

DYDD IAU, 10 CHWEFROR 2022

AT: HOLL AELODAU'R PWYLLGOR TRWYDDEDU

YR WYF DRWY HYN YN EICH GALW I FYNYSCHU
RHITH-GYFARFOD O'R PWYLLGOR TRWYDDEDU A
GYNHELIR AM **10.00 YB, DYDD IAU, 17 CHWEFROR, 2022** ER
MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA
ATODEDIG.

Wendy Walters

PRIF WEITHREDWR



AILGYLCHWCH OS GWELWCH YN DDA

Swyddog Democrataidd:	Janine Owen
Ffôn (Llinell Uniongyrchol):	01267 224030
E-bost:	janineowen@sirgar.gov.uk

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

PWYLLGOR TRWYDDEDU

14 AELOD

Y GRŴP PLAID CYMRU – 7 AELOD

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

Y GRŴP LLAFUR – 4 AELOD

- | | | |
|----|--------------|-----------------|
| 1. | Y Cynghorydd | Suzy Curry |
| 2. | Y Cynghorydd | Penny Edwards |
| 3. | Y Cynghorydd | Amanda Fox |
| 4. | Y Cynghorydd | Andre McPherson |
-

Y GRŴP ANNIBYNNOL – 3 AELOD

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

DYLAI AELODAU FOD YN YMWYBODOL NA CHANIMATEIR 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. LLOFNODI YN GOFNOD CYWIR COFNODION CYFARFODYDD YR IS-BWYLLGORAU TRWYDDEDU A GYNHALIWYD AR Y DYDDIADAU CANLYNOL:-
 - 3.1 IS-BWYLLGOR TRWYDDEDU "A" A GYNHALIWYD AR 14 RHAGFYR 2021 5 - 8
 - 3.2 IS-BWYLLGOR TRWYDDEDU "B" A GYNHALIWYD AR 7 RHAGFYR 2021 9 - 18
4. LLOFNODI YN GOFNOD CYWIR COFNODION CYFARFOD Y PWYLLGOR TRWYDDEDU A GYNHALIWYD AR 15 RHAGFYR, 2021. 19 - 22
5. ADOLYGIAD O'R POLISI HAPCHWARAE 23 - 94
6. GORCHYMYN I'R CYHOEDD ADAEL Y CYFARFOD
NI DDYLID CYHOEDDI'R ADRODDIADAU SY'N YMWNEUD Â'R MATERION CANLYNOL GAN EU BOD YN CYNNWYS GWYBODAETH EITHRIEDIG FEL Y'I DIFFINIWYD YM MHARAGRAFF 12 O RAN 4 O ATODLEN 12A I DDEDDF LLYWODRAETH LEOL 1972 FEL Y'I DIWYGIWYD GAN ORCHYMYN LLYWODRAETH LEOL (MYNEDIAD AT WYBODAETH) (AMRYWIO) (CYMRU) 2007 GAN EI FOD YN CYNNWYS GWYBODAETH AM UNIGOLYN PENODOL.

OS BYDD Y PWYLLGOR, AR ÔL CYNNAL PRAWF LLES Y CYHOEDD, YN PENDERFYNU YN UNOL Â'R DDEDDF, I YSTYRIED Y MATERION HYN YN BREIFAT, GORCHMYNNIR I'R CYHOEDD ADAEL Y CYFARFOD YN YSTOD TRAFODAETH O'R FATH.
7. MR DONALD LYN EVANS - 95 - 98
TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT

Mae'r dudalen hon yn wag yn fwriadol

IS-BWYLLGOR TRWYDDEDU A

14 RHAGFYR 2021

YN BRESENNOL: Y Cyngorydd J.M. Charles (Cadeirydd)

Y Cynghorwyr: J.K. Howell ac B.D.J. Phillips.

Yn bresennol fel cynrychiolydd Awdurdod Cyfrifol:

D. Bizby, Cynrychiolydd Awdurdod Heddlu Dyfed-Powys;
R. Edmunds, Rheolwr Materion Defnyddwyr a Busnes;
E. Jones, Arweinydd Trwyddedu;
R. Thomas, Ymarferydd Iechyd Yr Amgylchedd.

Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:

R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol;
K. Smith, Swyddog Trwyddedu;
E. Evans, Prif Swyddog Gwasanaethau Democrataidd;
K. Thomas, Swyddog Gwasanaethau Democrataidd;
J. Owen, Swyddog Gwasanaethau Democrataidd (Cymerwr nodiadau).

Rhith-Gyfarfod:- 12:00yp - 3:45yp

1. DATGAN BUDDIANNAU PERSONOL.

Ni ddatganwyd unrhyw fuddiannau personol.

2. CAIS AM ADOLYGU TRWYDDED SAFLE - SOUTH STAR, 2 BRYNALLT TERRACE, LLANELLI, SIR GAR, SA15 1NB.

Rhoddodd Rheolwr y Gwasanaethau Cyfreithiol wybodaeth i bawb a oedd yn bresennol am drefn y cyfarfod.

