**

The Licensing Authority believes that these objectives are of equal importance.

See sections 5-9 below for further details.

1.3 This policy has been formulated as a result of a wide ranging consultation exercise involving (but not limited to): -

- a) The Police
- b) The Fire Service
- c) Other Responsible Authorities
- d) Licence Holders and their representatives
- e) Holders of club premises certificates and their representatives
- f) Local businesses and their representatives
- g) Local residents and their representatives

Due consideration has been given to all those who have responded.

1.4 This policy relates to all those licensable activities identified as falling within the provisions of the Act, namely:

- a) Retail sale of alcohol (including via the Internet or Mail Order)
- b) Supply of alcohol to members of registered clubs
- c) The supply of hot food and/or drink from any premises between 11pm and 5am (late night refreshments)
- d) Provision of '*regulated entertainment*' (as defined by schedule 1, part 1, paragraph 2 of the Act) to the public, club members or with a view to profit. This includes: -
  - i) A performance of a play
  - ii) An exhibition of a film
  - iii) An indoor sporting event

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- iv) Boxing or wrestling entertainment
- v) A performance of live music
- vi) Any playing of recorded music
- vii) A performance of dance

1.5 The Act contains a number of exceptions and exemptions, which have been amended and increased in recent years by, the Live Music Act, Deregulation Act and other legislative orders. It is not intended to set out these changes in detail in this policy, but they are explained in the guidance issued by the Home Office under section 182 of the Act. They should be carefully considered by any person considering providing entertainment. For further advice, applicants are advised to contact the Licensing Section.

#### 1.6 Types of Authorisations

There are four types of authorisations:

- a) **Premises Licence** - a licence granted in respect of any premises, which authorises them to be used for one or more licensable activities.
- b) **Personal Licence** - a licence granted by the Licensing Authority to an individual which authorises them to supply alcohol (or authorise the supply of alcohol) in accordance with a premises licence.
- c) **Club Premises Certificate** - a certificate granted in respect of premises occupied and used for the purposes of a club.
- d) **Temporary Event Notice** - where it is proposed to use premises for one or more licensable activity during a period not exceeding 168 hours.

1.7 It is recognised that the licensing process can only seek to address those measures within the control of the licensee, and in the vicinity of licensed premises. The licensing process is not a mechanism for the general control of anti-social behaviour by individuals once they are away from licensed premises and beyond the direct control of the licence holder. However where it can be established that a licensed premises is linked to anti-social behaviour or any other activity which undermines the licensing objectives, the matters may be pursued under the licensing process. The Licensing Authority will therefore continue to work in partnership with neighbouring authorities, the police, fire service, the NHS, the licensed trade, local businesses and local people towards the promotion of these four objectives.

1.8 It is intended that this policy statement will remain in existence for a period of up to five years from the 10<sup>th</sup> of February 2016. However the policy will be kept under constant review during this period, and where necessary, changes made, subject to the statutory consultation requirements being met.

1.9 As part of the above the Licensing Authority will consider the impact of licensing on regulated entertainment and particularly live music and dancing.

# LICENSING ACT 2003

## STATEMENT OF LICENSING POLICY

### 2 BACKGROUND

- 2.1 Carmarthenshire is the third largest county in Wales in demographic terms, with a population in 2013 of 184,681 of whom 11.6% were between the ages of 15 and 24, and 22.1% were between the ages of 25 and 44. It is these two age groups, who are currently most likely to make use of, and be employed within, the night time economy. However, 22% of the population is of pensionable age and therefore it is an aim of this policy to make the night time economy accessible to everyone, not just the young.
- 2.2 As a primarily rural area, Carmarthenshire has a strong agricultural base with a 'necklace' of key market towns providing the needs of communities in those rural areas. South East Carmarthenshire is the most densely populated part of the county, and is characterised by close knit former industrial communities. These contrasting types of environment present very different opportunities and challenges to those involved in the night time economy.
- 2.3 The night time economy within the county is extremely diverse, ranging from night clubs in the town centres to traditional local pubs, pub/restaurants, small village halls and community halls. These smaller venues have an important role to play in preserving and promoting the rich cultural and linguistic heritage of the county. On the 31<sup>st</sup> of March 2018 the Authority had 869 premises with Premises Licences, 74 with Club Premises Certificates and 2546 individual Personal Licence Holders.
- 2.4 Whilst the night time economy undoubtedly has benefits in terms of jobs, wealth creation, tourism and the promotion of cultural diversity, there are also obvious disadvantages. Alcohol related public nuisance, and crime and disorder are found not just in the larger town centres, but also in the smaller rural communities.

### 3 FUNDAMENTAL PRINCIPLES

- 3.1 Each application received under the provisions of the Act will be dealt with upon its own merits. However the Licensing Authority's discretion will not be engaged unless representations are received.
- 3.2 Nothing in this policy will undermine the right of a person to apply for a variety of permissions under the Act.
- 3.3 Absolute weight will be given to all relevant representations received by the council in respect of any application or request made under the Act. However representations, which are frivolous, vexatious or repetitious, will not be considered.
- 3.4 The Licensing Authority will not operate a quota of any kind, which would predetermine any application.



## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- 3.5 The Licensing Authority does not currently impose general limitations on trading hours in particular areas.
- 3.6 In carrying out its functions under the Act, the Licensing Authority will have due regard to all relevant legislation.

#### 4 CONDITIONS OF LICENCE

- 4.1 In order to avoid duplication with other statutory regimes as far as possible, the Licensing Authority, where representations are received, will not attach conditions of licence unless they are considered appropriate for the promotion of the licensing objectives. Conditions will generally be considered inappropriate if issues are already adequately covered by other legislation.
- 4.2 The Licensing Authority cannot impose standard conditions of licence across the board.
- 4.3 In 2010 the Licensing Act 2003 (Mandatory Licensing Conditions) order set out five new mandatory licence conditions. In 2014 those conditions were replaced by five new conditions introduced by an amendment order.

The new mandatory licence conditions relate to:-

- 1) Prohibition of irresponsible drinks promotions.
- 2) Provision of free tap water for customers
- 3) Requiring the adoption and use of an Age Verification Policy
- 4) Giving customers the choice of small measures
- 5) Banning the sale of alcohol below the cost of duty plus VAT.

The five conditions apply to all premises licences and club premises certificates which authorise the sale of alcohol for consumption on the premises.

Mandatory condition 3 is the only one which applies to premises which authorise off sales of alcohol only.

In certain circumstances conditions attached to licences will not take effect due to the operation of the Live Music Act, Deregulation Act and other legislative orders. For further advice contact the licensing section.

Licence holders are encouraged to contact the Licensing Section to discuss any proposed drinks promotion prior to their commencement. Further detailed guidance along with a new page outlining the conditions have been sent to each licence holder. Further copies of this advice is available from the Licensing Section.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- 4.4 For advice regarding any pools of model conditions which may be available please contact the licensing section.

#### **5 THE LICENSING OBJECTIVES – GENERAL COMMENTS**

- 5.1 Applicants for new premises licences and those seeking variation of existing licences/permissions are advised to demonstrate how they intend to promote the four licensing objectives.
- 5.2 In order to do this applicants are advised to carry out a comprehensive and detailed assessment which should cover, amongst other things:
- a) The scope and nature of the licensable activities to be carried out.
  - b) The duration of such activities.
  - c) The nature and location of the premises in which the activities are to take place (this may include reference to beer gardens, smoking shelters or any other open areas forming part of the premises, or used by the premises for the carrying on of licensable activities and/or consumption of alcohol).
  - d) The nature and location of other premises in the vicinity and their occupants.
  - e) The skills and knowledge levels of persons engaged in carrying out those activities.
- 5.3 The Licensing Authority advises that such an assessment should identify issues which could lead to the licensing objectives being undermined.
- 5.4 The Licensing Authority advises that such an assessment, and its conclusions, be incorporated within, or be annexed to, the operating schedule, which forms part of the application. Where an applicant chooses not to submit a risk assessment they are advised instead to provide a statement explaining why in their opinion one is not needed.
- 5.5 The Licensing Authority advises that the operating schedule sets out in detail the control measures the applicant intends to put in place to deal with the risks identified in the assessment.
- 5.6 Applicants are reminded that, where representations are made in relation to an application, the Licensing Authority has the power to place conditions upon the licence where it considers it appropriate to do so to promote the licensing objectives.

The Licensing Authority believes that the effective management of licensed premises by suitability experienced and trained staff is essential for the promotion of the four licensing objectives.

# LICENSING ACT 2003

## STATEMENT OF LICENSING POLICY

### Designated Premises Supervisors

- 5.7 Applicants are reminded that where they wish the premises licence to include the sale or supply of alcohol that they need to appoint a Designated Premises Supervisor (DPS), who must hold a personal licence. The Licensing Authority strongly recommends to all applicants that the Designated Premises Supervisor (DPS) be the person who has day-to-day control of the premises.
- 5.8 The Licensing Authority recognises that where a large organisation such as a pub or supermarket chain has a number of premises from which it intends to sell/supply alcohol, that organisation may wish a more senior member of staff such as an Area Manager to act as Designated Premises Supervisor (DPS) for more than one premises. In those circumstances, the Licensing Authority strongly advises applicants to clearly set out in their operating schedules on how the DPS will ensure that the licensing objectives are to be promoted at the premises in question. The Licensing Authority recommends that this includes:
- a) The frequency of visits by the DPS to the premises.
  - b) The maintenance of proper records at the premises relating to the Licensing Objectives and their inspection by the DPS.
  - c) The identification of the person or persons responsible for the day-to-day management of the premises.
  - d) The proper training of staff at the premises, having regard to their individual roles and the nature of the licensable activities carried on at the premises.
- 5.9 Adult Entertainment  
Following the amendment of the Local Government (Miscellaneous Provisions) Act 1982 to introduce a new category of establishment called Sexual Entertainment Venues, applicants and existing licence holders who are providing adult entertainment such as Lap Dancing, Pole Dancing or Table Dancing are advised to contact the Authority to check whether they require a separate Sexual Entertainment Venue licence for the premises. Further guidance regarding the provision of adult entertainment is available from the Licensing Section.
- 5.10 When preparing their Operating Schedules, applicants are advised to have regard to the guidance issued under Section 182 of the Licensing Act 2003 and any other guidance referred to therein.

## 6 THE PREVENTION OF CRIME AND DISORDER

- 6.1 In order for applicants to properly address this objective, the Licensing Authority advises that the operating schedule where appropriate includes (amongst other things) reference to the following:

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- a) The use of CCTV cameras, both inside and outside the premises. It is recommended that such cameras, where installed, meet the standard set out in the Operational Requirements Guidance document issued by the Carmarthenshire Division of the Dyfed Powys Police and that images are retained for thirty one days. Where cameras are installed, applicants are advised to provide a declaration that Police and Licensing Officers can have immediate access to the images at any time during the opening hours of the premises.
- b) The CCTV system shall be recording whenever the premises is open for licensable activities and at least one hour before opening time and one hour beyond the closing time.
- c) That a competent person capable of producing a copy of CCTV footage upon request of any investigating agency is available at the premises.
- d) The CCTV system be installed and maintained to the satisfaction of the Dyfed Powys Police and local Community Safety Officer.
- e) The Premises Licence holder shall ensure that the CCTV system is kept in a good working order.
- f) The licensee or another appropriate person must randomly examine any available recordings in an attempt to satisfy themselves that all relevant policies are being adhered to and act accordingly where there is any suspicion that staff are not following policy, such as requesting identification or questioning potential 'proxy sales'.
- g) The installation of a security system for the whole of the premises, including the stock area of an approved standard.
- h) Procedures for risk assessing promotions (e.g. drinks promotions) and special events with potential to cause crime and disorder. Plans to minimise the risks identified.
- i) Means to prevent the use and supply of illegal drugs.
- j) Training of staff, including the obtaining of qualifications to a national standard. Applicants are advised to keep written records of all staff training.
- k) The use of security staff, including the number to be deployed, methods of operation, training and qualifications. Applicants are reminded of the requirements of the Securities Industry Act. Applicants will be expected to maintain a register, detailing the security staff on duty at any one time and allow the Police and Licensing Officers access to that register at any time during the opening hours of the premises.
- l) That where Door Supervisors are employed it be in the ratio of two door supervisors for the first one hundred persons and one per hundred thereafter. If applicants wish to employ a different ratio, it is recommended they explain why.
- m) In the case of nightclubs and venues used for live entertainment and concerts, the use of metal detectors and/or other search facilities and procedures.
- n) Door supervisors whenever on duty must wear high visibility style clothing both indoors and outdoors. The type of clothing to be used indoors must be clearly visible and readily identifiable in premises where the lighting may be dim, so that they are recognisable to members of the public, police officers and licensing officers. Whenever on duty door supervisors must complete a register of the time they start and finish duty, the register must contain the contact details of the individual door supervisor.

## LICENSING ACT 2003

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- o) Certain premises, particularly those with access restrictions for under 18's are advised to consider arranging for trading standards officers to deliver the free training regarding age verification, detailed in paragraph 9.10, for key staff such as door supervisors.
- 6.2 Applicants are strongly advised to state clearly in their operating schedules the measures to be taken to prevent customers removing glasses and/or open bottles/cans of alcohol from the premises.
- 6.3 All applicants are advised for the purposes of the prevention of crime and disorder that they include within the operating schedule, a capacity limit for the premises and the control measures to ensure it is enforced.
- 6.4 Applicants are advised to outline measures to be taken to supervise customers within any outside location at the premises either a beer garden or street café, in respect of the consumption of alcohol or smoking.
- 6.5 Applicants are advised that where they are planning to place tables and chairs on the highway or on private land, to indicate how they intend to control patrons at those locations and when they intend to remove those tables and chairs. Applicants are advised to contact the Street Scene section for advice regarding relevant permits under the Highways Act 1980.
- 6.6 It is recommended that Licensees support the Dyfed Powys Police in any initiatives to prevent crime and disorder such as passive drugs dogs, Itemiser drug scanning machine or any other relevant resource tool.
- 6.7 Licensees are encouraged to actively participate in an appropriate Pub Watch, LVA, Club Watch, Club Radio, Behave or be Banned, Best Bar None, and Home Watch Scheme or any other similar scheme. Applicants are advised to indicate whether or not they are willing to participate and also whether they are willing to contribute financially to the cost of such schemes.
- 6.8 Licensees are encouraged to promote and take part in any local or national initiatives, strategies or campaigns such as the 'Safer Clubbing Guide' and have regard to the Working Together to Reduce Harm – The Substance Misuse Strategy For Wales 2008 – 2018( Welsh Government 2008)
- 6.9 Applicants are advised where age restrictions on access apply, to put in place measures to control such activities, including staff training and the adoption of schemes such as "Challenge 25"
- 6.10 Licensees are reminded of their statutory duties to display certain licence documents and notices, Proper access to the licence and the display of the summary documents are vital elements of both the premises management and enforcement regimes. The Dyfed Powys Police and the Licensing Authority are of the view that in order to comply with these requirements, the premises summary document needs to be displayed in full public view, at a convenient height, not obscured and in such a way that each page of the document can easily be read by any person at the premises.

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Police and Licensing Officers will expect the responsible person at the premises to be able to produce the licence without delay.

- 6.11 Applicants requiring further information regarding the above or local crime prevention strategies should contact the Police at the address given in Appendix B.
- 6.12 The Dyfed Powys Police have identified the following areas within the County as hot spots of alcohol related crime and disorder. Applicants and existing Licence holders are strongly advised to pay special attention to measures aimed at preventing Crime and Disorder at premises located on these streets and in the vicinity.

#### Llanelli

**Murray Street, Station Road, Stepney Street, Ann Street.**

#### Carmarthen

**Coracle Way, Lammas Street, Water Street, Priory Street, Queen Street, King Street. Nott Square**

#### Ammanford

**Quay Street, Wind Street.**

## 7 PUBLIC SAFETY

- 7.1 Applicants are reminded that the safety of staff and patrons on licensed premises is the responsibility of the licensee.

### 7.2 New Psychoactive Substances

A recent trend has been the use and availability of New Psychoactive Substances (NPS), so called 'legal highs'. The authority recognises that legislation is sometimes slow to change to deal with such substances and that both the Police and local authority have powers under other legislation to tackle premises supplying substances that could be considered as legal highs. The Licensing Authority expects licence holders and qualifying clubs to actively discourage and prevent the use or supply of such substances in licensed premises.

- 7.3 All applicants are strongly advised to include within their operating schedule details of the maximum numbers of persons to be allowed in the premises at any time, how that figure was reached, and the control measures to ensure it is enforced.

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- 7.4 Applicants are reminded that such maximum numbers should be calculated to ensure that premises can be safely evacuated in the event of any emergency, not just in the event of fire (which is the subject of separate legislation). The proposed maximum numbers and control measures should therefore also provide for other types of emergency (e.g. violent disorder, flooding, bomb threats etc).
- 7.5 All applicants are strongly advised to assess as to when the use of alternatives to glass, such as plastic bottles, plastic glasses and/or toughened glasses may be appropriate. The Licensing Authority believes that this is of particular relevance not just to high volume premises such as nightclubs and large town centre pubs, but also to other premises during peak periods such as bank holidays, other special occasions and external beer gardens and street cafes. Failure to properly address this issue could result in representations being submitted by the responsible authorities.
- 7.6 Applicants are advised to set out how they intend to make adequate first aid provisions for staff and customers.
- 7.7 The Licence Holder are advised to ensure that there is in force an appropriate public Liability Insurance Policy relating to his/her use of the premises for licensable activities. A copy of which should be on display at the principal point of entry and be produced to a Police Officer or an officer of the Licensing Authority on request.
- 7.8 Applicants are reminded electrical safety is of paramount importance. Applicants should be aware of the importance of ensuring that the electrical installations of a venue are maintained in safe correct working order, and are periodically checked to ensure they remain in such a condition.

Applicants are advised that the electrical installation in the premises should be in accordance with the requirements contained in the Institution of Electrical Engineers Regulations for the Electrical Equipment of Buildings (IEE Wiring Regulations – issued as BS 7671:2001-amd 2002: Requirements of electrical installations). The Local Authority also advises that the electrical installation of the premises should be inspected and tested annually by a qualified electrical engineer. Applicants are encouraged to keep a record of such certificates for a period of twelve months.