Rhoddwyd gwybod i'r Is-bwyllgor fod cais wedi dod i law gan Heddlu Dyfed-Powys am adolygu trwydded safle ar gyfer South Star, 2 Teras Brynallt, Llanelli, Sir Gaerfyrddin, SA15 1NB. Gofynnwyd am adolygiad oherwydd bod gan yr Heddlu bryderon ynghylch diffyg rheolaeth ddifrifol yn y safle uchod ar ôl i gwynion ddod i lawr ac ar ôl ymweliad gan Heddlu Dyfed-Powys a Swyddog Cydymffurfaeth - Covid o Gyngor Sir Caerfyrddin.

Rhoddodd yr Is-bwyllgor ystyriaeth i'r dogfennau canlynol ynghlwm wrth yr adroddiad:-

Atodiad A – Copi o'r cais.

Atodiad B - Sylwadau a gyflwynwyd gan yr Awdurdod Trwyddedu.

Atodiad C – Sylwadau a gyflwynwyd gan y Safonau Masnach.

Atodiad D – Sylwadau a gyflwynwyd gan Iechyd yr Amgylchedd.

Rhoddodd Mr David Bizby, Cynrychiolydd Awdurdod Heddlu Dyfed-Powys, fanylion am y cais i'r Is-bwyllgor ar ran y Prif Gwnstabl.

Bu i gynrychiolydd yr Awdurdod Trwyddedu wneud sylwadau ar lafar a chyfeiriodd at y sylwadau y manylwyd arnynt yn Atodiad B, a chafwyd sylwadau ar lafar hefyd gan y Safonau Masnach (gan gyfeirio at Atodiad C) ac Iechyd yr Amgylchedd (gan gyfeirio at Atodiad D).

Roedd Mr V Moholkar, Deiliad y Drwydded Safle, Ms Davies a Mr Morgan sy'n rheoli'r South Star o ddydd i ddydd hefyd yn bresennol.

Rhoddwyd cyfle i bawb ofyn cwestiynau i'r ymgeisydd am ei sylwadau ac i ymateb i'r sylwadau a wnaed gan y cynrychiolwyr.

Yna PENDERFYNWYD YN UNFRYDOL gan yr Is-bwyllgor gynnal sesiwn preifat er mwyn cael cyngor cyfreithiol yn unol â Pharagraff 16 o Atodlen 12A i'r Ddeddf Llywodraeth Leol.

Yn ystod y sesiwn preifat, ar ôl i'r Is-bwyllgor ystyried y paragraffau perthnasol o Ddatganiad Polisi Trwyddedu yr Awdurdod Trwyddedu a'r cyfarwyddyd a gyhoeddwyd gan yr Adran dros Ddiwylliant, y Cyfryngau a Chwaraeon (DCMS) a chan y Swyddfa Gartref,

PENDERFYNWYD YN UNFRYDOL y dylid ymdrin â'r cais fel a ganlyn;

- 2.1 Bod yr 13 o amodau trwydded y gofynnwyd amdanynt gan yr Heddlu yn y cais am adolygiad yn cael eu hychwanegu at y drwydded ac eithrio bod amod 9 yn cael ei newid er mwyn bod yn berthnasol ar ôl 9pm yn unig;**
- 2.2 Bod Deiliad y Drwydded Safle yn cael ei atgoffa o bwysigrwydd darparu'r wybodaeth gyswllt ddiweddaraf i'r Awdurdod Trwyddedu ar gyfer Deiliad y Drwydded Safle a Goruchwylydd Dynodedig y Safle bob amser.**

Y Rhesymau

Wrth benderfynu ar y cais, gwnaeth yr Is-bwyllgor y canfyddiadau canlynol;

1. Bu nifer o gwynion i'r heddlu ac i awdurdodau cyfrifol eraill ynghylch niwsans sŵn ac ymddygiad gwrthgymdeithasol yn y safle neu'n gysylltiedig ag ef.
2. Bu nifer o achosion pan oedd y safle wedi cael ei weithredu mewn modd oedd yn torri rheoliadau COVID a oedd mewn grym bryd hynny.
3. Ar 11 Medi 2021 roedd Mr Nigel Brain yn ymosodol ac yn anghwrtais tuag at y swyddog heddlu a'r swyddog gorfodi COVID gan eu gorfodi i adael y safle drwy eu gwithio.
4. Pan ddaeth swyddogion yr heddlu i'r safle wedyn i weld darn ffilm o'r teledu cylch cyfyng o'r digwyddiad, nid oedd dim ar gael ar gyfer y rhan berthnasol o'r safle ac nid oedd rheolwr y safle (Miss Davies) yn gallu cael mynediad i'r system na'i gweithredu.

5. Roedd Deiliad y Drwydded Safle wedi cytuno i'r amodau trwydded ychwanegol (fel y'u diwygiwyd) gael eu hychwanegu at y drwydded.

Roedd yr Is-bwyllgor wedi rhoi pwys ar farn yr awdurdodau cyfrifol ac yn benodol wedi canfod bod y dystiolaeth a gyflwynwyd gan yr Heddlu mewn perthynas â'r digwyddiad ar 11 Medi 2021 yn gredadwy ac yn gymhellol.

Roedd yr Is-bwyllgor yn cydnabod bod yn rhaid i'w benderfyniad gael ei seilio ar dystiolaeth wirioneddol, ac nad oedd pryderon nac ofnau, lle nad oedd dystiolaeth o'r fath i'w hategu, yn faterion y gallant roi ystyriaeth briodol iddynt.