- 7.9 Applicants are reminded that in circumstances where temporary structures (e.g. stages, marquees, seating etc) and/or temporary installations (e.g. generators, heaters) are used, it is the applicant's responsibility to ensure that they are suitable for their intended use and they are erected/installed correctly. Applicants are encouraged to ensure only competent people install/erect temporary structure(s) and installations, and the applicant is strongly advised to obtain completion / conformity certificates from the persons responsible for erecting or installing the structure. In addition, applicants are encouraged to keep a record of such certificates for a period of 12 months following obtaining the certificate.

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- 7.10 The use of LPG is not uncommon, in particular, at outdoor events. In circumstances where LPG is intended to be used and stored, applicants are urged to familiarise themselves with the requirements of the LPG Association code of practices and follow such codes.
- 7.11 Applicants and existing licence holders are reminded of the need to comply with the requirements of The Regulatory Reform (Fire Safety) Order 2005. Advice regarding Fire safety can be obtained from the Mid and West Wales Fire Brigade, contact details for their Fire Safety department appear in Appendix B.
- 7.12 The Licensing Authority recommends that applicants contact the Fire Brigade, Health and Safety Executive and or Carmarthenshire County Council Commercial Services as appropriate for further information and guidance on these issues. (See Appendix B for relevant contact details).

## 8 THE PREVENTION OF PUBLIC NUISANCE

- 8.1 Applicants are reminded that licensed premises do not exist in isolation and that their operation contains an inherent risk of public nuisance.
- 8.2 Applicants are advised, as part of the assessment referred to in paragraph 5.2, to identify potential instances of public nuisance, arising from the operation of the premises and the measures to be implemented to control them.
- 8.3 Inaudibility - The simple presence of noise at a complainant's premises would not itself be sufficient to determine the matter as being a Public Nuisance or statutory noise nuisance as defined by the Section 79 of the Environmental Protection Act 1990. In determining the existence of a public nuisance or statutory noise nuisance a number of factors must be taken into consideration such as time, duration, frequency and loudness of the noise.
- 8.4 Applicants are reminded that their responsibilities in this respect are not limited to activities taking place within the premises during opening hours. Applicants are advised to have regard to (amongst other things) the manner in which their premises are prepared for opening (e.g. cleaning and deliveries), the management of patrons entering and leaving the premises and the manner in which the premises is closed down, including the way in which glass bottles are disposed of.

Applicants are also advised to consider:-

- a) Displaying Neighbour courtesy notices to be displayed at the premises.
  - b) Adopting a Dispersal Policy for the premises in respect of any person leaving the premises after midnight.
- 8.5 Applicants are reminded that public nuisance is not limited in scope to noise nuisance. Regard should therefore be had to (amongst other things) issues of light pollution, odour pollution, vibration etc.



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- 8.6 As a result of the introduction of The Health Act 2006 and subsequently The Smoke-free Premises etc. (Wales) Regulations 2007, a large number of premises have erected external shelters and smoking areas, a number of which use street furnishings. Applicants should consider carefully the layout and locations of such external areas and are advised that such furnishings be situated in locations so as not to cause obstruction to the public.
- 8.7 Prior to erecting smoking structures applicants are reminded to consider whether their structure may conflict with relevant planning/building control permission for the premises. If the applicant is unsure whether this is the case or where they are aware of such a conflict, then they should contact the relevant Section of the Authority to resolve this matter.
- 8.8 Applicants are advised to consider how noise arising from the use of external smoking shelters/smoking areas is controlled. Applicants are advised to locate such areas away from residential properties if possible. It is also advised that applicants consider restricting the access to such areas and the activities undertaken within the areas e.g. alcohol not to be used in the external areas beyond a particular time and carefully manage access to and use of such areas.
- 8.9 Applicants are advised not to provide entertainment such as music and televisions in the external smoking areas. Not only can the noise from the entertainment cause disturbance, but external entertainment encourages people to stay outside for prolonged periods of time and this itself can give rise to noise and disturbance
- 8.10 Advertising by means of fly posting is increasing and can have a detrimental effect on the surroundings. Applicants who use such methods of advertisement are recommended to have procedures in place to ensure that the advertisements are removed as soon as possible. Applicants are reminded that fly posting may give rise to criminal liability, both for those who fly post and the business that is being advertised.
- 8.11 Applicants are advised to consider how customers using the smoking areas dispose of their used cigarettes. Applicants are encouraged to provide receptacles for the used cigarettes and also to have systems in place to ensure the area is kept free from litter.
- 8.12 The Public Health Team has encountered a number of cases where trade waste is not being effectively managed by Licensed Premises. The result of which can give rise to Public Health problems such as rodent infestations, flies and odours. Situations have also arisen where premises (especially food premises) have been depositing their waste oil into the foul drainage system that resulted in blocked drainage system. Applicants are therefore reminded of their obligation to comply with legislation in relation to these issues.

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- 8.13 Carmarthenshire County Council Public Health Services has produced further detailed guidance to assist applicants to address the public nuisance licensing objective. The Licensing Authority advise applicants to have regard to this guidance when producing operating schedules.
- 8.14 The Public Health Team has a duty to investigate nuisance complaints and therefore should be the first point of contact in cases where individuals are experiencing problems of nuisance from licensed premises.

### 9 THE PROTECTION OF CHILDREN FROM HARM

- 9.1 The Licensing Authority will not seek to require that access to any premises is given to children at all times. Under normal circumstances this will be left to the discretion of the licensee. Generally the Licensing Authority will not seek to limit access of children to any premises unless it is necessary for the prevention of harm to them. Applicants are reminded that their general responsibilities towards staff and customers are increased where such staff/customers are children.
- 9.2 Applicants are advised to include within their operating schedules a clear statement as to when children will be employed at the premises and/or when they will be allowed on the premises as customers or performers in regulated entertainment. Applicants are reminded of the existence of local by laws governing the employment of children, and are advised to contact Education and Children Services in relation to this issue.
- 9.3 The range of alternatives which may be considered for limiting the access of children include:
- a) Limitations on the hours when children may be present.
  - b) Limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place.
  - c) Limitations on the parts of premises to which children might be given access.
  - d) Age limitations (below 18).
  - e) Requirements for accompanying adults.
  - f) Full exclusion of people under 18 from premises when licensable activities are taking place.
- 9.4 Where applicants intend to allow children to enter their premises they are advised to establish and enforce clear codes of conduct to be observed at all times when children are present. The Licensing Authority suggests such codes to be incorporated within or annexed to operating schedules and to include reference to (amongst other things):
- a) The prohibition of foul and abusive language
  - b) The prohibition of threatening behaviour
  - c) The prohibition of entertainment of an adult or sexual nature
  - d) The prohibition of entertainment of a violent nature

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- e) The prohibition of gambling (other than small numbers of AWP machines).
- 9.5 Applicants are advised to clearly state which parts of the premises children are allowed to enter, the circumstances in which this can take place and the control measures to ensure this is enforced. Applicants should seek advice from the Licensing Authority and Children's Services on a case by case basis.
- 9.6 Applicants are advised to include within their operating schedule a declaration that children of school age will not be allowed into their premises during school hours.
- 9.7 Applicants whose premises are used to provide services specifically to children and/or family groups are advised to adopt the following measures:
- a) Security checks on all staff, including temporary staff.
  - b) Training for key staff in relation to child protection and safety issues.
  - c) The adoption of fixed time deadlines after which children of a certain age will generally be expected to leave the premises. The Licensing Authority recommends that on a day preceding a school day this should be 8pm for children up to and including primary school age, and 10pm for secondary school children.
  - d) Procedures to ensure that unaccompanied children have the means to travel home safely.
- 9.8 In respect of licensed premises that hire their function rooms for private events, they adopt a system where all bookings are checked and details of the event or functions are verified as being bona fide. Such details to be recorded to include name of person who took the booking, contact details of person make the booking and what steps were taken to confirm that the event or function was not for persons under 18 years of age. This is to prevent the possibility of licensing offences being committed by the premises or those attending the function, such as an under 18's party, school proms or similar events where the majority of those attending will be under 18.
- 9.9 Applicants whose premises are to be used for Parties or events aimed primarily at 18 year olds and under are advised that the following arrangements are prudent to protect children from harm.
- Bookings for such events should only be taken from an adult. A requirement of an accompanying adult to supervise should be considered.
  - A Designated Premises Supervisor should be present whenever the premises is in use for such events
  - Specific arrangements need to be made by the premises to ensure that children and young people are able to get home safely. For example having a freephone available for booking local taxis.
  - Specific arrangements need to be made to ensure that children and young people that turn up at the premises and are denied access due to

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intoxication get home safely to the care of a parent or carer or responsible adult.

- Fixed time deadlines at which such parties will generally be expected to leave the premises.
- 9.10 Consideration should be given to the age of bar staff serving at these events and the potential impact that peer pressure could have on the likelihood of alcohol being served to underage persons. Arrangements should include the supervision and training of these staff to deal with peer pressure.
- 9.11 Applicants are reminded of research carried out on behalf of the Department of Children & Families by Newcastle University, which concluded that children who misuse alcohol are likely to suffer harm to their physical and mental health, educational development and personal safety.
- 9.12 Applicants whose premises are to be used for the sale and/or supply of alcohol are advised to set out in their operating schedules the steps that will be taken to prevent the sale and/or supply of alcohol to persons under age. This may include (but not necessarily be limited to):
- a) The Implementation of a “Challenge 25” policy to ensure that all staff will insist on appropriate ID if they believe that a purchaser may be 25 or under – “No ID – No Sale”.
  - b) The provision of notices / posters to be clearly displayed in store, near the point of sale areas, to emphasise to customers that they will be challenged if they look 25 or under. It is recommended that similar posters relating to the sale of age related products to be clearly displayed near the products themselves.
  - c) What forms of proof of age will be accepted at the premises e.g. Photo-card driving licence, passport, Validate card or any PASS accredited proof of age card.
  - d) A requirement that all new employees to undergo induction training in relation to the sale of age restricted products, immediately on commencing employment, and a written record and details be kept of such training.
  - e) A requirement that all relevant staff undertake refresher training in relation to the sale of age restricted products at least once every 6 months.
  - f) That such training include information on the acceptable forms of ID, and in particular the “Validate” proof of age card, promoted within Carmarthenshire. Sample “Validate” ID cards, should be made available, for staff, to assist confidence in their understanding of information contained on such cards.
  - g) A Requirement that a “Refusals Log” be maintained, kept at the till area, and entries completed every time a sale is refused. These “refusals” should be examined and analysed by an appropriate person within the organisation, at regular intervals, and any potential concerns addressed immediately. Any such actions should be recorded, signed and dated.
  - h) Where a person under is 18 is employed, a signed record should be made by the relevant “supervisor” in charge of that person, prior to them commencing duty on each day.

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- i) The Premises Licence Holder should have installed a CCTV system that covers the checkout area. The licensee or another appropriate person should randomly examine any available CCTV recordings, in an attempt to satisfy themselves that all relevant policies are being adhered to, and act accordingly where there is any suspicion that staff, are not following policy, such as not requesting ID, or questioning potential “proxy sales”.
- j) The preparation of a written policy in relation to the sale of age restricted products, a copy of which to be provided to all staff. Such a policy should be annually reviewed and if relevant, updated to reflect changes in the law, and / or guidance issued by relevant bodies.
- k) Where an EPOS system is in use, a till prompt is automatically generated to alert staff that an alcoholic product has been scanned, and that staff need to acknowledge this, before such a sale can continue.
- l) Arranging for the DPS to be in full time employment at the premises, with an active “hands on” role in, and responsibility for, overseeing staff. The DPS should have successfully completed, and provide evidence of such, a nationally accredited “personal licence” course.
- m) Ensuring that all documents referred to above, are kept at the premises and made available on request, at all times to Police, Trading Standards or Licensing Officers. Applicants are advised that where such a requirement is made a condition of licence, a failure to produce could be interpreted as documents “not being available”, which could be a breach of licensing conditions.

9.13 The Trading Standards Services Section offer free training for premises staff in relation to the sale of alcohol and other age restricted products. Licence holders wishing to take advantage of this service must make arrangements well in advance by contacting the Trading Standards Section using the contact details contained in Appendix B.

9.14 Applicants should have regard to such advice and guidance as may be issued from time to time by the Police and the Carmarthenshire County Council’s own Trading Standards Officers.

9.15 Applicants are reminded that the advice to keep training records set out in paragraph 6.1 in this policy is equally applicable in this context.

9.16 The Licensing Authority recognises that the Department for Education and Children of Carmarthenshire Council is the competent body to advise on matters relating to the protection of children from harm. The address to which applicants should forward copies of their application is contained in Appendix E.

9.17 The Licensing Authority strongly advises applicants to make a commitment in their operating schedules to follow the Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks. Failure to do so may be regarded as intelligence of irresponsible drinks promotions under section 19 (2) of this policy.

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### 10 CUMULATIVE IMPACT

#### Station Road, Llanelli

- 10.1 The Licensing Authority has received sufficient evidence to show that a Cumulative Impact Policy continues to be required in relation to the lower end of Station Road, Llanelli, between its junction with Queen Victoria Road south to the railway crossing as shown on the plan attached at appendix F. However, in accordance with paragraph 1.7 this matter will be kept under constant review.

This Policy applies to any property which has a boundary on the relevant portion of Station Road.

- 10.2 Where relevant representations are received, it is the Licensing Authority's policy to refuse applications in respect of the lower end of Station Road, Llanelli, between its junction with Queen Victoria Road south to the railway crossing as shown on the plan attached at appendix F for;

- (a) New Premises Licences
- (b) The variation of such licences that are considered likely to add to the existing cumulative impact.

The policy is intended to be strictly applied and will only be overridden in genuinely exceptional circumstances

Exceptions are unlikely to be made on the grounds that the premises are, or will be, well managed

Exceptions should be directed at the reasons underlying the policy.

An exception might arise where an application proposes;

- (a) To effect a real reduction in capacity
- (b) To replace vertical drinking with seated consumption and waiter service.
- (c) To transfer an operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental Impact and will promote the licensing objectives.
- (d) The substitution of existing licensable activity at a premises with licensable activities which would have less impact on the area and would be more likely to further the licensing objectives.

Variation applications which are likely to be considered to add to the existing cumulative impact include;

- (a) An increase in the capacity of the premises
- (b) An extension in the hours of operation of the premises
- (c) Introducing opportunities to consume alcohol other than ancillary to table meals

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- (d) Introducing opportunities to take food away from the premises
- (e) Introducing dance floors or similar facilities
- (f) Any other change to the way the premises operate which is likely to have an impact on the promotion of the licensing objectives.
- (g) The varying of an existing licence condition attached to a premises licence, which is likely to have an impact on the promotion of the licensing objectives.

The Licensing Authority acknowledges that it has departed from the Secretary of State's guidance by including premises which sell alcohol for consumption off the premises within the scope of this policy. However the Licensing Authority believes that this departure is justified due to the evidence of price competitive behaviour linked to street drinking, underage drinking, proxy sales and pre-loading associated with the concentration of such premises in Station Road, Llanelli.

The Licensing Authority acknowledges that this policy goes further than that set out within the Secretary of State's Guidance. However the Licensing Authority believes this is justified on the grounds set out below.

The reasons for adopting this policy are as follows;

1. The portion of Station Road, Llanelli, between its junction with Queen Victoria Road south to the railway crossing as shown on the plan attached at appendix F contains a total of 23 licensed premises, including pubs, nightclubs, off licences and late night take away outlets.
  - a) During the period 01/01/13 to 31/07/15 the following incidents occurred in Station Road –
    - 101 incidents of alcohol related ASB
    - 84 Incidents including alcohol related public safety concerns
    - 233 alcohol related crimes.
  - b) Station Road accounted for 57% of alcohol related anti social behaviour and 67% of alcohol related crime recorded in the hot spot areas in Llanelli identified in the policy.
2. The Road is in close proximity to a large number of residential streets. There is clear evidence that these streets are subject to alcohol related crime and disorder by persons who have purchased alcohol in Station Road.
3. Station Road is the location for a number of licensed premises. There is clear evidence linking these premises to late night noise and anti social behaviour in Station Road and the surrounding residential streets.
4. Evidence has been received that late night food outlets attract passing custom from people leaving the town centre, leading to a greater concentration of people than would otherwise be the case, before dispersing through nearby residential streets.
5. There have been licence applications relating to premises in Station Road which have highlighted issues of alcohol related anti-social behaviour and crime and disorder.

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6. The evidence to support the above is contained in the Policy review file and on the individual premises files held by the Licensing Section.
7. The evidence from the consultation shows that residents are continuing to be affected by alcohol related crime and disorder, however this is primarily between it's junction with Queen Victoria Road south to the railway crossing, as shown on the plan attached at appendix F.

#### Lammas Street, Carmarthen.

10.3 The Licensing Authority has received sufficient evidence to show that it would be inconsistent with the Authority's duty under section 4 (1) of the Licensing Act 2003 to grant any further relevant authorisations in respect of premises in Lammas Street, Carmarthen as shown on the plan attached at appendix G. However, in accordance with paragraph 1.7 this matter will be kept under constant review.

This Cumulative Impact Assessment applies to any property which has a boundary on Lammas Street, Carmarthen.

10.4 Where relevant representations are received, it is the Licensing Authority's intention to refuse applications in respect Lammas Street, Carmarthen as shown on the plan attached at appendix G for;

(c) New Premises Licences

(d) The variation of such licences that are considered likely to add to the existing cumulative impact.

This Assessment is intended to be strictly applied and will only be overridden in genuinely exceptional circumstances

Exceptions are unlikely to be made on the grounds that the premises are, or will be, well managed

Exceptions should be directed at the reasons underlying the Assessment.

An exception might arise where an application proposes;

(e) To effect a real reduction in capacity

(f) To replace vertical drinking with seated consumption and waiter service.

(g) To transfer an operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental Impact and will promote the licensing objectives.

(h) The substitution of existing licensable activity at a premises with licensable activities which would have less impact on the area and would be more likely to further the licensing objectives.

Variation applications which are likely to be considered to add to the existing cumulative impact include;

(h) An increase in the capacity of the premises

(i) An extension in the hours of operation of the premises



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- (j) Introducing opportunities to consume alcohol other than ancillary to table meals
- (k) Introducing opportunities to take food away from the premises
- (l) Introducing dance floors or similar facilities
- (m) Any other change to the way the premises operate which is likely to have an impact on the promotion of the licensing objectives.
- (n) The varying of an existing licence condition attached to a premises licence, which is likely to have an impact on the promotion of the licensing objectives.

The reasons for adopting this Assessment are as follows;

1. Lammas Street, Carmarthen, shown on the plan attached at appendix G contains a total of 18 licensed premises, including pubs, nightclubs, off licences and late night take away outlets.
  - a) During the period 01/01/16 to 31/03/18 there have been a total of 262 alcohol related crimes recorded between 10pm and 6am across Carmarthen Town, 44% of these crimes (114) were committed in Lammas Street.
  - b) Over the last two years there have been a total of 226 crimes reported to have occurred in Lammas Street, 74% of these crimes (167) were committed between the hours of 10pm and 6am with 68% of those crimes being alcohol related (114 out of 167 crimes)
  - c) In addition to the above there were 125 incidents of anti-social behaviour reported and received between the hours of 10pm and 6am in Lammas Street. 46% of those ASB incidents were alcohol related (37).42% of alcohol related public order incidents and 82% of alcohol related violence against the person in Carmarthen Town over the last two years were committed in Lammas Street.
2. The Road is in close proximity to a large number of residential streets. There is clear evidence that these streets are subject to alcohol related crime and disorder by persons who have purchased alcohol in Lammas Street.
3. Lammas Street is the location for a number of licensed premises. There is clear evidence linking these premises to late night noise and anti-social behaviour in Lammas Street and the surrounding residential streets.
4. Evidence has been received that late night food outlets attract passing custom from people leaving the town centre, leading to a greater concentration of people than would otherwise be the case, before dispersing through nearby residential streets.
5. There have been licence applications relating to premises in Lammas Street which have highlighted issues of alcohol related anti-social behaviour and crime and disorder.
6. The evidence to support the above is contained in the Policy review file and on the individual premises files held by the Licensing Section.
7. The evidence from the consultation shows that residents are continuing to be affected by alcohol related crime and disorder, as shown on the plan attached at appendix G.

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#### 11 LICENSING HOURS

- 11.1 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Longer licensing hours may therefore be an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.
- 11.2 However, the Licensing Authority recognises that in certain cases, the presumed benefits of longer licensing hours may be outweighed by the disadvantages of increased public nuisance, crime and disorder. This may be particularly the case in rural or residential areas. The Licensing Authority advises applicants to address this possibility when preparing their operating schedules in accordance with section 5 of this policy.
- 11.3 As far as the Licensing Authority's overall approach to licensing hours is concerned, it has not introduced any form of zoning at present.
- 11.4 Instead, regard will be given to the individual characteristics of the premises concerned and the area in which it is located. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, members clubs and community venues all contribute to the night time economy but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.
- 11.5 Premises licensed to sell alcohol will generally be permitted to do so during the normal hours they intend to open for business
- 11.6 Where representations are received, the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. For example, when issuing a licence, stricter controls may be imposed in the case of premises which are situated in the vicinity of residential accommodation.
- 11.7 Applicants for new licences, or those seeking variation of their existing licences and permissions, are advised to set out in detail in their operating schedules the control measures which they intend to adopt to address the licensing objectives.
- 11.8 Applicants are strongly recommended to include provision for drinking up time in their operating schedules.

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#### 12. FILMS

- 12.1 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself. The Licensing Authority has adopted a procedure for processing classification requests. Anyone wishing to obtain a certificate to show an unclassified film at a specific location is advised to contact the licensing section for a copy of the procedure prior to arranging a screening.

In recent years, the Act has been amended to exempt some types of film entertainment provided at certain locations from the requirement to be licensed between the hours of 8am and 11pm. Persons considering providing film entertainment are advised to contact the licensing section for detailed guidance regarding these exemptions.

#### 13. INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

- 13.1 The Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operatives.
- 13.2 The Licensing Authority will endeavour to secure proper integration with local crime prevention, substance misuse action plans and strategies, planning, transport, tourism, cultural and health, social care and well-being strategies.
- 13.3 Where any protocols agreed with the police identify a particular need to disperse people from any areas swiftly and safely to avoid concentrations which could lead to disorder and/or nuisance, the Licensing Authority will aim to inform those responsible for providing local transportation so that arrangements can be made to reduce the potential for problems to occur.
- 13.4 The licensing authority will seek to encourage licensable activities which do not undermine the licensing objectives and which are consistent with the economic regeneration strategies and objectives of the authority, particularly those of the Llanelli town centre task force.
- 13.5 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. Therefore, the Licensing Authority will not insist that a premises has the benefit of appropriate planning consent before considering an application, although applicants are reminded that the local planning authority, as a relevant authority, has the power to object to the granting of a licence and/or request the imposition of conditions upon any licence granted. Applicants are also reminded that the fact that planning consent may permit them to operate until a particular hour does not mean that they will necessarily be granted a licence on the same terms as different statutory criteria is applied under the planning and licensing regimes.

## LICENSING ACT 2003

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- 13.6 The Licensing Authority recognises that, apart from the licensing function, there are a number of other means available for addressing issues of disorder and nuisance that can occur away from licensed premises, including:
- a) Planning Controls.
  - b) Positive measures to create a safe and clean town centre environment in partnership with (amongst others) local businesses, transport operators and other departments of the Local Authority.
  - c) The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
  - d) Powers of Local Authorities to designate parts of the Local Authority area as places where alcohol may not be consumed publicly.
  - e) Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
  - f) The prosecution of any personal licence holder or member of staff at such premises, selling alcohol to people who are drunk.
  - g) The confiscation of alcohol from adults and children in designated areas.
  - h) Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, or the likelihood of disorder or noise from the premises causing a nuisance.
  - i) The powers of the police, other relevant authority or a local resident or business to seek a review of the licence or certificate in question.
  - j) The powers of Public Health Services to issue abatement notices under Section 80 of the Environmental Protection Act 1990 to prevent statutory nuisance.
- 13.7 The Licensing Authority will continue to address issues of this type through the Carmarthenshire Community Safety Partnership.

## 14. LIVE MUSIC, DANCING AND THEATRE

- 14.1 In recent years, the Act has been amended by the Live Music Act, Deregulation Act and other legislative orders, which have exempted some types of entertainment provided at certain locations from the requirement to be licensed between the hours of 8am and 11pm. It should be noted that exempt entertainment is still subject to the powers under the Environmental Protection Act 1990 and that live music provided at licensed premises under The Live Music Act must still promote the licensing objectives and could still be subject to a licence review. Persons considering providing entertainment are advised to contact the licensing section for detailed guidance regarding these exemptions.
- 14.2 When determining applications for live and/or community based events the Licensing Authority will take into account the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole, and in particular the need to support and promote the linguistic and cultural heritage of Carmarthenshire.

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- 14.3 If representations are made concerning the potential for disturbance in a particular neighbourhood as a result of such activities, such representations will be balanced against the wider benefits to the community of such events taking place.
- 14.4 When attaching conditions to licences granted for such events, the Licensing Authority recognises the need to avoid measures that might deter live music, dancing or theatre by the imposition of substantial indirect costs.
- 14.5 The Licensing Authority acknowledges the advice previously received from the DCMS in this context that the views of vocal minorities should not be allowed to predominate over the general interests of the community.
- 14.6 Only conditions strictly appropriate for the promotion of the licensing objectives will be attached to licences for activities of this nature.

#### 15. SMALL SCALE TEMPORARY EVENTS

- 15.1 The Act provides for certain occasions when small-scale events (for no more than 499 people at any one time and lasting for no more than 168 hours) do not need a premises licence providing that advance notice is given to the Police, Environmental Health and the Licensing Authority. Only the Police or Environmental Health can object to such a Temporary Event Notice if they believe the event is likely to undermine any of the licensing objectives.

##### **Standard Temporary Event Notices**

- 15.2 Persons wishing to hold such events under the authority of a standard temporary event notice (TEN) must give a **minimum of 10 clear working days** notice to the Police, Environmental Health and the Licensing Authority. The addresses to which such notices must be sent can be found in Appendix C to this policy.

##### **Late Temporary Event Notices**

- 15.3 A late temporary event notice can be submitted up to **five clear working days prior to the start** of an event and must be served in the same way as set out above for standard TENs. However if one of the authorities objects to a late TEN, the Notice will not be valid and the event will not be able to go ahead.
- 15.4 The Licensing Authority recommends that responsible event organisers give far greater notice of events however, to ensure that potential problems can be identified and resolved well in advance. Ideally the Licensing Authority would like to receive three months notice of such 'small' temporary events, although it is recognised that this may not be practicable in some cases.
- 15.5 Those submitting Temporary Event Notices are therefore strongly recommended to contact licensing officers early in the planning of such events to obtain further guidance regarding the process.

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- 15.6 Those submitting Temporary Event Notices are advised to consider the advice about organising events for 18 year olds and under which can be found at paragraph 9.9 and the impact of alcohol consumption on young people which can be found at 9.10
- 15.7 Organisers of Temporary Events are strongly advised to refer to the good practice advice contained in other sections of this policy document. In particular :-
- Section 6 The Prevention of Crime and Disorder,
  - Section 7 Public Safety
  - Section 8 The Prevention of Public Nuisance and
  - Section 9 The Protection of Children From Harm

Organisers are also strongly advised to consult the Authorities listed in Annex B for advice regarding their obligations under other separate legislation.

## 16 LARGER OCCASIONAL EVENTS

- 16.1 Organisers of larger Occasional events involving 500 or more people will be required to submit applications for premises licences. The Licensing Authority again strongly recommends that event organisers contact licensing officers early in the planning stages of the event. Ideally the Licensing Authority would like to receive 12 months notice of any such event, although it is again recognised this may not be practicable in some cases.
- 16.2 The Following table is included as a suggested minimum period of time prior to an event for submitting a complete application, following consultations with the responsible authorities.

<b>Maximum number of attendees at any time</b>	<b>Minimum notice period</b>
500 - 999	Not less than 2 months
1000 - 2999	Not less than 3 months
3000 - 4999	Not less than 4 months
5000 - 19999	Not less than 5 months
20000 – 49999	Not less than 6 months
50000 +	Not less than 7 months

- 16.3 Organisers of all occasional events, irrespective of their size and duration, are reminded that failure to consult with the Licensing Authority and Responsible Authorities well in advance of the event taking place increases the risk of objections to the event, and the subsequent cancellation of the event itself.
- 16.4 Organisers of occasional events are advised to prepare an Event Management Plan setting out details of all aspects of the arrangements for

## LICENSING ACT 2003

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the event. Organisers are advised to contact the licensing section for advice and guidance regarding the preparation of such management plans.

- 16.5 The Licensing Authority will establish a multi-agency advisory group, consisting of the emergency services and other council services such as Highways and Public Health, to advise and co-ordinate planning for public events in the County, irrespective of their size and duration.
- 16.6 Organisers of occasional events are advised to consider the advice about events aimed at 18 year olds and under that can be found at 9.9 and the impact of alcohol consumption on young people which can be found at 9.10.

### 17. THE LICENSING PROCESS

- 17.1 The powers of the Licensing Authority under the Act will be carried out either by the Licensing Committee, by a sub-committee of that committee, or by one or more officers of the council in accordance with the scheme of delegation, which is prescribed from time to time by regulations and guidance under the Act. See Appendix A.
- 17.2 In general terms however, the Licensing Committee will have a largely supervisory role, contested applications will be dealt with by sub-committees, and uncontested applications by officers. See Appendix A.
- 17.3 Applicants are strongly encouraged to consult the Licensing Authority, responsible authorities, local businesses and residents whilst preparing their applications. The Licensing Authority firmly believes that this will assist applicants in identifying potential problems so that they can be addressed before they occur, and allay the fears of such businesses and residents as to the impact of the new licensing regime.
- 17.4 Applicants are strongly encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their operating schedules.
- 17.5 There is a presumption that a Sub Committee will not undertake site visits. A site visit will only be arranged where a valid representation is received and in the opinion of the licensing officer the sub committee may benefit from such a visit when determining the application. Officers will consult the chairman of the relevant Sub Committee prior to arranging a site visit.

If when dealing with applications where a site visit has not been arranged, the sub committee subsequently feels that a site visit is necessary in order to determine the application, the hearing may be deferred to allow this to take place.

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#### 17.6 Minor Variations

The Licensing Act 2003 has been amended by the insertion of Section 41A to 41C relating to minor variations. This allows for certain small variations to be processed through a simplified 'minor variations' process.

Minor variations will generally fall into four categories:

- Minor variations to the structure or layout of the premises
- Small adjustments to licensing hours
- The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions
- The addition of certain licensable activities

Applicants are advised to contact the Licensing Section to discuss their proposed application prior to submitting a formal application.

#### 17.7 Community Premises

The Licensing Act 2003 has been amended to allow certain community premises which have, or are applying for, a premises licence that authorises alcohol sales to be exempted from the need to have a designated premises supervisor.

Such an application may only be submitted where the licence holder is the management committee, who would then be responsible for the supervision and authorisation of all alcohol sales made.

Community premises are defined as church or chapel halls, village or community halls or similar buildings.

Applicants are advised to discuss their proposals with the Licensing Section prior to submitting a formal application.

#### Making Representations

17.8 Persons considering making representations in relation to an application may wish to contact the licensing section for further information regarding the application and for guidance regarding the process of making representations.

17.9 The Authority advises individuals wishing to make representations against submitting a petition, as it is often difficult to verify that all the signatories meet the criteria contained in the legislation for relevant representations. In line with advice from LACORS, where lengthy petitions are submitted in relation to licence applications, a lead contact should be given and the Authority will then only correspond directly with that individual. Information regarding the application will be made available upon reasonable request to other signatories of the petition.



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- 17.10 In the interests of Local Authority cost and efficiency, where large numbers of representations are received regarding an application, copies of all the representations may not be distributed to all persons. The relevant documents will however be made available for inspection.
- 17.11 Any persons who have submitted representations are strongly advised to attend the hearing arranged to determine the application, as the committee may have to attach less weight to their representation if they are not present to answer questions regarding matters raised.
- 17.12 Where a person does not agree for their personal information being disclosed to an applicant, they are advised that this may result in less weight being attached to their representations.
- 17.13 Where a person has a genuine and well founded fear of intimidation and may be deterred from making a representation, they are advised to consider contacting the relevant Responsible Authority to discuss their concerns regarding the application.
- 17.14 Any person may make relevant representations in respect of licence applications.
- 17.15 Persons who make representations are expected to set out in detail the problems complained of and how they affect them.

### 18. LICENCE REVIEWS

- 18.1 At any stage following the grant of a premises licence, any person or responsible authority may ask the Licensing Authority to review the licence because of problems arising at the premises in connection with any of the four licensing objectives. In addition, a review of the licence will normally follow any action by the police to close down premises for up to twenty-four hours on grounds of disorder or public nuisance.
- 18.2 Any person who wishes to apply to review a licence or certificate are reminded that such an application cannot be made on a confidential basis. It is a requirement of the Act that the identity of the person or organisation making the application be disclosed in order for the request to be valid.
- 18.3 Where the application for a review originates with a person other than a responsible authority the Licensing Authority will first consider whether the request made is irrelevant, vexatious, frivolous or repetitious. This decision will be made by officers of the Licensing Authority in conjunction with the Chair or Vice Chair of the Licensing Committee.
- 18.4 Nothing in this policy shall be taken to prevent any individual making separate applications for the review of different licences, or more than one

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application for the review of the same licence where such requests are based on different complaints or evidence.

- 18.5 Following receipt of an application for review or where the closure procedures referred to in paragraph 18.1 above apply, the Licensing Authority will arrange a hearing, which will be conducted in accordance with the prescribed regulations.

### 19. DISPUTE RESOLUTION

- 19.1 In the first instance, individuals or groups with concerns about particular premises are encouraged to raise their concerns directly with the applicant or licensee concerned.
- 19.2 Where the following have occurred the Licensing Authority will offer to arrange for mediation between the parties concerned to try to address, clarify and resolve the issues in dispute:
- a) A valid representation regarding a licence application
  - b) A valid request for the review of a licence
  - c) A valid complaint about licensed premises.
- 19.3 This offer will not override the right of any party to ask that the Licensing Committee (through its sub-committees) consider their representation, request or objection, nor the right of any applicant or licensee to refuse to take part in the mediation process.

### 20. ENFORCEMENT

- 20.1 The Licensing Authority has established protocols with the police and other enforcing authorities. These protocols will provide for the targeting of unlicensed premises, problem premises and high-risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained.
- The authority has established a Licensing Action Group to provide a forum for representatives of the responsible authorities to meet regularly to focus coordinated action in respect of clubs or premises which are a source of complaint or concerns.
- 20.2 In establishing whether premises are high risk, regard will be had to the following:
- a) Intelligence relating to disorder and/or nuisance at, or in the vicinity of the premises.
  - b) Intelligence relating to the sale/consumption of alcoholic drinks at, or in the vicinity of the premises by persons under age.
  - c) Intelligence relating to drug taking and/or dealing at, or in the vicinity of the premises.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- d) Intelligence relating to irresponsible drinks promotions at the premises.
- e) Intelligence relating to binge drinking at the premises.
- f) Whether the premises can be categorised at any time as high volume or high-density vertical drinking establishments.

20.3 In general, action will only be taken in accordance with set enforcement principles and in line with the Licensing Authority's own enforcement policy. To this end, the key principles of consistency, transparency and proportionality will be maintained.