Roedd yr Is-bwyllgor yn fodlon ar y dystiolaeth a roddwyd ger ei fron fod y safle wedi cael ei weithredu mewn modd nad oedd yn hyrwyddo'r amcanion trwyddedu o atal troseddau ac anhrefn ac atal niwsans cyhoeddus. Nid oedd yr Is-bwyllgor yn fodlon y byddai'n bosibl hyrwyddo'r amcanion hynny'n ddigonol heb ychwanegu amodau ychwanegol at y drwydded.

Hefyd roedd yr Is-bwyllgor yn fodlon bod yr amodau trwydded ychwanegol yr oedd yr heddlu wedi gofyn amdanynt, ac a gefnogwyd gan yr awdurdodau cyfrifol eraill, yn briodol i hyrwyddo'r amcanion trwyddedu hynny ac yn ymateb cymesur i'r materion a nodwyd yn y cais.

CADEIRYDD

DYDDIAD

Mae'r dudalen hon yn wag yn fwriadol

Dydd Mawrth, 7 Rhagfyr 2021

YN BRESENNOL: Y Cynghorydd A.S.J. McPherson (Cadeirydd)

Y Cynghorwyr:

W.T. Evans a/ac P.M. Edwards

Hefyd yn bresennol fel sylwedyddion

Cynghorwyr M. Charles a S. Phillips;

Yn bresennol fel cynrychiolydd Awdurdod Cyfrifol:-

E. Jones, Arweinydd Trwyddedu, Cyngor Sir Caerfyrddin;

A. Morgan, Swyddog Arweiniol Llygredd a Llesiant

R. Edmunds – Rheolwr Materion Defnyddwyr a Busnes - Cyngor Sir Caerfyrddin

D. Bizby, Awdurdod Heddlu Dyfed-Powys;

Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:

R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol

A. Rees, Swyddog Trwyddedu

S. Rees, Cyfieithydd Ar Y Pryd

E. Bryer, Swyddog Gwasanaethau Democrataidd

K. Thomas, Swyddog Gwasanaethau Democrataidd

Rhith-Gyfarfod

- 10.00 yb - 4.30 yp

1. DATGAN BUDDIANNAU PERSONOL.

Ni ddatganwyd unrhyw fuddiannau personol.

2. 10.00 Y.B. - CAIS AM ADOLYGU DRWYDDED SAFLE POPLARS INN, 1 PONDSE, TRE-IOAN, CAERFYRDDIN SA31 3HU.

Rhoddodd Rheolwr y Gwasanaethau Cyfreithiol wybodaeth i bawb a oedd yn bresennol am y weithdrefn ar gyfer y cyfarfod a gynhaliwyd i ystyried cais a dderbyniwyd gan Swyddog Arweiniol Llygredd a Llesiant Cyngor Sir Caerfyrddin am adolygiad o'r Drwydded Safle ar gyfer y Poplars Inn, 1 Glan yr Afon, Tre Ioan, Caerfyrddin, ar ôl derbyn nifer o gwynion ynghylch gweithrediad y safle o ran sŵn, ymddygiad gwrthgymdeithasol a throseddau ac anhrefn.

Nododd yr Is-bwyllgor fod y dogfennau canlynol ynghlwm wrth yr adroddiad:-

Atodiad A – Y cais gwreiddiol am adolygiad

Atodiad B – Sylwadau'r Awdurdod Trwyddedu

Atodiad C – Sylwadau Heddlu Dyfed-Powys

Atodiad D – Sylwadau'r Gwasanaethau Cynllunio

Atodiad E - Sylwadau Safonau Masnach

Atodiad F – Sylwadau unigolion eraill.

Yn ogystal â'r uchod, roedd y wybodaeth atodol ganlynol hefyd wedi'i dosbarthu i bob parti cyn y cyfarfod y diwrnod hwnnw:-

1. Tystiolaeth Ategol gan y Swyddog Arweiniol Llygredd a Llesiant
2. Hysbysiad Gwella Safle
3. Y drwydded safle bresennol

Cyflwynodd y Swyddog Arweiniol Llygredd a Llesiant ei adroddiad i'r Pwyllgor ar weithrediad y safle (Atodiad A), ynghyd â'r adroddiad atodol a oedd yn catalogio gohebiaeth, cwynion, ac ati, mewn perthynas â hynny, a oedd wedi arwain at gyflwyno'r cais am adolygiad. Dywedodd wrth yr Is-bwyllgor, o ystyried yr adolygiad, ei fod o'r farn y byddai atodi amodau 1-6 yn ei sylwadau yn hybu amcanion trwyddedu Deddf Trwyddedu 2003 yn well, yn amodol ar ei ddiwygiad i amod 2.

Rhodddwyd cyfle i'r holl bartïon a oedd yn bresennol holi'r Swyddog Arweiniol Llygredd a Llesiant ynghylch ei sylwadau.