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**STATEMENT OF LICENSING POLICY**

**Appendix A**

**DELEGATION OF FUNCTIONS**

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a Police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary Designated Premises Supervisor		If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Suspension or revocation of a personal licence		All Cases	
Application for transfer of premises licence		If a Police objection	All other cases
Applications for interim authorities		If a Police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a representation or review application is irrelevant, frivolous, vexatious etc.			All cases (In consultation with the Chair or Vice Chair of Licensing)
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police objection to a temporary event notice		All cases	
Adjourning a sub committee where all parties consent			In consultation with sub-committee chairperson
Film Classification Request		Film not	Previously classified

## LICENSING ACT 2003

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		previously classified	film to be shown at different premises
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#### Appendix B

#### CONTACT DETAILS

##### Licensing Authority

Licensing Section  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

Tel No. 01267 234567  
e-mail : [PublicProtection@Carmarthenshire.gov.uk](mailto:PublicProtection@Carmarthenshire.gov.uk)

Police Licensing Officer  
Dyfed Powys Police  
Ammanford Police Station  
Foundry Road  
Ammanford  
Carmarthenshire  
SA18 2LS

Tel No. 101 Ext 26464  
e-mail: [Mike.Price@Dyfed-Powys.pnn.police.uk](mailto:Mike.Price@Dyfed-Powys.pnn.police.uk)

##### The relevant Planning Authority for your premises:-

##### Either

Head of Planning  
Carmarthenshire County Council  
8 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LQ

Tel No. 01267 242454  
e-mail: [Planning@Carmarthenshire.gov.uk](mailto:Planning@Carmarthenshire.gov.uk)

##### Or

## LICENSING ACT 2003

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#### **Brecon Beacons National Park, for premises within its administrative area**

Enforcement Officer  
Brecon Beacons National Park Authority  
Plas Y Ffynnon  
Cambrian Way  
Brecon  
Powys  
LD3 7HP

Tel No: 01874 620431  
Email: [planning.enquiries@breconbeacons.org](mailto:planning.enquiries@breconbeacons.org)  
Fax: 01874 622524

Commercial Services Manager  
Department for Communities  
Carmarthenshire County Council  
Ammanford Town Hall  
Iscennen Road  
Ammanford  
SA18 3BE

Tel No. 01267 234567  
e-mail: [PublicProtection@Carmarthenshire.gov.uk](mailto:PublicProtection@Carmarthenshire.gov.uk)

Trading Standards Manager  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

Tel No. 01267 234567  
e-mail: [PublicProtection@Carmarthenshire.gov.uk](mailto:PublicProtection@Carmarthenshire.gov.uk)

County Commander  
Mid and West Wales Fire and Rescue Services  
Carmarthenshire County Command HQ  
Lime Grove Avenue  
Carmarthen  
Carmarthenshire  
SA31 1SP

Tel No. 0870 6060699  
e-mail: [Mail@Mawwfire.gov.uk](mailto:Mail@Mawwfire.gov.uk)

Department for Education and Children  
Carmarthenshire County Council  
Building 2  
St. Davids Park

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

Jobs Well Road  
Carmarthen  
SA31 3HB

Tel No. 01267 246544  
e-mail. SocialCare@Carmarthenshire.gov.uk

#### **The relevant Health and Safety authority for your premises**

##### **Either**

Commercial Services Manager  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
SA31 1LE

Tel No. 01267 234567  
e-mail: PublicProtection@Carmarthenshire.gov.uk

##### **Or**

Health and Safety Executive  
Services Division  
Ty Myrddin  
Old Station Road  
Carmarthen  
Carmarthenshire  
SA31 1LP

Tel No. 01267 244230  
Fax No 01267 223267

Applicants for licences in respect of vessels should contact the Licensing Authority for additional information.

**LICENSING ACT 2003**

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**Appendix C**

**ADDRESSES FOR SERVICE OF TEMPORARY EVENT NOTICES**

Licensing Section  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

Commercial Services Manager  
Department for Communities  
Carmarthenshire County Council  
Ammanford Town Hall  
Iscennen Road  
Ammanford  
SA18 3BE

Police Licensing Officer  
Dyfed Powys Police  
Ammanford Police Station  
Foundry Road  
Ammanford  
Carmarthenshire  
SA18 2LS

Tel No. 101 Ext 26464  
e-mail: [Mike.Price@Dyfed-Powys.pnn.police.uk](mailto:Mike.Price@Dyfed-Powys.pnn.police.uk)

Envelopes should be marked 'URGENT TEMPORARY EVENTS NOTICE'

**Appendix D**

**ADDRESS FOR SERVICE OF APPLICATIONS ON THE LICENSING AUTHORITY**

Licensing Section  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE



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**STATEMENT OF LICENSING POLICY**

**Appendix E**

**ADDRESSES FOR SERVICE OF RESPONSIBLE AUTHORITIES**

**Licensing Authority**

Licensing Section  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

Police Licensing Officer  
Dyfed Powys Police  
Ammanford Police Station  
Foundry Road  
Ammanford  
Carmarthenshire  
SA18 2LS

**The Relevant planning Authority**

**Either ,**

Head of Planning  
Carmarthenshire County Council  
8 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LQ

**Or**

**Brecon Beacons National Park, for premises within its administrative area**

Enforcement Officer  
Brecon Beacons National Park Authority  
Plas Y Ffynnon  
Cambrian Way  
Brecon  
Powys  
LD3 7HP

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Commercial Services Manager (for public nuisance issues)  
Department for Communities  
Carmarthenshire County Council  
Ammanford Town Hall  
Iscennen Road  
Ammanford  
SA18 3BE

Trading Standards Manager  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

County Commander  
Mid and West Wales Fire and Rescue Services  
Carmarthenshire County Command HQ  
Lime Grove Avenue  
Carmarthen  
Carmarthenshire  
SA31 1SP

Department for Education and Children  
Carmarthenshire County Council  
Building 2  
St. Davids Park  
Jobs Well Road  
Carmarthen  
SA31 3HB

**The relevant Health and safety authority for your premises,**

**Either**

Commercial Services Manager (for public safety issues)  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
SA31 1LE

**Or**

Health and Safety Executive  
Services Division  
Ty Myrddin  
Old Station Road

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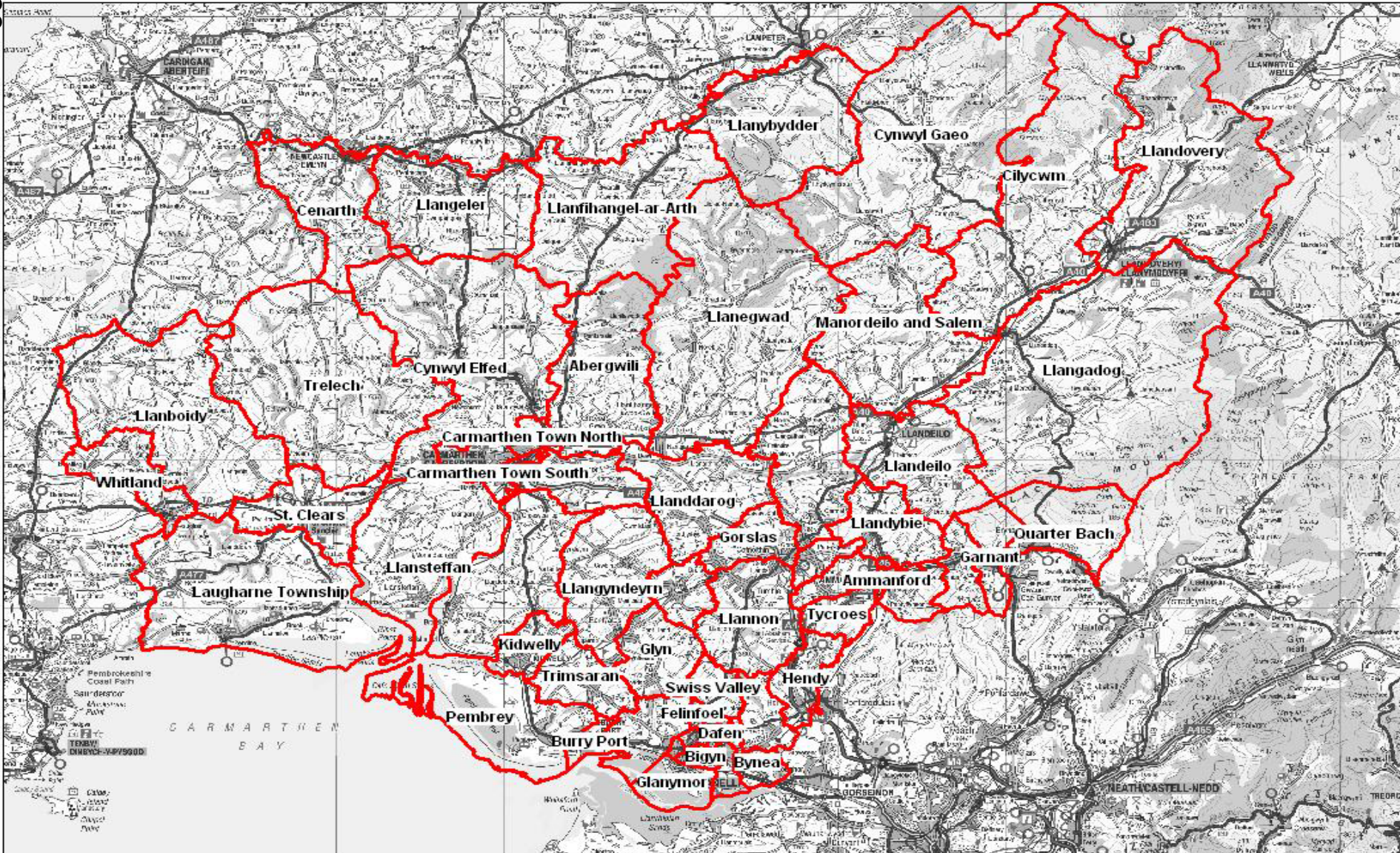
Carmarthen  
Carmarthenshire  
SA31 1LP

Applicants for licences in respect of vessels should contact the Licensing Authority for additional information.

STATEMENT OF LICENSING POLICY







**Y PWYLLGOR TRWYDDEDU**  
**24/10/18**

**DEDDF TRWYDDEDU 2003**  
**GWEITHDREFNAU AWDURDODI FFILMAU**

**YR ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:**

Argymhellir bod:-

- Y Gweithdrefnau Awdurdodi Ffilmiau yn cael eu cymeradwyo.

**Y RHESYMAU:**

Sicrhau bod gan yr awdurdod weithdrefn awdurdodi ffilmiau sy'n adlewyrchu'r rhestr ddirprwyo ddiwygiedig a amlinellwyd yn Atodiad A y Polisi Trwyddedu diwygiedig.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	Amherthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad	Amherthnasol
Angen i'r Cyngor wneud penderfyniad	Amherthnasol

Yr Aelod o'r Bwrdd Gweithredol sy'n Dal y Portffolio: Y Cyngorydd P.M. Hughes

Y Gyfarwyddiaeth:  
Cymunedau

Enw Pennaeth y Gwasanaeth  
Mr Jonathan Morgan

Awdur yr Adroddiad  
Emyr Jones

Swydd:

Pennaeth Dros Dro Cartrefi a  
Chymunedau Mwy Diogel

Pen-swyddog Trwyddedu

Rhifau Ffôn:

Cyfeiriadau E-bost:

01554 899285  
jmorgan@sirgar.gov.uk

01267 228717  
eorjones@sirgar.gov.uk

# EXECUTIVE SUMMARY

## Licensing Committee

### 24/10/18

#### Licensing Act 2003 Film Authorisation Procedure

Following the receipt of a number of recent requests to classify films for public exhibition, the licensing section has drafted the attached Film Authorisation Procedure document which sets out a clear process for undertaking the work.

The procedure is based on a best practice document prepared by the All Wales Licensing Expert Panel, which has been updated to reflect the scheme of delegation set out in the revised Licensing Policy for Carmarthenshire.

The procedure sets out that film classification requests will be referred to a Licensing Sub Committee for determination, with the exception of requests relating to the approval to show a previously authorised film at a different location, which would be dealt with by officers in the first instance.

<b>DETAILED REPORT ATTACHED ?</b>	<b>Yes</b>
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### IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

### CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

**1. Local Member(s):** No local member involvement and therefore no consultation necessary.

**2. Community / Town Council:** No Community / Town Council involvement and therefore no consultation necessary.

**3. Relevant Partners:** No Police and Fire Authority involvement and therefore no consultation necessary.

**4. Staff Side Representatives and other Organisations:** There are no other organisations involved and therefore no consultation necessary.

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
File Contents.	Film Authorisation Procedure	Licensing Section, 3 Spilman Street, Carmarthen





# FILM AUTHORISATION PROCEDURES

## 1. INTRODUCTION

- 1.1 The Council as the Licensing Authority is the responsible authority for authorising the public exhibition of films. Section 20 of the Licensing Act 2003 (the Act) provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (the BBFC) or by the Licensing Authority itself. As such the admission of children to the exhibition of any film(s) must be restricted in accordance with:
- EITHER the BBFC classification;
  - OR where the film is not classified by the BBFC, any recommendations made by the Licensing Authority.
- 1.2 Where a premises seeks or intends to exhibit a film(s) that venue must be covered by a Premises Licence, Club Premises Certificate, Temporary Event Notice or benefit from an exemption under the Licensing Act 2003. Further information is available from the Licensing Authority.
- 1.3 The definition of children is any person under the age of 18 years.
- 1.4 Under the Licensing Act 2003, the definition of the exhibition of a film is the exhibition of moving pictures.
- 1.5 In summary, the public exhibition of all films on licensed premises must either be classified by the BBFC or authorised by the Licensing Authority under the powers of the Licensing Act 2003.
- 1.6 The Licensing Authority may be requested to authorise a film that has already been classified by the British Board of Film Classification (BBFC) in two different circumstances:
- a) a distributor of a film may appeal against the decision of the BBFC and request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions); and
  - b) An independent party may request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions).
- 1.7 In addition, the Licensing Authority may be requested to authorise the showing of an unclassified film(s). This normally occurs in the following cases:
- A film festival covering a specific period of time
  - A one off screening of a film
  - A trailer for a film

- 1.8 In accordance with the National Guidance, the Licensing Authority shall concern itself primarily with the protection of children from harm. It will not use its powers to censor films save where there is clear cause to believe that this is required to promote the licensing objectives.
- 1.9 Under the Licensing Act 2003, the Licensing Authority must carry out its functions with a view to promoting the licensing objectives. In terms of film exhibitions and festivals, the most relevant licensing objective is the Protection of Children from Harm.

## **2 PRINCIPLES IN DETERMINING APPLICATIONS**

- The BBFC classifies films in accordance with its published Guidelines, which are based on extensive research into public opinion and professional advice.
- 2.1 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system, and any amendments thereto, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). It should be noted however that the Licensing Authority is not obliged to follow these guidelines.
  - 2.2 Where a licensed premises seeks to exhibit a film that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to authorise that film. As such the procedures outlined later in this document will be followed.
  - 2.3 The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment. Material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 or has been created through the commission of a criminal offence.
  - 2.4 Applicants must ensure that all material that is the subject of the application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.
  - 2.5 Any authorisations for the exhibition of film(s) issued by the Licensing Authority shall only apply when the film(s) is exhibited within the County of Carmarthenshire and does not affect the authorisation or recommendations in any other areas.
  - 2.6 Once authorised by the Licensing Authority a film will be authorised for a particular showing or festival only subject to the recommendations imposed by the Licensing Authority (unless further application for re-classification is made). Details of the authorisation including any recommendations shall be available from the Licensing Section and listed on the Council's website.

- 2.7 The issue of any authorisation by Carmarthenshire County Council is strictly limited to the authorisation within the County of Carmarthenshire and it is assumed that all relevant third party consents and licences in respect of any and all copyright, confidential information and all other intellectual property rights have been obtained.
- 2.9 The Licensing Authority will consider each authorisation on its own merit and may impose additional and more specific recommendations where it deems necessary in order to comply with the Protection of Children from Harm Licensing Objective. Specimen Recommendations for inclusion are included at Appendix 1.
- 2.10 Where the Licensing Authority authorises unclassified material to be shown the Licensing Authority will require an undertaking from the applicant that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence. The Licensing Authority shall also not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law.
- 2.11 Where the Licensing Authority has determined to refuse authorisation of a film(s) clear and concise reasons shall be given.

### **3 PROCEDURE FOR RECLASSIFICATION AUTHORISATION REQUESTS FOR APPROVAL OF FILMS ALREADY CLASSIFIED BY THE BBFC**

- 3.1 Applications for authorisation of films already classified by the BBFC shall be referred to and determined by the Licensing Sub Committee on behalf of the Licensing Authority. This Sub Committee shall consist of 3 Members of the Licensing Committee. Applications should be submitted on the Licensing Authority's application form obtained from the Licensing Section.
- 3.2 All requests shall be accompanied by the film(s) where possible in DVD format (or another agreed digital format) to avoid delays, the cost to be borne by the applicant. If this is not possible, then arrangements will be made for a suitable venue to view the film. This will allow the Licensing Sub Committee time to view and authorise the film(s) so that the licence holder is able to adhere to any recommendations on age restrictions the Licensing Authority may impose. In any event, all requests should be submitted on the Licensing Authority's application form a minimum of 28 days before the proposed screening.

- 3.3 Where an individual or organisation not connected with the film(s) requests re-classification of a BBFC classified film, they are not expected to provide a copy of the film(s). The Licensing Authority will then make suitable arrangements to view the film. It is also accepted that in these circumstances, it may not be possible to give **28 days'** notice before the proposed screening.
- 3.4 All requests must be accompanied by detailed reasons for the request. Requests will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.
- 3.5 The Sub Committee will then view the entire film and assess it against the BBFC guidelines. The Sub Committee shall issue a Notice of Determination of the authorisation within 5 working days from the date of viewing. The Licensing Authority will then formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).
- 3.6 Requests must be relevant to the protection of children from harm licensing objective and not frivolous, vexatious or repetitive. Requests may also be relevant to the prevention of crime and disorder licensing objective but only in relation to the contravention of the current interpretation of the Obscene Publications Act 1959 or any other relevant legislation.
- 3.7 Where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted. Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unaccompanied by an adult.
- 3.8 In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority shall have regard to National Guidance, e.g.:

“PERSONS UNDER THE AGE OF *[INSERT APPROPRIATE AGE]* CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME”

Or

““PERSONS UNDER THE AGE OF *[INSERT APPROPRIATE AGE]* CAN ONLY BE ADMITTED TO THE PROGRAMME IF ACCOMPANIED BY AN ADULT”

#### **4 PROCEDURE FOR AUTHORISATION OF FILMS WHICH HAVE NOT BEEN CLASSIFIED BY THE BBFC OR CARMARTHENSHIRE COUNTY COUNCIL**

- 4.1 Applications for authorisation will in the first instance be considered by the Licensing Sub Committee for determination. Any subsequent applications to authorise the showing of a previously classified film at a different location will in the first instance be considered by officers under delegated powers, however the request may be referred by the licensing officer at his/her discretion to the Licensing Sub Committee for determination.
- 4.2 Applications should be submitted on the Licensing Authority's application form a minimum of **28 days** before the proposed screening. If less than 28 days' notice is provided no request to review an officer decision upon the application will be considered. Application forms may be obtained from the Licensing Section.
- 4.3 An application for authorisation should include the following information:
- (a) the film maker;
  - (b) such recommendation as may have been made by the film maker upon age limit for the intended audience for exhibition of the film;
  - (c) any existing classification issued by an existing classification body, whether within or outside the UK;
  - (d) a synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film. Where an applicant seeks an authorisation allowing exhibition of the film to persons 18 years and over only, a detailed synopsis will not be required;
  - (e) if known, a legitimate and legal internet site where the film, or a portion of the film is available to view without charge;
  - (f) any proposals on age restrictions for viewing the film that the applicant intends to impose; and
  - (g) details of how age restrictions will be enforced.
- 4.4 Where officers at their discretion determine it is possible to formulate recommendations to the licence holder in relation to the exhibition of the film on the basis of this information, recommendations may be made on this basis alone.
- 4.5 However, the Licensing Officer may at his/her discretion request a copy of the film(s) on DVD format (or another agreed digital format), the cost to be borne by the applicant. If this is not possible, the Licensing Officer may agree to arrange for a suitable venue to view the film(s).
- 4.6 The Licensing Officer whilst viewing the film(s) may have regard to BBFC Guidelines and shall issue a Notice of Determination of the application within 5 working days from the date of the viewing.
- 4.7 When considering all such requests the Licensing Officer will pay particular attention to the Protection of Children from Harm Licensing Objective.

4.8 Where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted. Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unaccompanied by an adult.

4.9 In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority shall adopt the following example::

“PERSONS UNDER THE AGE OF *[INSERT APPROPRIATE AGE]* CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME”

Or

““PERSONS UNDER THE AGE OF *[INSERT APPROPRIATE AGE]* CAN ONLY BE ADMITTED TO THE PROGRAMME IF ACCOMPANIED BY AN ADULT”

4.10 In order to ensure the promotion of the Protection of Children from Harm and Prevention of Crime and Disorder licensing objectives, the Licensing Authority will formally advise the licence holder and applicant of any recommendation(s) on the restriction on the age of access for children to the film(s). This may also include any relevant notices required to be displayed by the licence holder inside and outside the premises. The licensed premises hosting the exhibition of film will be expected to comply with these recommendations.

4.11 Where requests are made to the Licensing Authority to exhibit a film(s) to be shown to persons 18 and over the licence holder will be required to display in a conspicuous position a notice clearly stating that the Licensing Authority has authorised the film(s) but has not viewed it. This statement should be incorporated within any promotional literature and on any relevant web site including where relevant the licence holder’s web site.

4.12 The Licensing Authority recognises the principle that adults should be free to choose their own entertainment and will not normally override this principle - as such requests shall not normally be refused. However, in all cases the Licensing Authority will expect the applicant to follow the BBFC’s Guidelines for 18 and R18 restricted films.

4.13 Save where less than 28 days’ notice of the application is given, the applicant will have a right to request a review of the Licensing Officer’s decision by the Licensing Sub Committee.

## **5 SECTION 20 LICENSING ACT 2003: EXHIBITION OF FILMS**

- 5.1 All premises permitted to exhibit films are subject to the following mandatory conditions:
1. *Where a Premises Licence or Club Premise Certificate authorises the exhibition of films, the licence or certificate must include a condition requiring the admission of children to the exhibition at any film to be restricted in accordance with these paragraphs.*
  2. *Where a film classification body is specified in the licence or certificate, unless paragraph 3 (b) below applies, admission of children must be restricted in accordance with any recommendation by that body.*
  3. *Where:*
    - (a) *the film classification body is not specified in the Licence or Certificate; or*
    - (b) *the Licensing Authority has notified the holder of the Licence or the Club which holds the Certificate that this paragraph applies to the film in question, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.*
  4. *In these paragraphs "children" means persons aged under 18 and "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).*



## Appendix 1

### Specimen Recommendations in relation to films authorised for exhibition:

- a. The Age Recommendation e.g:

“PERSONS UNDER THE AGE OF *[INSERT APPROPRIATE AGE]* CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME”

Or

““PERSONS UNDER THE AGE OF *[INSERT APPROPRIATE AGE]* CAN ONLY BE ADMITTED TO THE PROGRAMME IF ACCOMPANIED BY AN ADULT”

- b. That the premises licence or club premises certificate holder adopt a suitable management policy and procedure to monitor and enforce the recommendations on age restrictions.
- c. That the premises licence or club premises certificate holder display in a conspicuous position a notice clearly stating that the Licensing Authority has authorised the film(s) for viewing by people aged *[INSERT APPROPRIATE AGE]* and above, but has not necessarily viewed it.
- d. That the age restriction applying to the exhibition of the film be incorporated within any promotional literature and on any relevant web site including where relevant the licence holder or exhibitor’s web site.

Mae'r dudalen hon yn wag yn fwriadol

**PWYLLGOR TRWYDDED**  
**24<sup>AIN</sup> HYDREF 2018**

**PENODI AELODAU I EISTEDD AR**  
**IS-BWYLLGORAU TRWYDDEDU AR GYFER GWEDDILL 2018-19**

**Argymhellion / Penderfyniadau Allweddol Sydd Eu Hangen:**

I ystyried a chytuno aelodau i eistedd ar y 2 is-bwyllgor Trwyddedu ar gyfer gweddill 2018/19, o ganlyniad i newidiadau diweddar i aelodaeth y Pwyllgor Trwyddedu.

**Rhesymau:**

Er mwyn sicrhau y caiff swyddogaethau'r Cyngor o dan ddarpariaethau'r Deddf Trwyddedu 2003 eu gweithredu yn effeithiol, mae angen l'r Pwyllgor Trwyddedu cadarnhau aelodaeth y ddau Is-Bwyllgor Trwyddedu ar gyfer flwyddyn y Cyngor 2018/19.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	<b>AMH</b>
Angen i'r Bwrdd Gweithredol wneud penderfyniad	<b>NA</b>
Angen i'r Cyngor wneud penderfyniad	<b>NA</b>

**Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio:** Cyngorydd P.M. Hughes

Y Gyfarwyddiaeth: Prif Weithredwr	Swyddi:	
Enw Pennaeth y Gwasanaeth: Linda Rees Jones	Pennaeth Gweinyddiaeth a'r Gyfraith	
Awdur yr Adroddiad: Gaynor Morgan	Rheolwr Gwasanaethau Democrataidd	Rhif Ffôn: 01267 224026 E-bost: GMorgan@sirgar.gov.uk

**EXECUTIVE SUMMARY  
LICENSING COMMITTEE  
24<sup>TH</sup> OCTOBER 2018**

**APPOINTMENT OF MEMBERS TO SIT ON LICENSING  
SUB-COMMITTEES FOR REMAINDER OF 2018-19**

The Committee considers the following proposed membership in respect of Licensing Sub-Committees A & B:-

**Sub-Committee "A"**

Councillor Fozia Akhtar  
Councillor Mansel Charles  
Councillor Ann Davies  
Councillor Rob Evans  
Councillor Amanda Fox  
Councillor Ken Howell  
Councillor Elwyn Williams

**Sub-Committee "B"**

Councillor Susan Phillips  
Councillor Tyssul Evans  
Councillor Penny Edwards  
Councillor Irfon Jones  
Councillor Andre McPherson  
Councillor Edward Thomas  
Councillor Eirwyn Williams

NOTE: Three members of the Sub-Committee will be drawn from those seven members on a rotational basis on any given day.

**DETAILED REPORT ATTACHED?**

**NO**

**IMPLICATIONS**

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

**Signed: Linda Rees-Jones**

**Head of Administration & Law**

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

**CONSULTATIONS**

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

**Signed: Linda Rees-Jones**

**Head of Administration & Law**

1. Local Member(s): N/A
2. Community / Town Council: N/A
3. Relevant Partners: N/A
4. Staff Side Representatives and other Organisations: N/A

Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:

**THERE ARE NONE**

Mae'r dudalen hon yn wag yn fwriadol

## IS-BWYLLGOR TRWYDDEDU B

31 GORFFENNAF 2018

**YN BRESENNOL:** Y Cynghorydd H.I. Jones (Cadeirydd)

**Y Cynghorwyr:** P.M. Edwards a J.E. Williams.

**Hefyd yn bresennol fel sylwedyddion:** Y Cynghorwyr W.T. Evans a E. Williams.

**Yn bresennol fel cynrychiolydd Awdurdod Cyfrifol:**

A. Morgan, Ymarferydd Iechyd yr Amgylchedd.

**Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:**

R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol;

E. Jones, Pen-swyddog Trwyddedu;

A. Rees, Swyddog Trwyddedu;

J. Owen, Swyddog Gwasanaethau Democrataidd.

**Siambr, Neuadd y Sir, Caerfyrddin – 10:15am - 11:05am**

### 1. DATGAN BUDDIANNAU PERSONOL.

Ni chafwyd dim datganiadau o fuddiant personol.

### 2. HYSBYSIAD DIGWYDDIAD DROS DRO - PLASTY DERWYDD, HEOL DERWYDD, RHYDAMAN, SIR GÂR, SA18 3LQ

Yn ei gyfarfod diwethaf a gynhaliwyd ar 26 Mehefin 2018 cafodd yr Is-bwyllgor y 3 Hysbysiad Digwyddiad Dros Dro, ond er mwyn casglu rhagor o dystiolaeth, penderfynwyd gohirio gwneud penderfyniad ynghylch y 3 Hysbysiad Digwyddiad Dros Dro tan y cyfarfod hwn.

Rhoddodd Rheolwr y Gwasanaethau Cyfreithiol wybodaeth i bawb oedd yn bresennol am y weithdrefn ar gyfer y cyfarfod a dywedodd wrth yr Is-bwyllgor fod hysbysiad gwrthwynebu wedi cael ei gyflwyno gan Adain Iechyd y Cyhoedd Cyngor Sir Caerfyrddin mewn perthynas â'r 3 Hysbysiad Digwyddiad Dros Dro a gyflwynwyd gan Mrs Maria Dallavalle o La Scala, 15 Rhodfa Bryn Mawr, Rhydaman, SA18 2DA.

Roedd yr Hysbysiadau Digwyddiad Dros Dro yn berthnasol i werthu alcohol trwy fanwerthu, darparu Adloniant Rheoledig a Lluniaeth Gyda'r Hwyr ar y safle ar y diwrnodau a'r amserau canlynol:-

Hysbysiad Digwyddiad Dros Dro 1 –

Dydd Sadwrn, 25 Awst 2018 – Y Lawnt Uchaf, Plasty Derwydd

- Cyflenwi Alcohol, Adloniant Rheoledig a Lluniaeth hwyrnos 12:00-00:30

Hysbysiad Digwyddiad Dros Dro 2 –

Dydd Sadwrn, 1 Medi 2018 – Y Lawnt Uchaf, Plasty Derwydd.

- Cyflenwi Alcohol, Adloniant Rheoledig a Lluniaeth hwyrnos 12:00-00:30

Hysbysiad Digwyddiad Dros Dro 3 –

Dydd Sadwrn, 3 Tachwedd 2018 – Y Neuadd Fawr, Plasty Derwydd.

- Cyflenwi Alcohol, Adloniant Rheoledig a Lluniaeth hwyrnos 12:00-00:30

Rhoddodd Rheolwr y Gwasanaethau Cyfreithiol wybod i'r Pwyllgor fod Adain lechyd y Cyhoedd wedi gwrthod pob un o'r 3 Hysbysiad Digwyddiad Dros Dro ar sail niwsans sŵn yn dilyn digwyddiadau eraill a gynhaliwyd ar y safle.

Rhoddodd yr Is-bwyllgor ystyriaeth i'r dogfennau a gyflwynwyd, a'r holl sylwadau ysgrifenedig perthnasol a gafwyd cyn y gwrandawriad gan y partion.

Cafodd yr Is-bwyllgor sylwadau llafar gan Ymarferydd lechyd yr Amgylchedd:-

- Rhoddodd yr Ymarferydd lechyd yr Amgylchedd wybod i'r Is-bwyllgor ei fod wedi gwrthod yr Hysbysiadau Digwyddiad Dros Dro oherwydd hanes blaenorol ynghylch niwsans sŵn yn ystod digwyddiadau ym Mhlas Derwydd.
- Ers y cyfarfod diwethaf, rhoddodd yr Ymarferydd lechyd yr Amgylchedd wybod ei fod wedi cwrdd â Mr Ian Matthews, sef Ymgynghorydd Acwstig Mrs Dallavalle, a oedd wedi nodi, er nad oedd lefelau sŵn penodol yn bodoli ar gyfer digwyddiadau o'r fath, y cytunwyd y byddai lefel bwrpasol yn cael ei phennu ar gyfer y math hwn o ddigwyddiad. Cydnabuwyd y byddai angen arbrofi ychydig o bosibl er mwyn dod o hyd i lefel dderbyniol y cytunir arni.
- Cafodd yr Is-bwyllgor gyfle i ystyried tystiolaeth ychwanegol a ddosbarthwyd ar ddechrau'r cyfarfod. Roedd y dystiolaeth yn cynnwys graffiau oedd yn dangos lefel y sŵn a gofnodwyd ar 2 Mehefin 2018 am 22:57 ac ar 28 Gorffennaf 2018 am 21:11. Roedd yn amlwg bod y graff cofnodi sŵn ar gyfer 28 Gorffennaf yn dangos bod gostyngiad sylweddol yn sŵn y curiad/bas ers y lefel ar 2 Mehefin.
- Tynnodd Rheolwr lechyd yr Amgylchedd sylw'r Is-bwyllgor at y ffaith ei bod wedi bod yn anodd cael recordiad sŵn 'clir' oherwydd y tywydd gwael, ond er gwaethaf hyn, roedd lefelau'r sŵn ar y graff ar gyfer 28 Gorffennaf yn dal i ddangos gostyngiad sylweddol o 12 desibel.



- Yn ogystal, cafwyd ar ddeall bod Mr Matthews wedi datblygu cynllun rheoli sŵn a oedd wedi cael ei roi ar waith i sicrhau bod y gostyngiad o ran sŵn yn cael ei gynnal mewn digwyddiadau yn y dyfodol. Cydnabuwyd bod yr holl gamau rheoli yn dibynnu ar Mrs Dallavalle yn cymryd camau gweddol syml i liniaru sŵn. Ar y lefelau hyn roedd yr Is-bwyllgor yn fodlon na fyddai'r digwyddiadau'n achosi niwsans cyhoeddus.

Cafodd yr holl bartïon gyfle i holi Swyddog Iechyd yr Amgylchedd am ei sylwadau ac am y dystiolaeth a gyflwynwyd.

Yna cafodd yr Is-bwyllgor dystiolaeth gan gymydog i'r safle oedd yn cefnogi gwrthwynebiadau Swyddog Iechyd yr Amgylchedd, a nodwyd y canlynol:-

- Roedd hon wedi bod yn broblem barhaus ers dwy flynedd;
- Gall fod y tywydd gwael ar 28 Gorffennaf 2018 wedi cyfrannu at ostyngiad mewn sŵn pobl oherwydd bod y rhan fwyaf o gyfranogwyr y digwyddiad wedi aros y tu mewn i'r babel fawr;
- Y gofid oedd y byddai Mrs Dallavalle yn anwybyddu'r cynllun rheoli sŵn yn y dyfodol.

Rhodddwyd cyfle i'r holl bartïon holi'r tyst ynghylch ei sylwadau.

- Cyfeiriwyd at y graffiau monitro sŵn. Mewn ymateb i ymholiad, cadarnhaodd yr Ymarferydd Iechyd yr Amgylchedd fod y graffiau'n cofnodi'r gerddoriaeth yn unig ac nid sŵn pobl yn y cefndir.
- Mewn ymateb i ymholiad arall, nododd yr Ymarferydd Iechyd yr Amgylchedd ei fod wedi gweld y cynllun rheoli sŵn a oedd yn cynnwys y mesurau ymarferol canlynol:-
  - Pennu lefel gyffredinol y sŵn
  - Lleihau'r mynediad i'r maes parcio;
  - Rhoi hysbysiadau i gwsmeriaid;
  - Trefnu staff yn y maes parcio;
  - Gosod cyfyngiadau ar ddefnyddio rhannau o'r maes parcio;
  - Cau ffenestri a drysau ar gyfer digwyddiadau y tu mewn;
  - Troi'r seinyddion oddi wrth eiddo;
  - Dim cerddoriaeth fyw/heb ei rheoli.

Nid oedd yr Is-bwyllgor wedi cael sylwadau llafar gan Mrs Dallavalle na Mr Matthews, sef yr ymgynghorydd sŵn, gan nad oeddent yn bresennol.

Ar hynny:

**PENDERFYNWYD YN UNFRYDOL** gynnal sesiwn preifat er mwyn cael cyngor cyfreithiol yn unol â Pharagraff 16 o Atodlen 12A i'r Ddeddf Llywodraeth Leol.

Ar ôl y toriad, rhoddodd yr Is-bwyllgor sylw hefyd i'r paragraffau perthnasol yn Natganiad Polisi Trwyddedu yr Awdurdod Trwyddedu ac i'r Cyfarwyddyd a gyhoeddir gan yr Adran dros Ddiwylliant, y Cyfryngau a Chwaraeon (DCMS) a chan y Swyddfa Gartref a nodwyd yn yr eitem ar yr agenda, ac i'r rheiny y cyfeiriwyd atynt gan y partïon.