Cyfeiriodd yr Arweinydd Trwyddedu at ei sylwadau ysgrifenedig a nodir yn Atodiad B i'r adroddiad, a oedd yn rhoi gwybodaeth am y cais am adolygiad a'i ymateb iddo, gan gynnwys rhoi sylw i adrannau perthnasol y Canllawiau Statudol a Pholisi Trwyddedu Lleol y Cyngor. Dywedodd fod yr Awdurdod Trwyddedu yn cefnogi'r cais am adolygiad a'r chwe amod, fel y'u diwygiwyd, a gynigiwyd gan y Swyddog Arweiniol Llygredd a Llesiant.

Rhodddwyd cyfle i'r holl bartïon a oedd yn bresennol holi'r Arweinydd Trwyddedu ynghylch ei sylwadau.

Cyfeiriodd cynrychiolydd Awdurdod yr Heddlu at ei sylwadau ysgrifenedig, fel y nodir yn Atodiad C i'r adroddiad, ac amlinellodd hanes y digwyddiadau yr adroddwyd amdanynt/a gofnodwyd gan yr Heddlu ynghylch gweithrediad y Poplars Inn. O ystyried y ffeithiau, cefnogodd yr Heddlu y cais am adolygiad a'r chwe amod a awgrymwyd, fel y'u diwygiwyd, i'w hychwanegu at y Drwydded Safle, ond hefyd yn amodol ar ychwanegu'r ddau amod a awgrymwyd yn ei sylwadau at y drwydded, sy'n ymwneud â darpariaeth teledu cylch cyfyng a darparu alcohol a werthir i'w yfed mewn mannau allanol mewn gwydrau polycarbonad, plastig neu annryliadwy.

Rhodddwyd cyfle i'r holl bartïon a oedd yn bresennol holi cynrychiolydd yr Heddlu ynghylch ei sylwadau.

Cyfeiriodd y Rheolwr Materion Defnyddwyr a Busnes at ei sylwadau ysgrifenedig, fel y nodir yn Atodiad E i'r adroddiad, a oedd yn manylu ar y gwaith a wnaed gan ei swyddogion o ran cysylltu â deiliad y drwydded ynghylch gweithredu'r safle yn unol â'r cyfyngiadau Covid ac at gyflwyno Hysbysiad Gwella Safle ar 27 Ebrill 2021. Ar ôl cyflwyno'r Hysbysiad (a ddaeth i ben ar 30 Ebrill 2021), roedd materion pellach o ran diffyg cydymffurfiaeth wedi codi, gan gynnwys band pres yn chwarae yn y babell yn y maes parcio. Roedd lluniau camera a wisgir ar y corff, a ddangoswyd i'r Is-bwyllgor, yn dangos yn glir y lefelau sŵn uwch. Dywedodd, o ystyried ei sylwadau, fod Adain Safonau Masnach y Cyngor yn cefnogi'r cais am adolygiad, fel y bo'n briodol ac yn gymesur, a gosod yr amodau ychwanegol a awgrymwyd ar y drwydded safle.

Rhoddwyd cyfle i'r holl bartïon a oedd yn bresennol holi'r Rheolwr Materion Defnyddwyr a Busnes ynghylch ei sylwadau.

Cyfeiriodd y Cynghorydd John at ei sylwadau ysgrifenedig, fel y nodir yn Atodiad F i'r adroddiad, a oedd yn manylu ar ei farn sy'n cefnogi cwynion ei etholwyr ynghylch yr effaith andwyol yr oedd gweithrediad y Poplars Inn yn ei chael ar eu mwynhad a'u llesiant. Dywedodd, er bod y safle, sy'n cael ei weithredu mewn ardal breswyl gydag ysgol o'i flaen a man chwarae y tu cefn iddo, wedi denu cwynion o bryd i'w gilydd gan drigolion a deiliad y drwydded, fod y rheiny wedi cynyddu'n sylweddol ar ôl i'r babell fawr gael ei chodi ym maes parcio'r safle, a'u bod wedi lleihau ar ôl ei symud. Cyfeiriodd hefyd at farn y trigolion, er bod y cais am adolygiad wedi'i gyflwyno, ei bod yn ymddangos bod diffyg cydgysylltu rhwng yr awdurdodau cyfrifol perthnasol wrth fynd i'r afael â'u cwynion/pryderon.

Rhoddwyd cyfle i'r holl bartïon a oedd yn bresennol holi'r Cynghorydd John ynghylch ei sylwadau.

Cyfeiriodd Rheolwr y Gwasanaethau Cyfreithiol at ddarpariaethau Adran 177A o Ddeddf Trwyddedu 2003 a'r amod arfaethedig a awgrymwyd sy'n ceisio dileu'r hawl i gael cerddoriaeth fyw o dan Ddeddf Cerddoriaeth Fyw 2003 mewn perthynas â phob man allanol. Gofynnodd am eglurhad ynghylch a allai deiliad y drwydded barhau i gynnal digwyddiadau byw yn y safle pe bai'r hawl yn cael ei dileu. Cadarnhaodd yr Arweinydd Trwyddedu y gellid chwarae cerddoriaeth fyw, yn dilyn dadreoleiddio trwyddedu, rhwng 8.00 a.m. ac 11.00 p.m. mewn gerddi cwrw tafarnau. Byddai dileu'r amod hwnnw'n dal i ganiatáu i ddigwyddiadau byw gael eu cynnal ond byddent yn ddarostyngedig i amodau'r drwydded safle. Byddai hefyd yn ofynnol cyflwyno Hysbysiad Digwyddiadau Dros Dro ar gyfer digwyddiadau a gynhelir y tu allan i'r safle, h.y. yn y maes parcio.