**PENDERFYNODD yr Is-bwyllgor, ar ôl ystyried yr holl dystiolaeth a roddwyd ger ei fron, y dylid ymdrin â'r Hysbysiadau Digwyddiad Dros Dro fel a ganlyn:-**

<b>Hysbysiad Digwyddiad Dros Dro 1 -</b>	<b>25 Awst, 2018</b>	<b>Nid oedd gwrth-hysbysiad wedi cael ei gyflwyno</b>
<b>Hysbysiad Digwyddiad Dros Dro 2 -</b>	<b>1 Medi 2018</b>	<b>Nid oedd gwrth-hysbysiad wedi cael ei gyflwyno</b>
<b>Hysbysiad Digwyddiad Dros Dro 3 -</b>	<b>3 Tachwedd 2018</b>	<b>Gohirio tan 26/09/18</b>

**Y RHESYMAU:-**

Wrth benderfynu ar y cais, roedd y ffeithiau canlynol yn hysbys i'r Is-bwyllgor;

1. Mae'r safle yn agos at ddwy fangre breswyl;
2. Roedd sŵn yn hwyr yn y nos a oedd yn dod o ddigwyddiadau ar y safle wedi tarfu ar y preswylwyr yn un o'r eiddo hynny yn y gorffennol;
3. Mae'r recordiadau sŵn a wnaed gan Wasanaethau Iechyd y Cyhoedd yn ystod digwyddiadau yn y gorffennol yn awgrymu y gallai digwyddiadau arwain at niwsans i'r preswylwyr yn yr eiddo hynny;
4. Nid oes unrhyw bobl eraill yng nghyffiniau'r eiddo a fyddai'n debygol o gael eu heffeithio gan unrhyw ddigwyddiadau a fyddai'n cael eu cynnal;
5. Nid oedd y preswylwyr yn yr eiddo ail agosaf wedi gwneud unrhyw gwynion ynghylch sŵn yn dod o'r safle;
6. Roedd y cynllun rheoli sŵn yn effeithiol yn ôl pob golwg, ond roedd yn dibynnu ar Mrs Dallavalle yn ei roi ar waith;
7. Yn absenoldeb unrhyw sicrwydd gan Mrs Dallavalle ynghylch hyn, roedd yr Is-bwyllgor yn pryderu a fyddai hyn yn digwydd.

Roedd yr Is-bwyllgor wedi rhoi pwys ar farn yr awdurdodau cyfrifol.

Roedd yr Is-bwyllgor yn cydnabod bod yn rhaid i'w benderfyniad gael ei seilio ar dystiolaeth wirioneddol, ac nad yw pryderon nac ofnau ynghylch yr hyn a allai ddigwydd pe caniateid i'r digwyddiadau hyn gael eu cynnal, lle nad oedd tystiolaeth o'r fath i'w hategu, yn faterion y gallant roi ystyriaeth briodol iddynt.

Barn yr Is-bwyllgor oedd bod tystiolaeth y trigolion lleol yn gredadwy ac mae'n derbyn bod digwyddiadau yn y safle wedi tarfu ar breswylwyr un eiddo yn y gorffennol.

Wrth benderfynu, roedd angen i'r Is-bwyllgor gymryd camau priodol i hyrwyddo'r amcan trwyddedu o ran atal Niwsans Cyhoeddus.

Yng ngoleuni tystiolaeth Mr Morgan, roedd yr Is-bwyllgor yn fodlon na fyddai niwsans cyhoeddus yn digwydd yn sgil y digwyddiadau hyn petai'r cynllun rheoli sŵn yn cael ei weithredu. Fodd bynnag, gan nad oedd Mrs Dallavalle yn bresennol roedd angen rhagor o dystiolaeth ar yr Is-bwyllgor y byddai'r cynllun yn cael ei weithredu ac am ei effeithiolrwydd cyn gwneud penderfyniad ynghylch yr Hysbysiad Digwyddiad Dros Dro ar gyfer 3 Tachwedd 2018.

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**CADEIRYDD**

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**DYDDIAD**

Mae'r dudalen hon yn wag yn fwriadol

Dydd Mawrth, 18 Medi 2018

**YN BRESENNOL:** Y Cyngorydd J.M. Charles (Cadeirydd)

**Y Cynghorwyr:**

R.E. Evans a D.E. Williams

**Yn bresennol fel cynrychiolwyr Awdurdod Cyfrifol:-**

Mr E. Jones – Pen-swyddog Trwyddedu, Cyngor Sir Caerfyrddin

Mr M. Price – Heddlu Dyfed-Powys

**Roedd y Swyddogion canlynol yn bresennol yn y cyfarfod:**

R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol

A. Rees, Swyddog Trwyddedu

M.S. Davies, Swyddog Gwasanaethau Democraidaidd

**Y Siambr, Neuadd y Sir, Caerfyrddin: 10.00 am - 10.10 am**

**1. DATGAN BUDDIANNAU PERSONOL.**

Ni ddatganwyd unrhyw fuddiannau personol.

**2. CAIS I AMRYWIO TRWYDDED SAFLE - TAFARN Y PELICAN, STRYD Y SYCAMORWYDDEN, CASTELL NEWYDD EMLYN.**

Cyfeiriodd y Pen-swyddog Trwyddedu at y cais gan Mr Cefin Llewelyn Evans am Amrywio Trwydded Safle ar gyfer Tafarn y Pelican, Stryd y Sycamorwydden, Castellnewydd Emlyn a dywedodd wrth yr Is-bwyllgor nad oedd yr ymgeisydd na'r ddau aelod o'r cyhoedd a oedd wedi cyflwyno gwrthwynebiadau wedi rhoi'r pum niwrnod o rybudd sydd ei angen eu bod am fod yn bresennol yn y gwrandawriad er bod pob un wedi mynegi dymuniad i wneud hynny. Dywedodd Rheolwr y Gwasanaethau Cyfreithiol y gallai'r Is-bwyllgor naill ai ystyried a phenderfynu ar y cais yn absenoldeb y partïon dan sylw, er nad oedd yn argymhell hyn gan y gallai unrhyw benderfyniad gael ei herio gan unrhyw barti anfodlon, neu gallai ohirio ystyried y cais tan gyfarfod o'r Is-bwyllgor yn y dyfodol er mwyn i'r ymgeisydd a'r gwrthwynebwyr fod yn bresennol a chyflwyno sylwadau ynghylch y cais.

**PENDERFYNWYD YN UNFRYDOL ohirio ystyried y cais am Amrywio Trwydded Safle Tafarn y Pelican, Stryd y Sycamorwydden, Castellnewydd Emlyn tan gyfarfod arall o'r Is-bwyllgor Trwyddedu.**

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**CADEIRYDD**

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**DYDDIAD**

Mae'r dudalen hon yn wag yn fwriadol

## IS-BWYLLGOR TRWYDDEDU B

26 MEDI 2018

**PRESENT:** Councillor H.I. Jones (Cadeirydd)

**Y Cyngorwyr:** P.M. Edwards a J.E. Williams.

**Hefyd yn bresennol fel sylwedyddion:** Y Cyngorwyr W.T. Evans a E. Williams.

**Yn bresennol fel cynrychiolydd Awdurdod Cyfrifol:**

A. Morgan, Ymarferydd Iechyd yr Amgylchedd;  
Mr M. Price, Awdurdod Heddlu Dyfed-Powys.

**Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:**

R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol;  
A. Rees, Swyddog Trwyddedu;  
K. Smith, Swyddog Trwyddedu;  
J. Loader, Cynorthwydd Trwyddedu (Sylwedydd);  
J. Owen, Swyddog Gwasanaethau Democrataidd

**Y Siambr, 3 Heol Spilman, Caerfyrddin – 10:00am - 1:30pm**

### 1. DATGAN BUDDIANNAU PERSONOL

Ni chafwyd dim datganiadau o fuddiant personol.

### 2. HYSBYSIAD DIGWYDDIAD DROS DRO - DERWYDD MANSION, DERWYDD ROAD, RHYDAMAN, SIR GAR, SA18 3LQ

Penderfynwyd gan yr Is-bwyllgor yn ei gyfarfod ar 26 Mehefin ohirio'r penderfyniad ynghylch yr Hysbysiad Digwyddiad Dros Dro hyd at 31 Gorffennaf 2018 a 26 Medi 2018, er mwyn casglu tystiolaeth bellach.

Rhoddodd Rheolwr y Gwasanaethau Cyfreithiol wybodaeth i bawb oedd yn bresennol am y weithdrefn ar gyfer y cyfarfod a dywedodd wrth yr Is-bwyllgor fod hysbysiad gwrthwynebu wedi cael ei gyflwyno gan Adain Iechyd y Cyhoedd Cyngor Sir Caerfyrddin mewn perthynas â Hysbysiad Digwyddiad Dros Dro a gyflwynwyd gan Mrs Maria Dallavalle o La Scala, 15 Rhodfa Bryn Mawr, Rhydaman SA18 2DA.

Roedd yr Hysbysiadau am Ddigwyddiad Dros Dro yn berthnasol i adwerthu alcohol, darparu Adloniant Rheoledig a Lluniaeth Hwyrnos ar y safle ar y diwrnod a'r amser canlynol:-

Dydd Sadwrn 3 Tachwedd 2018 – Y Neuadd Fawr, Plasty Derwydd.

- Cyflenwi Alcohol, Adloniant Rheoledig a Lluniaeth Hwyrnos 12:00-00:30

Rhodddwyd gwybod i'r Pwyllgor gan Reolwr y Gwasanaethau Cyfreithiol fod Adain lechyd y Cyhoedd wedi gwrthwynebu'r Hysbysiad Digwyddiad Dros Dro ar sail niwsans sŵn yn sgil digwyddiadau blaenorol a gynhaliwyd ar y safle.

Cafodd y wybodaeth ychwanegol gan yr ymgeisydd a chan Adran Gwasanaethau lechyd yr Amgylchedd ei dosbarthu gan y Swyddogion Trwyddedu. Bu'r Is-bwyllgor yn ystyried y dogfennau a gyflwynwyd gan gynnwys y wybodaeth ychwanegol, a'r holl sylwadau ysgrifenedig a ddaeth i law, cyn clywed gan y partïon.

Cafodd yr Is-bwyllgor sylwadau llafar gan Ymarferydd lechyd yr Amgylchedd:-

- Mynegodd Ymarferydd lechyd yr Amgylchedd ei fod yn siomedig i fod yn bresennol unwaith eto heddiw gan mai'r gobaith oedd y byddai hyn wedi'i ddatrys mewn modd cyfeillgar.
- Rhodddwyd gwybod i'r Is-bwyllgor y byddai'r dystiolaeth heddiw yn canolbwyntio ar briodasau dan do. Fodd bynnag, ers y cyfarfod diwethaf, mae Ymarferydd lechyd yr Amgylchedd wedi tynnu sylw'r Is-bwyllgor at Hysbysiad Atal mewn perthynas â Niwsans Sŵn, a gyflwynwyd i Derwydd Mansion Events Limited ar 21 Medi 2018.
- Gan gyfeirio at y Cynllun Rheoli Sŵn a ddarperir yn y wybodaeth ychwanegol, amlinellodd Ymarferydd lechyd yr Amgylchedd yr elfennau allweddol o'r mesurau lliniaru i'r Is-bwyllgor a dywedodd nad yw'n glir a yw'r ymgeisydd yn gweithredu'r cynllun mewn gwirionedd.
- Ar ôl y digwyddiad diwethaf a gynhaliwyd ar 1 Medi 2018, gofynnwyd i Mrs Dallavalle egluro pa elfennau o'r Cynllun Rheoli Sŵn a oedd wedi'u cyflawni. Ar gais Ymarferydd lechyd yr Amgylchedd, rhoddodd Mrs Dallavalle atebion Ie/Na clir mewn perthynas â phob pwynt penodol. Pwysleisiodd Ymarferydd lechyd yr Amgylchedd ei fod ef ei hun wedi gweld digwyddiadau a dorrai reolau'r cynllun, yn groes i ymatebion a roddwyd gan Mrs Dallavalle.
- Cyfeiriwyd at fap yn y wybodaeth ychwanegol, a ddangosai gynllun o Blasty Derwydd a'r ardal gyfagos. Dangosai'r map ddau wahanol lwybr wedi'u nodi'n 'Llwybr A', ar ochr orllewinol yr eiddo ac a oedd yn mynd o'r Maes Parcio i'r Babel Fawr, a 'Llwybr B' a oedd yn mynd o'r Plasty i'r Babel Fawr ar ochr ddwyreiniol yr eiddo yn agos i'r eiddo cyfagos. Er mwyn lleihau sŵn ac aflonyddwch i'r cymdogion, y llwybr a ffefrir i'w ddefnyddio fyddai Llwybr A. Dywedwyd bod pobl wedi'u clywed yn defnyddio Llwybr B ar ôl i ymarfer monitro gael ei gynnal ar 1 Medi 2018.
- Yna cafodd yr Is-bwyllgor gyfle i wrando ar y 5 recordiad sain a gasglwyd gan Swyddogion lechyd yr Amgylchedd wrth fonitro lefelau sŵn yn ystod y digwyddiad ar 25 Awst 2018 rhwng 13:57 a 00:01. Cafodd y recordiadau eu gwneud mewn ystafell wely yn un o'r eiddo cyfagos a chadarnhawyd y gellid clywed sŵn injans o geir yn aros, pobl yn canu, yn gweiddi ac yn sgrechian a cherbydau'n teithio dros gerrig mân rhydd.



Dywedodd Ymarferydd lechyd yr Amgylchedd na fyddai'r sŵn wedi effeithio ar yr eiddo cyfagos pe byddai'r digwyddiad wedi cydymffurfio â'r mesurau yn y Cynllun Rheoli Sŵn.

Cafodd yr holl bartion gyfle i holi Swyddog lechyd yr Amgylchedd am ei sylwadau ac am y dystiolaeth a gyflwynwyd.

Mewn ymateb i nifer o ymholiadau, dyma'r hyn a ddywedwyd gan Ymarferydd lechyd yr Amgylchedd:

- Byddai ffenestri'n cael eu hagor yn aml yn y tywydd twym ac roedd gan unigolyn yr hawl i agor ffenestr yn ystod y cyfnod monitro.
- Roedd yr Hysbysiad Atal a gyflwynwyd yn cyfeirio'n benodol at gerddoriaeth drwy uchelseinydd.
- Pe byddai'r mesurau yn y Cynllun Rheoli Sŵn wedi'u gweithredu'n llawn, byddai'r lefelau sŵn wedi bod o fewn y lefelau gofynnol.

Yna cafodd yr Is-bwyllgor dystiolaeth gan gymdigion i'r safle a oedd yn cefnogi gwrthwynebiadau Swyddog lechyd yr Amgylchedd oherwydd y rhesymau canlynol:-

- Roedd y tystion wedi symud i'r bwthyn cyfagos i gael tawelwch;
- Roedd y priodasau'n cynnwys cerddoriaeth uchel/pobl yn gweiddi a oedd yn ei gwneud yn anodd cysgu;
- Roedd y digwyddiadau'n amharu ar eu bywydau ac yn cael effaith niweidiol ar eu hiechyd.

Rhodddwyd cyfle i'r holl bartion holi'r tyst ynghylch ei sylwadau.

- Mewn ymateb i ymholiad, dywedodd y tyst nad oedd y broblem yn ymwneud ag un sŵn penodol; yr effaith gyffredinol oedd y broblem gan gynnwys cerbydau, sŵn pobl, a cherddoriaeth yn dod o ardal y plasty o ddechrau'r digwyddiad i oriau mân y bore ar y diwrnod canlynol.

Ar hynny, rhodddwyd sylw i'r pryderon a'r materion hyn gan Mr Nigel Williams, DJ a Rheolwr Sain Plasty Derwydd, a oedd yn bresennol ar ran Mrs Dallavalle. Dyma'r hyn a ddywedwyd ganddo:-

- Ei rôl ef oedd helpu Mrs Dallavalle i sicrhau bod y priodasau'n ddidrafferth, a oedd yn broses barhaol.
- Yn unol â'r Cynllun Rheoli Sŵn, byddai'r mesurau canlynol yn cael eu rhoi ar waith mewn digwyddiadau yn y dyfodol:-
  - Byddai'r seinyddion yn wynebu i'r cyfeiriad arall o'r eiddo agosaf sy'n sensitif i sŵn;
  - Byddai'r amleddau is (63-125hz) yn cael eu rheoli i'r lefelau isaf sy'n ymarferol;
  - Roedd mesurau wedi'u cyflwyno i reoli pobl a thraffig.

- Mae'r 2 briodas nesaf sydd wedi'u harchebu wedi gofyn am fandiau byw, y cytunwyd arnynt gan Mrs Dallavalle gan fod y priodasau wedi'u harchebu 2 flynedd ymlaen llaw. Roedd Mr Williams yn cydnabod ei bod yn anodd cadw'r lefelau sŵn yn isel pan fydd bandiau byw'n chwarae a'u bod yn rhoi rhai mesurau lliniaru ar waith i geisio cyfyngu ar y niwsans sŵn.
- Er mwyn symud ymlaen, byddent siŵr o fod yn gwrthod bandiau byw yn y dyfodol a byddai Mr Williams yn gyfrifol am reoli/monitro sŵn.
- Cafwyd problemau o ran gosod gwahanfur sain dros dro (a oedd i gael ei adeiladu gyda bêls gwair) rhwng y seinyddion a lleoliadau'r derbynyddion, hyd at 3m o uchder. Y problemau oedd bod bêls gwair yn ddrud ac nad ydynt yn ddymunol i'r llygaid mewn man cynnal priodasau. Yn ogystal, roedd pryderon o ran iechyd a diogelwch ynghylch adeiladu gwahanfur 3m o uchder â bêls gwair.
- Er bod 3 aelod o staff diogelwch yn gweithio yn y digwyddiad, cydnabuwyd bod angen gwneud rhagor o waith er mwyn atal pobl rhag defnyddio Llwybr B. Ychwanegodd Mr Williams y byddai'n awgrymu i Mrs Dallavalle y byddai cau mynediad i Lwybr B yn fuddiol.

Rhoddwyd cyfle i'r holl bartïon holi Mr Williams ynghylch ei sylwadau.

- Gofynnwyd i Mr Williams beth oedd ei rôl yn ystod y digwyddiad. Dywedodd Mr Williams mai ef oedd meistr y seremonïau yn ystod y dydd a'i fod yn helpu gyda'r nos, gan gynnwys dyletswyddau yn y maes parcio, dyletswyddau diogelwch a rheoli pobl.
- Mewn ymateb i ymholiad, dywedodd Mr Williams fod Mrs Dallavalle, yr Ymgeisydd, yn bresennol ar y safle am y 2 ddigwyddiad diwethaf a chymerodd ran fawr i'w cynnal. Ychwanegodd Mr Williams nad oedd yn gweithio ym mhen blaen y plasty bob amser ac yn bersonol byddai wedi argymhell cau pen blaen y plasty i fwrdd.

Ar hynny

**PENDERFYNODD yr Is-bwyllgor YN UNFRYDOL gynnal sesiwn breifat er mwyn cael cyngor cyfreithiol yn unol â Pharagraff 16 o Atodlen 12A i'r Ddeddf Llywodraeth Leol.**

Ar ôl y toriad, rhoddodd yr Is-bwyllgor sylw hefyd i'r paragraffau perthnasol yn Natganiad Polisi Trwyddedu yr Awdurdod Trwyddedu ac i'r Cyfarwyddyd a gyhoeddir gan yr Adran dros Ddiwylliant, y Cyfryngau a Chwaraeon (DCMS) a chan y Swyddfa Gartref a nodwyd yn yr eitem ar yr agenda, ac i'r rheiny y cyfeiriwyd atynt gan y partïon.

**PENDERFYNODD yr Is-bwyllgor, ar ôl ystyried yr holl dystiolaeth a roddwyd ger ei fron, y dylid cyflwyno Gwrth-Hysbysiad.**

## Y RHESYMAU

Wrth benderfynu ar y cais, yr oedd y ffeithiau canlynol yn hysbys i'r Is-bwyllgor;

1. Roedd cwynion gan breswylwyr eiddo cyfagos ac ymarferion monitro sŵn gan Wasanaethau Iechyd y Cyhoedd wedi dangos bod digwyddiadau ar y safle wedi achosi sŵn a oedd yn tarfu ar breswylwyr yr eiddo cyfagos;
2. Roedd cerddoriaeth ar y safle'n achosi niwsans sŵn (yn enwedig yn ystod digwyddiadau yn yr awyr agored) yn ogystal â'r ymwelwyr a'u cerbydau;
3. Roedd y sŵn yn tarfu gymaint nes ei fod yn niwsans cyhoeddus gan ei fod yn effeithio ar rai o'r cyhoedd;
4. Roedd yr ymgeisydd wedi ymgysylltu ag Ymgynghorydd Sŵn er mwyn datblygu Cynllun Rheoli Sŵn cadarn y cytunwyd arno yn dilyn hynny gan Wasanaethau Iechyd y Cyhoedd;
5. Roedd yr ymgeisydd wedi methu â gweithredu'r cynllun yn iawn yn ystod y digwyddiad diwethaf ar y safle;
6. Mae Adran Iechyd yr Amgylchedd wedi cyflwyno Hysbysiad Atal o dan Ddeddf Diogelu'r Amgylchedd 1990 mewn perthynas â digwyddiadau ar y safle.

Roedd yr Is-bwyllgor wedi rhoi pwys ar sylwadau Adran Diogelu'r Amgylchedd.

Roedd yr Is-bwyllgor yn cydnabod bod yn rhaid i'w benderfyniad fod ar sail dystiolaeth wirioneddol, ac nad oedd pryderon nac ofnau ynghylch yr hyn a allai ddigwydd pe na roddid gwrth-hysbysiad, lle nad oedd tystiolaeth o'r fath i'w hategu, yn faterion y gall roi ystyriaeth briodol iddynt.

Roedd tystiolaeth glir bod digwyddiadau ar y safle'n achosi sŵn sy'n tarfu ar breswylwyr eiddo cyfagos. Roedd tystiolaeth glir bod yr ymgeisydd wedi methu â gweithredu'n briodol y mesurau rheoli a gynigiwyd gan ei hymgynghorydd sŵn yn ystod y digwyddiad diwethaf. Felly, nid oedd gan yr Is-bwyllgor lawer o ffydd yng ngallu'r ymgeisydd i reoli digwyddiadau ar y safle mewn ffordd a fyddai'n lliniaru unrhyw aflonyddwch ar y cymdogion.

Nododd yr Is-bwyllgor fod Hysbysiad Atal wedi'i gyflwyno i'r ymgeisydd. Fodd bynnag, roedd hyn yn cyfeirio at sŵn y gerddoriaeth yn unig. Felly nid oedd yr Is-bwyllgor yn credu y byddai'r Hysbysiad Atal yn darparu amddiffyniad digonol mewn perthynas â'r digwyddiad hwn.

Roedd yr Is-bwyllgor o'r farn bod y modd yr oedd yr ymgeisydd yn gweithredu'r safle yn tanseilio amcan y drwydded o ran atal niwsans cyhoeddus. Roedd yr ymgeisydd wedi cael nifer o gyfleoedd i ddangos y gallai weithredu'r safle mewn modd na fyddai'n achosi niwsans ac roedd wedi methu â gwneud hynny.

Felly roedd yr Is-bwyllgor yn fodlon bod cyflwyno Gwrth-Hysbysiad yn briodol ac yn gymesur yn yr achos hwn.

Byddai'r Is-bwyllgor yn annog yr ymgeisydd i weithredu'r Cynllun Rheoli Sŵn yn llawn ar gyfer unrhyw ddigwyddiadau yn y dyfodol. Gallai methu â gwneud hynny gael ei ystyried wrth benderfynu ar Hysbysiadau am Ddigwyddiad Dros Dro yn y dyfodol.

**[Ar y pwynt hwn, gohiriwyd y cyfarfod am 5 munud gan y Cadeirydd er mwyn caniatáu egwyl]**

### **3. CAIS I AMRYWIO TRWYDDED SAFLE TAFARN Y PELICAN, STRYD Y SYCAMORWYDDEN, CASTELL NEWYDD EMLYN SA38 9AP**

Soniodd Rheolwr y Gwasanaethau Cyfreithiol wrth bawb a oedd yn bresennol am drefn y cyfarfod, gan ddweud wrth yr Is-bwyllgor fod cais wedi dod i law gan Mr Cefin Llywellyn Evans, am amrywio'r drwydded safle ar gyfer Tafarn y Pelican, Stryd y Sycamorwydden, Castellnewydd Emlyn SA38 9AP fel a ganlyn:-

- "Darparu Lluniaeth Hwyrnos dydd Sul i ddydd Iau 23:00-00:00;  
Dydd Gwener a dydd Sadwrn 23:00-02:30.
- Cyflenwi Alcohol dydd Gwener a dydd Sadwrn 10:00-02:00.
- Oriau Agor dydd Gwener a dydd Sadwrn 10:00-02:30."

Nododd yr Is-bwyllgor fod y dogfennau canlynol ynghlwm wrth yr adroddiad:-

Atodiad A - copi o'r cais a 2 lythyr o gefnogaeth;

Atodiad B – copi o'r drwydded safle bresennol;

Atodiad C – sylwadau a gyflwynwyd gan yr Awdurdod Trwyddedu;

Atodiad B – sylwadau gan Awdurdod Heddlu Dyfed-Powys;

Atodiad E - sylwadau a gyflwynwyd gan bobl eraill.

Nid oedd yr Awdurdodau Cyfrifol eraill wedi gwneud unrhyw sylwadau mewn perthynas â'r cais.

Yn ogystal â'r uchod, derbyniodd yr Is-bwyllgor, â chaniatâd yr holl bartion, fap Geo-Discover o Stryd y Sycamorwydden a'r ardal gyfagos, gan gynnwys safle Tafarn y Pelican, a oedd wedi'i nodi gan gefnogwyr a gwrthwynebwyr.

Rhoddodd yr Is-bwyllgor ystyriaeth i'r dogfennau a gyflwynwyd, a'r holl sylwadau ysgrifenedig perthnasol a gafwyd cyn y gwrandawriad gan y bartion.

Cyfeiriodd Cynrychiolydd Awdurdod Heddlu Dyfed-Powys at ei gyflwyniad, fel y manylir arno yn Atodiad D i'r adroddiad a dywedodd y canlynol:-

- Roedd wedi cysylltu â Swyddog Cymorth Cymunedol yr Heddlu Castellnewydd Emlyn, Rhingyll y Tîm Plismona Bro a'r Swyddog Trwyddedu o Aberteifi i gael eu barn ynghylch y cais. Roedd hefyd wedi cwrdd â'r ymgeisydd a'r tenant ar y safle ym mis Mehefin i drafod y cynlluniau.
- O ganlyniad i'r trafodaethau a'r ymweliad dilynol, roedd wedi ysgrifennu at yr ymgeisydd ar 7 Awst 2018 gan roi gwybod iddo, er nad oedd gwrthwynebiad ffurfiol gan yr Heddlu i'r amrywiad, fod yr Heddlu o'r farn bod hyrwyddo'r Amcanion Trwyddedu i gynnwys nifer o amodau ychwanegol fel yr amlinellir yn y llythyr (gweler Atodiad D i'r adroddiad) yn nhrwydded y safle yn angenrheidiol ac yn briodol oherwydd yr oriau hwyrach y gwnaed cais amdanynt, pe byddai'r Is-bwyllgor am gymeradwyo'r cais am amrywiad.
- Dywedodd yr ymgeisydd y byddai'n cynnwys pwynt 19 o'r amodau yn wirfoddol, sef "Ni fydd neb yn cael mynd i mewn i'r safle na mynd yn ôl i mewn i'r safle ar ôl hanner nos."
- Roedd yr Heddlu o'r farn bod rhaid i Oruchwylydd Penodedig y Safle, sydd â thrwydded bersonol, reoli'r safle o ddydd i ddydd. Ar hyn o bryd, nid oedd gan y tenant drwydded bersonol ac ni allai Mr Evans, a oedd yn Oruchwylydd Penodedig y Safle ar y pryd, fod ar y safle'n rheolaidd. Fodd bynnag, roedd gan unigolion eraill a oedd yn gweithio ar y safle drwyddedau personol.
- Roedd yna un safle arall yn y dref a oedd ar agor tan 2am. Roedd yr Heddlu yn fodlon ar y drwydded 2am gan y byddai hyn yn deg ac yn gyson â safleoedd trwyddedig eraill yn yr ardal ac y byddai'n atal pobl rhag symud.
- Nid oedd hanes o droseddau ac anhrefn ar y safle. Roedd 1 neu 2 alwad wedi'u gwneud dros y blynyddoedd ond nid oedd dim wedi peri pryder.

Rhodddwyd cyfle i'r holl bartïon oedd yn bresennol holi Mr Price, cynrychiolydd Awdurdod Heddlu Dyfed-Powys ynghylch ei sylwadau.

- Mewn ymateb i ymholiad, cadarnhaodd Mr Price rôl Awdurdod Heddlu Dyfed-Powys a'r cymwysterau angenrheidiol.
- Mewn ymateb i ymholiad ynghylch oriau gwaith Swyddogion Cymorth Cymunedol yr Heddlu, cadarnhaodd Mr Price nad yw'r Swyddogion yn gweithio ar ôl 10.00pm ac felly nad ydynt ar ddyletswydd ar amserau hanfodol. Fodd bynnag, mae'r Swyddog yn ymwybodol o'r hyn sy'n digwydd.
- Esboniodd Mr Price fod y safle trwyddedig o'r enw 'The Bunch of Grapes' ar agor tan 2.00am ac roedd nifer o faterion wedi codi ynghylch problemau sŵn ac ymddygiad gwrthgymdeithasol. Cydnabuwyd nad oedd y materion hyn mor wael â'r rheiny y byddwch yn eu cael mewn tref fwy, ond roeddent yn sylweddol mewn tref fach megis Castellnewydd Emlyn.

Er mwyn rheoli'r materion, roedd angen rhoi cynllun rheoli ar waith. Yn ogystal, mae'r Heddlu o'r farn y gall oriau agor hwyrach yn Nhafarn y Pelican helpu i leihau'r problemau.

- Gofynnwyd sut y byddai'r Heddlu'n delio â dau safle ag oriau agor hwyr. Dywedodd Mr Price y byddai dau safle sy'n cau'n hwyr yn y dref yn helpu i leihau nifer y bobl sy'n symud ac y byddai'r Heddlu'n addasu'n unol â hyn.
- Mewn ymateb i gwestiwn, cadarnhaodd Mr Price nad oedd gan The Bunch of Grapes amod ynghylch cau'r drws i gwsmeriaid newydd. Felly, roedd cwsmeriaid yn gallu mynd i mewn unrhyw bryd hyd at 2am.

Yna cyflwynwyd sylwadau i'r Is-bwyllgor gan barti â buddiant a oedd yn gwrthwynebu'r cais am amrywio'r drwydded safle am y rhesymau y manylir arnynt yn Atodiad E i'r adroddiad a dywedwyd y canlynol ganddo:

- Mae hi'n byw ger Tafarn y Pelican ac roedd hi wedi tybio bod ganddynt drwydded hyd at 1.00am.
- Nid yw'n gwrthwynebu'r drwydded rhwng dydd Llun a dydd Gwener gan ei bod wedi arfer â hyn, er y cafwyd rhai problemau o ran cerddoriaeth mae hi wedi addasu ei bywyd i allu ymdopi gan ei bod yn byw yn agos i'r dafarn.
- Yn benodol mae hi'n gwrthwynebu'r amser cau hwyr am 2.30am gan fod hyn eisoes yn broblem y mae hi'n gweithio o'i hamgylch.
- Mae tacsis yn broblem ychwanegol gan eu bod yn aros y tu allan heb ddiffodd eu hinjans sy'n achosi niwsans sŵn. Yn aml mae hi'n mynd i'r gwely'n hwyr er mwyn osgoi cael ei dihuno.
- Roedd y modd yr oedd y safle'n cael ei reoli eisoes yn effeithio ar ei bywyd.
- Roedd amodau presennol y drwydded yn cael eu torri'n rheolaidd.
- Mae presenoldeb yr Heddlu yn brin iawn yn y dref yn barod.

Rhodddwyd cyfle i'r holl bartïon holi'r gwrthwynebwr ynghylch ei sylwadau.

Mewn ymateb i nifer o gwestiynau, dyma'r hyn a wnaed gan y gwrthwynebydd:

- Dywedodd ei bod wedi siarad â gyrwyr tacsis gyda'r hwyr am beidio â diffodd eu hinjans. Er bod rhai wedi cydweithredu, mae eraill wedi gwrthod. Mae hi'n ymwybodol bod herio'r gyrwyr tacsis yn ei gwneud yn darged am fod yn achwynydd. Yn ogystal, gallai rhai o'r tacsis fod yn aros am 40 munud ar y tro;
- Cadarnhaodd nad oedd ganddi ffenestri gwydr dwbl gan ei bod yn byw mewn adeilad rhestredig gradd 2.

- Cadarnhaodd fod y preswylwyr sy'n byw drws nesaf i Dafarn y Pelican hefyd wedi cwyno wrthi am y sŵn ond roeddent wedi symud i ffwrdd gan nad oeddent yn gallu ymdopi â'r sŵn. Yn ogystal, roedd y person a oedd yn byw ar draws y ffordd wedi cwyno am y sŵn;
- Mae hi'n derbyn ei bod yn byw mewn tref, y byddai hi'n clywed sŵn a bod Tafarn y Pelican yn well the The Bunch of Grapes;
- Dywedodd, er y byddai'n ceisio addasu'n unol â digwyddiadau hwyr, na fyddai hi'n gallu addasu pe byddai'r oriau agor yn cael eu hestyn i 2.30am;
- Pwysleisiodd ei bod hi eisoes wedi galw 101 ddwywaith heb gael ymateb;
- Dywedodd fod y sŵn yn amharu arni ar y rhan fwyaf o'r penwythnosau, ar ddydd Gwener a dydd Sadwrn. Er ei bod hi'n fodlon ar dipyn bach o aflonyddwch, mae hi'n gwrthwynebu aflonyddwch diangen.
- Dywedodd y byddai'r safle ar agor yn rheolaidd y tu allan i oriau'r drwydded, sy'n achosi'r broblem o ran y tacsis. Roedd yn ymddangos fel petai hyn yn digwydd bob penwythnos, a dyma pam roedd hi wedi synnu wrth weld y cais oherwydd ei bod yn credu bod y dafarn ar agor tan 1am yn barod.
- Mae hi'n pryderu am ddarparu lluniaeth hwyrnos yn enwedig yn ystod yr oriau hwyrach yn y dafarn gan fod problemau mawr wedi bod o ran y lleoedd cludfwyd gyda'r hwyr yn y dref;

Cadarnhaodd y Swyddog Trwyddedu wrth yr holl bartion presennol y byddai ardal gludfwyd y lleoliad yn cael ei chynnwys yn y drwydded wedi'i hamrywio ac felly gallai fod ar agor tan 2.30am.

Yna cyflwynwyd sylwadau i'r Is-bwyllgor gan yr ymgeisydd am drwydded safle a nodwyd yn Atodiad A ac ymatebwyd i'r pryderon a'r materion a godwyd.

- Cadarnhaodd yr ymgeisydd fod y tenant wedi gweithredu'r lle cludfwyd yn y gorffennol, ond nid yw'n ei weithredu mwyach;
- Cadarnhaodd mai ef yw Goruchwylydd Penodedig y Safle a'i fod yn gweithio'n llawn amser mewn man arall, ond mae'n ymweld â'r safle'n aml. Roedd gan 2 aelod o staff yn y dafarn drwyddedau personol ac roedd un ohonynt ar ddyletswydd bob amser yn ystod oriau agor y dafarn;
- Dywedodd y byddai'r tenant hefyd yn ddeiliad trwydded bersonol ac y byddai'n gwneud cais am fod yn Oruchwylydd Penodedig y Safle pe byddai'r cais am amrywio'r drwydded safle'n cael ei gymeradwyo;

- Mae gan yr ymgeisydd 30 mlynedd o brofiad yn y fasnach a'i fod yn hyderus o ran y ffordd gywir o redeg tafarn. Dywedodd fod Tafarn y Pelican yn dafarn gyfeillgar yn y dref a'i fod ond am gael tegwch rhwng yr holl fusnesau;
- Roedd o'r farn y byddai'r amrywiad yn lleihau'r straen ar yr Heddlu;
- Dywedodd fod 5 tafarn yn y dref ac y byddai'n addasu i'r newid mewn patrymau yfed, lle mae pobl yn dewis mynd allan yn llawer hwyrach nag o'r blaen;
- Awgrymodd, efallai, y gallai polisi gael ei gyflwyno i annog gyrrwyr tacsis i ddiffodd eu hinjans;
- Dywedodd ei fod yn hapus i gydymffurfio ag amodau'r Heddlu.

Rhodddwyd cyfle i'r holl bartïon holi'r ymgeisydd ynghylch y sylwadau a wnaed.

Mewn ymateb i nifer o gwestiynau, dywedodd yr ymgeisydd:

- fod nifer o Hysbysiadau am Ddigwyddiad Dros Dro wedi'u defnyddio fel rhan o brawf ac nad oedd yn ymwybodol o unrhyw broblemau na materion o ganlyniad iddynt;
- nad oedd bob amser ar y safle yn ystod y nos ar benwythnosau ond ei fod ar gael os bydd angen;
- er ei fod wedi rhedeg y dafarn o'r blaen, roedd Mr Giles yn denant ar y safle ar hyn o bryd ac mae'n rheoli ei fusnes ei hun o ddydd i ddydd. Yn ogystal, roedd ganddo hawl i gymryd camau gweithredu os caiff deddfau trwyddedu eu torri, yn unol â'r Cytundeb Tenantiaeth.