Anerchodd cynrychiolydd cyfreithiol deiliad y drwydded safle y Pwyllgor i gefnogi ei chleient a dywedodd ei fod yn angerddol am ei fusnes ac am ddarparu gwasanaeth i'r gymuned. Roedd wedi bod yn rhagweithiol ers llacio'r rheoliadau Covid ac wedi cysylltu â Safonau Masnach ar 12 achlysur am gyngor mewn perthynas â'r rheoliadau. Roedd ei chleient eisoes wedi cydymffurfio â nifer o'r amodau y gofynnwyd amdanynt ac roedd teledu cylch cyfyng wedi'i osod yn y safle. Fodd bynnag, roedd ganddo bryderon am amod arfaethedig rhif 2 ynghylch cau ffenestri a drysau ar ôl 7.00 p.m. ac effaith bosibl hynny ar y gofynion o ran Covid mewn perthynas â gadael i awyr iach ddod i mewn i'r safle. Derbyniwyd y gallai dileu'r hawl i gael cerddoriaeth fyw effeithio ar broffidioldeb y busnes. Fodd bynnag, cadarnhaodd deiliad y drwydded y byddai cyfanswm o 8 digwyddiad byw y tu allan dros fisoedd yr haf yn fwy na thebyg, gan gynnwys gwyliau banc.

Rhoddwyd cyfle i'r holl bartïon a oedd yn bresennol holi cynrychiolydd deiliad y drwydded safle ynghylch ei sylwadau.

Ar hynny

PENDERFYNWYD YN UNFRYDOL gynnal sesiwn preifat er mwyn cael cyngor cyfreithiol yn unol â Pharagraff 16, Atodlen 12 i'r Ddeddf Llywodraeth Leol.

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.

YN OGYSTAL, PENDERFYNWYD bod yr Is-bwyllgor, ar ôl iddo ystyried yr holl dystiolaeth a roddwyd ger ei fron, o'r farn y dylid ymdrin â'r cais fel a ganlyn:-

1. Bod yr hawl i gael cerddoriaeth fyw o dan Ddeddf Cerddoriaeth Fyw 2003, mewn perthynas â mannau allanol y safle, yn cael ei dileu a bod datganiad yn cael ei ychwanegu at y Drwydded Safle yn datgan nad yw Adran 177A o Ddeddf Trwyddedu 2003 yn berthnasol i'r amodau ar y drwydded a bod yr amodau ar y drwydded yn cael effaith o'r newydd.
2. Bod y newidiadau canlynol yn cael eu gwneud i'r amodau ar y drwydded:
 - (a) Atodiad 2, Adran b, Amod 1 - i'w ddisodli gan yr amod newydd ynghylch teledu cylch cyfyng a gynigiwyd gan yr Heddlu yn eu sylwadau ysgrifenedig.
 - (b) Atodiad 2, Adran b – ychwanegu amod 24, 'Caiff alcohol ei werthu i'w yfed yn y mannau allanol mewn gwydrau polycarbonad, plastig neu annrilyliadwy yn unig.'
 - (c) Atodiad 2, Adran b – ychwanegu amod 25, 'Bydd deiliad y drwydded safle yn cymryd camau rhesymol i geisio sicrhau nad yw cwsmeriaid yn mynd â gwydrau a photeli o'r safle.'
 - (d) Atodiad 2, Adran d, Amod 1 – i'w ddisodli gan amod newydd, 'Ar wahân i fynediad i mewn i unrhyw ystafell berthnasol ac allan ohoni, bydd y drysau a'r ffenestri mewn unrhyw ystafell lle mae cerddoriaeth sy'n mynd drwy uchelseinydd yn cael ei chwarae yn parhau ar gau o 9pm ymlaen.'
 - (e) Atodiad 2, Adran d – ychwanegu amod newydd 5, 'Bydd mecanweithiau sy'n cau ohonynt eu hunain yn cael eu gosod ar bob drws yn y safle.'
 - (f) Atodiad 2, Adran d – dileu'r amodau presennol 5 i 9.
 - (g) Atodiad 2, Adran d – ychwanegu amod newydd 6, 'Ni chaiff cerddoriaeth fyw na cherddoriaeth wedi'i recordio ei chwarae mewn unrhyw leoliad allanol yn y safle ac ni chaiff cerddoriaeth fyw na cherddoriaeth wedi'i recordio ei chwarae mewn unrhyw leoliad arall yn y safle nac unrhyw safle cyfagos at ddibenion diddanu unigolion ym mannau allanol y safle.'
 - (h) Atodiad 2, Adran d - ychwanegu amod newydd 7, 'Ni chaiff setiau teledu, radios nac offer arall sy'n cynhyrchu sain eu defnyddio mewn unrhyw fan allanol yn y safle neu mewn unrhyw leoliad arall yn y safle nac unrhyw safle cyfagos at ddibenion diddanu unigolion ym mannau allanol y safle.'