Daeth sylwadau i law'r Is-bwyllgor gan Mr Giles, tenant yn Nhafarn y Pelican:

Dyma'r hyn a ddywedwyd gan Mr Giles wrth yr Is-bwyllgor:

- Roedd 3 man aros ar gyfer tacsis yn yr ardal, a dim ond un ohonynt y tu allan i Dafarn y Pelican. Gan mai man aros yw hwn, nid yw'n golygu bod y tacsî'n casglu cwsmeriaid yno o reidrwydd. Mae'n debygol eu bod yn aros am alwadau'n gofyn iddynt fynd i fan arall, yn enwedig os ydynt yn aros am 40 munud;
- Roedd arwydd wedi'i osod i rybuddio pobl rhag curo ar y drws ar ôl 11.00pm. Yn anffodus, mae pobl yn curo ar y drws ar ôl i'r dafarn gau wrth iddo lanhau ac nid oes modd iddo rwystro hyn rhag digwydd;
- Nid oedd bwriad o fod ar agor tan 2.00am, ond hoffai gael yr opsiwn o allu cloi'r drws am 12.00am er mwyn rhoi cyfle i gwsmeriaid aros yn hwy pe byddent yn dymuno. Yn ei brofiad, mae pobl yn gadael y dafarn yn raddol ar nid ar yr un pryd.



Ar hynny

**PENDERFYNODD yr Is-bwyllgor YN UNFRYDOL gynnal sesiwn breifat er mwyn cael cyngor cyfreithiol yn unol â Pharagraff 16 o Atodlen 12A i'r Ddeddf Llywodraeth Leol.**

Ar ôl y toriad, rhoddodd yr Is-bwyllgor sylw hefyd i'r paragraffau perthnasol yn Natganiad Polisi Trwyddedu yr Awdurdod Trwyddedu ac i'r Cyfarwyddyd a gyhoeddir gan yr Adran dros Ddiwylliant, y Cyfryngau a Chwaraeon (DCMS) a chan y Swyddfa Gartref a nodwyd yn yr eitem ar yr agenda, ac i'r rheiny y cyfeiriwyd atynt gan y partion.

**PENDERFYNWYD, ar ôl ystyried yr holl dystiolaeth a oedd wedi ei rhoi gerbron yr Is-bwyllgor, fod y cais yn cael ei ganiatáu, a hynny'n unol ag amodau trwyddedu 1-19 yr oedd yr ymgeisydd a'r heddlu wedi cytuno arnynt.**

**Y RHESYMAU**

Wrth benderfynu ar y cais, roedd y ffeithiau canlynol yn hysbys i'r Is-bwyllgor;

1. Roedd y safle'n agos i nifer o eiddo preswyl.
2. Roedd y safle wedi bod yn gweithredu y tu allan i'w oriau agor dynodedig ar adegau, er nad oes tystiolaeth bod gweithgareddau trwyddedadwy yn cael eu cynnal yn ystod yr adegau hyn.
3. Nid oedd yr ymgeisydd yn gyfrifol am reoli'r safle o ddydd i ddydd.
4. O dan delerau'r cytundeb tenantiaeth roedd gan yr ymgeisydd y pŵer i orfodi ei denant i gydymffurfio ag unrhyw amodau'r drwydded sydd wedi'u pennu.

Roedd yr Is-bwyllgor wedi rhoi pwys ar farn yr Awdurdodau Cyfrifol.

Roedd yr Is-bwyllgor yn cydnabod bod yn rhaid i'w benderfyniad fod yn seiliedig ar dystiolaeth wirioneddol, ac nad yw pryderon nac ofnau ynghylch yr hyn a allai ddigwydd pe caniateid trwydded, lle nad oedd tystiolaeth o'r fath i'w hategu, yn faterion y gallant roi ystyriaeth briodol iddynt.

Roedd yr Is-bwyllgor o'r farn bod tystiolaeth yr achwynydd yn gredadwy ac yn rymus a derbyniodd yr Is-bwyllgor fod y cwsmeriaid yn gadael y safle a'r tacsis yn aros i'w casglu wedi amharu arni ar sawl achlysur yn oriau mân y bore.

Nododd yr Is-bwyllgor farn yr Heddlu fod amodau ychwanegol y drwydded a gynigiwyd ganddynt yn ddigon i hyrwyddo'r amcanion trwyddedu. Hefyd, nododd yr Is-bwyllgor dystiolaeth yr heddlu y byddai'r amrywiad yn gwneud lles i'r dref.

Derbyniodd yr Is-bwyllgor dystiolaeth yr Heddlu fod yr amodau a gynigiwyd gan yr Heddlu yn ddigon i hyrwyddo'r amcanion trwyddedu os cânt eu gweithredu'n briodol.

Roedd yr Is-bwyllgor yn fodlon bod y gwaith o reoli'r safle o ddydd i ddydd yn ddigon da i sicrhau bod hyn yn digwydd. Mae hyd yn oed y gwrthwynebydd yn derbyn bod Mr Giles yn ddeiliad trwydded da.

Felly roedd ys Is-bwyllgor yn fodlon bod cymeradwyo'r cais yn briodol yn amodol ar yr amodau y cytunir arnynt er mwyn hyrwyddo'r amcanion trwyddedu o ran atal troseddau ac anhrefn, ac roedd yr Is-bwyllgor yn fodlon bod y cam hwn yn briodol o ystyried y materion a nodwyd.

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**CHAIR**

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**DATE**

DYDD IAU, 2AIL AWST, 2018

**YN BRESENNOL:** Y Cyngorydd E.G. Thomas [Cadeirydd]

**Y Cynghorwyr:**

J.M. Charles, P.M. Edwards, R.E. Evans, W.T. Evans, A.L. Fox, J.K. Howell, H.I. Jones, J.G. Prosser, D.E. Williams a J.E. Williams

**Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:**

Mr E. Jones	-	Arweinydd Trwyddedu
Mr R. Edgecombe	-	Rheolwr y Gwasanaethau Cyfreithiol
Mr J. Power	-	Uwch Swyddog Trwyddedu
Mr M. Heath	-	Swyddog Trwyddedu
Mrs M. Evans Thomas	-	Prif Swyddog Gwasanaethau Democraidaidd

Yn cynrychioli Awdurdod yr Heddlu: Mr M. Price

**Y Siambr, Neuadd y Sir, Caerfyrddin : 10.00 a.m. - 12.25 p.m.**

**1. YMDDIHEURIADAU AM ABSENOLDEB**

Cafwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr F. Akhtar a C.A. Davies.

Cydymdeimlodd y Cadeirydd, ar ran y Pwyllgor, â'r Cyngorydd Akhtar yn dilyn marwolaeth drist ei thad yn ddiweddar.

**2. DATGANIADAU O FUDDIANNAU PERSONOL**

Ni chafwyd dim datganiadau o fuddiant personol.

**3. TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT - MR DERRICK LEWIS**

Rhodddwyd gwybod i'r Pwyllgor fod Mr Derrick Lewis o 26 Ralph Terrace, Llanelli, yn meddu ar Drwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat gan yr awdurdod a bod mater wedi codi ynghylch ei drwydded.

Bu'r Pwyllgor yn cyfweid â Mr Lewis ynghylch y mater hwnnw.

Argymhellodd yr Uwch-swyddog Trwyddedu fod Mr Lewis yn cael rhybudd ynghylch ei ymddygiad yn y dyfodol.

**PENDERFYNWYD YN UNFRYDOL, yn unol â chanllawiau'r Cyngor, fod Mr. Derick Lewis yn cael rhybudd ynghylch ei ymddygiad yn y dyfodol.**

Y rhesymau

Ar sail y dystiolaeth a gyflwynwyd, roedd y Pwyllgor yn fodlon bod yr ymgeisydd yn rhywun addas a phriodol i feddu ar drwydded.

**4. CAIM AM DRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT - MR MICHAEL LEE HOPKINS**

Bu'r Pwyllgor yn ystyried cais gan Mr Michael Lee Hopkins o 59 Chemical Road, Treforys, Abertawe am ganiatáu trwydded yrru ddeuol ar gyfer cerbyd hacnai / hurio preifat.

Bu'r Pwyllgor yn cyfweid â Mr Hopkins ynghylch ei gais. Darllenwyd geirda gan ddarpar gyflogwr er gwybodaeth i'r Pwyllgor.

Argymhellodd yr Uwch-swyddog Trwyddedu fod cais Mr Hopkins yn cael ei ganiatáu a'i fod yn cael rhybudd ynghylch ei ymddygiad yn y dyfodol.

**PENDERFYNWYD, yn unol â chanllawiau'r Cyngor, ganiatáu cais Mr Michael Lee Hopkins am Drwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat a rhoi rhybudd iddo ynghylch ei ymddygiad yn y dyfodol.**

Y rhesymau

Ar sail y dystiolaeth a gyflwynwyd, roedd y Pwyllgor yn fodlon bod yr ymgeisydd yn rhywun addas a phriodol i feddu ar drwydded.

**5. CAIS AM DRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT - MR RICHARD LEE JONES**

Atgoffwyd y Pwyllgor fod y cais hwn wedi'i ohirio yn y cyfarfod oedd wedi ei gynnal ar 27 Mehefin gan nad oedd Mr Jones yn gallu bod yn bresennol. Roedd Mr Jones wedi cysylltu â swyddogion unwaith eto ynghylch cyfarfod heddiw i ddweud na fyddai'n gallu bod yn bresennol gan ei fod yn mynd i angladd a gofynnodd am ohirio ystyried ei gais tan y cyfarfod nesaf.

**PENDERFYNWYD YN UNFRYDOL ohirio ystyried cais Mr Richard Lee Jones am Drwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat tan y cyfarfod nesaf.**

**6. CAIS I ADNEWYDDU TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT - MR IAN BARRIE VINSON**

Bu'r Pwyllgor yn ystyried y cais gan Mr Ian Barrie Vinson o 16 Tan y Bryn, Porth Tywyn, Llanelli am adnewyddu ei drwydded yrru ddeuol ar gyfer cerbyd hacnai/hurio preifat.

Bu'r Pwyllgor yn cyfweid â Mr Vinson ynghylch ei gais.

Argymhellodd yr Uwch-swyddog Trwyddedu fod cais Mr. Vinson yn cael ei ganiatáu a'i fod yn cael rhybudd terfynol ynghylch ei ymddygiad yn y dyfodol.

Ar hynny

**PENDERFYNODD yr Is-bwyllgor gynnal sesiwn preifat er mwyn cael cyngor cyfreithiol yn unol â Pharagraff 16 o Atodlen 12A i Ddeddf Llywodraeth Leol 1972.**

Ar ôl y toriad, ailymgynullodd y Pwyllgor i roi ei benderfyniad.

**PENDERFYNWYD, yn unol â chanllawiau'r Cyngor, ganiatáu cais Mr Ian Barrie Vinson am adnewyddu ei Drwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat a rhoi rhybudd terfynol iddo ynghylch ei ymddygiad yn y dyfodol.**

Y rhesymau

Ar sail y dystiolaeth a gyflwynwyd, roedd y Pwyllgor yn fodlon bod yr ymgeisydd yn rhywun addas a phriodol i feddu ar drwydded.

## **7. DEILIAD TRWYDDED BERSONOL - CHARLENE LINDA MCKENZIE**

Rhodddwyd gwybod i'r Pwyllgor fod Miss Charlene Linda McKenzie o Awelon, Blaen-waun, Hendy-gwyn ar Daf, yn ddeiliad Trwydded Bersonol gyda'r awdurdod a bod mater wedi codi ynghylch ei thrwydded.

Bu'r Pwyllgor yn cyfweld â Miss McKenzie ynghylch y mater hwnnw a chafwyd sylwadau gan gynrychiolydd yr heddlu.

Argymhellodd yr Arweinydd Trwyddedu fod Trwydded Bersonol Miss McKenzie yn cael ei dirymu.

Ar hynny

**PENDERFYNODD yr Is-bwyllgor gynnal sesiwn preifat er mwyn cael cyngor cyfreithiol yn unol â Pharagraff 16 o Atodlen 12A i Ddeddf Llywodraeth Leol 1972.**

Ar ôl y toriad, ailymgynullodd y Pwyllgor i roi ei benderfyniad.

**PENDERFYNWYD, yn unol â chanllawiau'r Cyngor, bod Trwydded Bersonol Miss Charlene Linda McKenzie yn cael ei hatal am fis.**

Y rhesymau

Wrth benderfynu ar y cais, roedd y Pwyllgor yn rhoi pwys ar farn yr awdurdodau cyfrifol.

Roedd y Pwyllgor yn cydnabod bod yn rhaid i'w benderfyniad gael ei seilio ar dystiolaeth wirioneddol, ac nad oedd pryderon nac ofnau ynghylch yr hyn a allai ddigwydd pe nad oedd yn dirymu trwydded bersonol Miss McKenzie, lle nad oedd dystiolaeth o'r fath i'w hategu, yn faterion y gallai roi ystyriaeth briodol iddynt.

Mae deiliaid Trwydded Bersonol yn elfen allweddol o'r drefn drwyddedu sy'n gyfrifol am sicrhau bod gwerthiant alcohol yn cael ei reoli'n briodol a bod yr amcanion trwyddedu yn cael eu hyrwyddo. Yn benodol, maent yn gyfrifol am sicrhau nad yw gwerthiant alcohol yn arwain at droseddu ac anrhefn.

Dan yr amgylchiadau hyn, roedd y Pwyllgor o'r farn y byddai'n anghymesur (ac felly'n amhriodol) i ddirymu trwydded bersonol Miss McKenzie. Er hynny, roedd y Pwyllgor o'r farn ei bod yn briodol i gymryd camau, (atal y drwydded am gyfnod byr yn yr achos hwn) er mwyn hyrwyddo'r amcan trwyddedu o atal troseddau ac anhrefn.

Roedd y Pwyllgor yn barnu bod y cyfnod hwn o ataliad yn ymateb cymesur i'r materion oedd dan sylw.

[NODER: Gohiriwyd cyfarfod y Pwyllgor am 11:40 a.m. er mwyn galluogi swyddogion i osod yr offer ar gyfer yr eitem agenda nesaf. Roedd y Pwyllgor wedi ailymgynnull am 11:50 a.m.]

## **8. DEDDF TRWYDDEDU 2003 - CAIS YN YMWNEUD A DOSBARTHIAD FFILM**

Bu'r Pwyllgor yn ystyried cais a gafwyd gan Mrs Mair Craig, ar ran Ystafelloedd Darllen Llansadwrn, yn gofyn am argymhelliad ynghylch caniatáu i blant wyllo pedair ffilm fer a oedd yn ddiddosbarth yn flaenorol.

Roedd yr ymgeisydd yn bwriadu arddangos y pedair ffilm, sef "A Good Bitch", "The Man Who Was Afraid of Falling", "Boris-Noris" ac "Elen", cyn dangos ffilm dystysgrifedig yn y sinema gymunedol. Yn ogystal, roedd y safle'n bwriadu gweithredu'r sinema gymunedol o dan yr esemptiadau safle cymunedol a nodir ym mharagraff 6A o Atodlen 1 i Ddeddf Trwyddedu 2003.

Nododd y Pwyllgor y dylai'r ffilmiau a ddangosir gael argymhelliad ynghylch caniatáu i blant eu gwyllo, a roddwyd naill ai gan gorff Bwrdd Dosbarthu Ffilmiau Prydain neu gan yr Awdurdod Trwyddedu perthnasol, a hynny er mwyn bodloni gofynion Deddf Trwyddedu 2003.

Er mwyn galluogi'r Pwyllgor i wneud yr argymelliadau gofynnol ynghylch caniatáu i blant wyllo'r ffilmiau, cafodd gyfle i wyllo'r pedair ffilm fer gan roi ystyriaeth i'r canllawiau ynghylch y graddau oedran a luniwyd gan Fwrdd Dosbarthu Ffilmiau Prydain.

Ar ôl ystyried yr holl dystiolaeth a roddwyd gerbron y Pwyllgor

### **PENDERFYNWYD:**

- 1. y dylai "A Good Bitch" gael ei hystyried yn ffilm sy'n addas i bob oed (U);**
- 2. y dylai "The Man Who Was Afraid of Falling" gael ei hystyried yn ffilm sy'n addas i bob oed (U);**
- 3. y dylai "Boris-Noris" gael ei hystyried yn ffilm sydd dan gyfarwyddyd rhiant (PG);**
- 4. y dylai "Elen" gael ei hystyried yn ffilm na chaiff personau o dan 12 oed ei gwyllo heb gyfarwyddyd rhiant (12A).**

## **9. LLOFNODI YN GOFNOD CYWIR COFNODION CYFARFOD YR IS-BWYLLGOR TRWYDDEDU "A" A GYNHALIWDYD AR 19EG MEHEFIN, 2018**

**PENDERFYNWYD YN UNFRYDOL lofnodi cofnodion cyfarfod Is-bwyllgor Trwyddedu "A" a gynhaliwyd ar 19 Mehefin, 2018, gan eu bod yn gywir.**

**10. LLOFNODI YN GOFNOD CYWIR COFNODION CYFARFOD YR IS-BWYLLGOR TRWYDDEDU "B" A GYNHALIWYD AR 26AIN MEHEFIN, 2018**

**PENDERFYNWYD YN UNFRYDOL lofnodi cofnodion cyfarfod Is-bwyllgor Trwyddedu "B" a gynhaliwyd ar 26 Mehefin 2018, gan eu bod yn gywir.**

**11. LLOFNODI YN GOFNOD CYWIR COFNODION CYFARFOD Y PWYLLGOR TRWYDDEDU A GYNHALIWYD AR 27AIN MEHEFIN, 2018**

**PENDERFYNWYD YN UNFRYDOL lofnodi bod cofnodion cyfarfod y Pwyllgor Trwyddedu a gynhaliwyd ar 27 Mehefin 2018 yn gofnod cywir.**

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**CADEIRYDD**

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**DYDDIAD**

Mae'r dudalen hon yn wag yn fwriadol