RHESYMAU

Wrth benderfynu ar y cais, yr oedd y canlynol yn hysbys i'r Is-bwyllgor:

1. Bu'r safle yn destun niwsans i aelodau o'r cyhoedd sy'n byw yn y cyffiniau.
2. Roedd y niwsans wedi bod yn gyhoeddus ei natur.
3. Roedd y niwsans cyhoeddus wedi ymwneud â sŵn cerddoriaeth, sŵn gan gwsmeriaid yn y safle a'r tu allan iddo, parcio cerbydau a gollwng sbwriel.
4. Mae cwsmeriaid y safle hefyd wedi cymryd rhan mewn ymladd, difrod troseddol, troethi cyhoeddus ac ymddygiad bygythiol.
5. Mae dull rheoli'r safle wedi methu â hybu'r amcanion trwyddedu ar adegau.

6. Mae ymdrechion yr awdurdodau cyfrifol i ddatrys materion gyda deiliad y drwydded safle yn anffurfiol wedi bod yn aflwyddiannus.

Mae'r Is-bwyllgor wedi rhoi pwys ar sylwadau'r awdurdodau cyfrifol. Yn benodol, mae'n nodi bod yr holl awdurdodau cyfrifol sydd wedi mynychu'r gwrandawriad yn cefnogi'r cais am adolygiad a'r gwahanol fesurau rheoli y gofynnwyd amdanynt.

Mae'r 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, lle nad oes tystiolaeth o'r fath i'w hategu, yn faterion y gall roi ystyriaeth briodol iddynt.

Yn yr achos hwn, mae'r Is-bwyllgor yn fodlon bod tystiolaeth wirioneddol ger ei fron i ddangos bod gweithrediad y safle wedi achosi niwsans i drigolion lleol a bod y niwsans hwn o'r fath natur, hyd, graddau ac effaith fel ei fod yn niwsans cyhoeddus yn hytrach na niwsans preifat. Ym marn yr Is-bwyllgor, roedd tystiolaeth yr awdurdodau cyfrifol yn gredadwy ac yn rymus. Mae'r swyddogion wedi tystio'n uniongyrchol i'r materion y cwynwyd amdanynt ac mae eu tystiolaeth yn ategu'r cwynion gan drigolion lleol a'r recordiadau sŵn.

Mae'r Is-bwyllgor yn cydnabod y gallai'r camau gweithredu a gynigir gan yr ymgeisydd gael effaith negyddol ar weithrediad y safle. Fodd bynnag, mae o'r farn y dylai effaith o'r fath fod yn gymharol gyfyngedig, gan y gall deiliad y drwydded barhau i gynnal digwyddiadau cerddoriaeth fyw yn y safle. Felly, mae wedi ceisio cydbwysu'r effaith ar y safle drwy gymryd y camau arfaethedig â'r effaith a brofir gan drigolion lleol yn sgil gweithrediad y safle.

Mae'r Is-bwyllgor o'r farn bod ganddo'r dewisiadau canlynol o dan y Ddeddf Trwyddedu i hybu'r amcanion trwyddedu:

- Dirymu'r drwydded
- Atal y drwydded
- Dileu Goruchwilydd Dynodedig y Safle
- Ychwanegu amodau trwydded
- Dileu gweithrediad yr eithriad o ran Cerddoriaeth Fyw
- Dileu gweithgareddau trwyddedadwy o'r drwydded
- Peidio â gweithredu

Mae'r Is-bwyllgor o'r farn y byddai'r ddau ddewis cyntaf, er y byddent yn effeithiol wrth hybu'r amcanion trwyddedu, yn ymateb anghymesur i'r materion a nodwyd. O ran y trydydd dewis, mae'r Is-bwyllgor o'r farn na fyddai hyn yn helpu i hybu'r amcanion trwyddedu. Yn yr un modd, ni fyddai peidio â gweithredu a gadael materion heb eu newid o gwbl yn gwneud dim i hybu'r amcanion trwyddedu.

Mae'r Is-bwyllgor wedi ystyried a fyddai'n briodol dileu gweithgareddau trwyddedadwy neu gyfyngu ar yr amseroedd pan gânt eu caniatáu (yn enwedig darparu cerddoriaeth fyw) o'r drwydded. O ystyried bod y prif broblemau wedi codi yn sgil digwyddiadau mewn mannau allanol (nad ydynt mewn gwirionedd yn rhan o'r ardal drwyddedig), mae'r Is-bwyllgor o'r farn y byddai dileu cerddoriaeth fyw yn gyfan gwbl o'r drwydded yn cael effaith anghymesur ar hyfywedd y busnes.

Mae hyn yn gadael y pedwerydd a'r pumed dewis i'r Is-bwyllgor.

Gan droi at ddileu'r eithriad o ran Cerddoriaeth Fyw, mae'r Is-bwyllgor o'r farn bod hon yn ffordd briodol a chymesur o hybu'r amcan o ran atal niwsans cyhoeddus. Ar sail y dystiolaeth a gyflwynwyd, cynnal digwyddiadau cerddoriaeth fyw ym mannau allanol y safle a fu'n brif ffynhonnell niwsans cyhoeddus. Wrth ddod i'r farn hon, mae'r Is-bwyllgor yn nodi nad yw dileu'r eithriad hwn yn atal cynnal digwyddiadau cerddoriaeth fyw yn ardal drwyddedig y safle. Mae'r drwydded safle yn awdurdodi'n benodol ddarparu cerddoriaeth fyw yn ardal drwyddedig y safle ac nid yw'r cais yn ceisio dileu hyn. Fodd bynnag, mae dileu'r eithriad yn

- Dileu gallu deiliad y drwydded i gynnal digwyddiadau cerddoriaeth fyw mewn mannau allanol heb (a) amrywio'r drwydded safle bresennol neu (b) cyflwyno Hysbysiad Digwyddiad Dros Dro.
- Sicrhau y bydd unrhyw amodau ar y drwydded safle sy'n ymwneud â cherddoriaeth fyw yn cael effaith.

Ar sail y dystiolaeth a gyflwynwyd iddo, nid yw'r Is-bwyllgor o'r farn y bydd hyn yn cael effaith anghymesur ar y busnes a bydd yn gwneud llawer i hybu'r amcanion trwyddedu.

Mae'r Is-bwyllgor yn nodi y gall deiliad y drwydded safle gyflwyno (ac yn wir, mae wedi gwneud hynny yn y gorffennol) hysbysiadau digwyddiadau dros dro i ganiatáu i ddigwyddiadau cerddoriaeth fyw gael eu cynnal yn y safle. Ar hyn o bryd mae hyn wedi'i gyfyngu i 15 achlysur y flwyddyn, gyda phob achlysur yn para am hyd at 168 awr (7 diwrnod), yn amodol ar uchafswm o 21 diwrnod o hyd. Bydd hyn yn cynyddu'r flwyddyn nesaf i 20 achlysur y flwyddyn, gydag uchafswm o 26 diwrnod o hyd.

O ran y dystiolaeth a gyflwynwyd gan Mr. Howell, mae hyn yn ddigon i'w alluogi i gynnal digon o ddigwyddiadau mewn mannau allanol i sicrhau hyfywedd y busnes.

Mewn perthynas â'r newidiadau i amodau'r drwydded, mae'r Is-bwyllgor o'r farn bod y rhain yn briodol i hybu'r amcanion trwyddedu o ran atal trosedd ac anhrefn ac atal niwsans cyhoeddus. Yn benodol, o ystyried effaith cynnal digwyddiadau cerddoriaeth a digwyddiadau eraill ym mannau allanol y safle ar drigolion lleol, mae'r Is-bwyllgor yn fodlon bod amodau newydd 6 a 7 yn Atodiad 2, Adran d o'r drwydded yn briodol ac yn gymesur. Wrth ddod i'r penderfyniad hwn, mae'r pwyllgor unwaith eto wedi ystyried nad yw hyn yn effeithio ar allu deiliad y drwydded safle i gynnal digwyddiadau cerddoriaeth fyw yn yr ardal drwyddedig dan do neu i gyflwyno hysbysiadau digwyddiadau dros dro sy'n gofyn am awdurdodiad i gynnal digwyddiadau o'r fath y tu allan i'r ardal drwyddedig.

Fodd bynnag, mae'r Is-bwyllgor wedi cydnabod y pwynt dilys a wnaed gan Miss Walton, cwnsler deiliad y drwydded safle, mewn perthynas ag Atodiad 2, Adran d, Amod 1. Felly, mae o'r farn mai dim ond ar ôl 9pm y dylai'r gofyniad i gadw drysau a ffenestri ar gau fod yn berthnasol, pan fydd cerddoriaeth sy'n mynd drwy uchelseinydd yn cael ei chwarae. Ar ôl yr amser hwn, bydd yn rhaid i ddeiliad y drwydded naill ai ddefnyddio cerddoriaeth nad yw'n mynd drwy uchelseinydd neu weithredu mesurau diogelwch eraill o ran Covid. Mae'r Is-bwyllgor o'r farn bod hyn yn gydbwysedd rhesymol rhwng buddiannau cystadleuol y busnes a thrigolion lleol.

3. 2.00 Y.P. - CAIS I AMRYWIO TRWYDDDED SAFLE CLOCKWORK TAVERN, UNED 9, EASTGATE, LLANELLI SA15 3YF.

Rhoddodd Rheolwr y Gwasanaethau Cyfreithiol wybodaeth i bawb a oedd yn bresennol am y weithdrefn ar gyfer y cyfarfod a gynhaliwyd i ystyried cais a dderbyniwyd gan Scarlets Regional Limited am amrywio'r drwydded safle ar gyfer y Clockwork Tavern, Uned 9 Porth y Dwyrain, Llanelli. Roedd yr amrywiad yn ceisio caniatáu:

Cerddoriaeth wedi'i recordio: Dydd Gwener a dydd Sadwrn 08:00 - 02:00

Gwerthu Alcohol: Dydd Gwener a dydd Sadwrn 08:00 - 02:30

Dydd Sul Gŵyl y Banc, Noswyl Nadolig, Gŵyl San Steffan, Nos Galan a Dydd Calan os bydd y diwrnodau'n disgyn ar ddyddiau heblaw dydd Gwener a dydd Sadwrn – caniateir gwerthu alcohol tan 2.30 a.m.

Unrhyw beth sy'n debyg i Gerddoriaeth Fyw, Cerddoriaeth wedi'i Recordio neu Berfformiadau Dawns ar ddydd Gwener a dydd Sadwrn 08:00 – 02:00

Oriau Agor: Dydd Gwener a Dydd Sadwrn 08:00 – 03:00

Nododd yr Is-bwyllgor fod y dogfennau canlynol ynghlwm wrth yr adroddiad:-

Atodiad A – Copi o'r cais am amrywiad
Atodiad B – Sylwadau'r Awdurdod Trwyddedu
Atodiad C – Sylwadau'r Tîm Llygredd a Llesiant
Atodiad D – Sylwadau Heddlu Dyfed-Powys
Atodiad E – Sylwadau unigolion eraill
Atodiad F – Trwydded bresennol

Yn ogystal, roedd y wybodaeth atodol ganlynol wedi'i dosbarthu i bob parti cyn y cyfarfod:-

Tystiolaeth ategol yr ymgeisydd
Asesiad Risg

Cyfeiriodd yr Arweinydd Trwyddedu at ei adroddiad ysgrifenedig, fel y nodir yn Atodiad B, a dywedodd fod yr ymgeisydd, ar ôl derbyn y sylwadau yn Atodiadau B i E, wedi diwygio'r cais i ganiatáu:-

Cerddoriaeth wedi'i recordio: Dydd Gwener a dydd Sadwrn 08:00 – 01:00 (fel y mae ar hyn o bryd)

Gwerthu Alcohol: Dydd Gwener a dydd Sadwrn 08:00 – 02:00

Oriau Agor: Dydd Gwener a dydd Sadwrn 08:00 – 02:30

Manylwyd ar y diwygiad uchod yn Atodiad G i'r adroddiad ac nid oedd gweddill yr Awdurdodau Cyfrifol wedi gwneud unrhyw sylwadau arno.

Dywedodd yr Arweinydd Trwyddedu, gan ystyried y pwyntiau a godwyd yn ei adroddiad a sylwadau'r awdurdodau cyfrifol eraill / unigolion eraill, pe bai'r cais am

amrywiad yn cael ei ganiatáu, ei fod o'r farn y dylid ychwanegu'r amodau ychwanegol a gynigiwyd gan yr Heddlu at y drwydded safle.

Rhoddwyd cyfle i'r holl bartïon holi cynrychiolydd yr Awdurdod Trwyddedu ynghylch y sylwadau a wnaed.

Cyfeiriodd yr Arweinydd Llygredd a Llesiant at ei sylwadau ysgrifenedig, fel y nodir yn Atodiad C, a dywedodd, ar ôl cyflwyno'r cais diwygiedig i gadw chwarae cerddoriaeth wedi'i recordio yn y safle ar ddydd Gwener a dydd Sadwrn, fel y mae ar hyn o bryd, nad oedd ganddo wrthwynebiad i'r cais diwygiedig. Fodd bynnag, pe bai'r amrywiad yn cael ei ganiatáu, gofynnodd i'r Is-bwyllgor ystyried cynnwys 11 amod ychwanegol, fel y'u darllenwyd yn y cyfarfod.

Rhoddwyd cyfle i'r holl bartïon holi'r Arweinydd Llygredd a Llesiant ynghylch y sylwadau a wnaed.

Cyfeiriodd cynrychiolydd yr Heddlu at ei sylwadau ysgrifenedig, fel y nodir yn Atodiad D, yn manylu ar ymddygiad gwrthgymdeithasol yn yr ardal yn y gorffennol ac at eu pryderon y gallai agor y safle dan sylw yn hwyrach olygu bod gweithgareddau meddwol yn hwyr yn y nos yn dychwelyd. Er nad oeddent yn gwrthwynebu'r amrywiad, gofynnodd yr Heddlu am i'r 16 amod a awgrymwyd yn eu sylwadau gael eu hychwanegu at y drwydded safle i hybu'r Amcanion Trwyddedu.

Rhoddwyd cyfle i'r holl bartïon holi cynrychiolydd yr Heddlu ynghylch y sylwadau a wnaed.

Cafwyd sylwadau gan bobl eraill â diddordeb a oedd yn gwrthwynebu'r amrywiad am nifer o resymau. Roedd y rheiny'n cynnwys niwsans sŵn yn deillio o gerddoriaeth a chwaraeir yn y safle, ymddygiad gwrthgymdeithasol gan gwsmeriaid, gan gynnwys niwsans sŵn, ymladd ar y stryd, troethi a chwydu ar y stryd, anghysonderau honedig rhwng y cais a'r asesiad risg, amseroedd dechrau'r goruchwylydd drws a'r effaith ar fusnesau cyfagos fel y Travel Lodge. Roedd yr ardal i fod yn ardal sy'n addas i deuluoedd a byddai agor clwb nos yn y safle yn groes i'r ethos gwreiddiol y tu ôl i'w datblygiad. Roeddent hefyd yn pryderu y gallai'r profiadau uchod o ymddygiad gwrthgymdeithasol gynyddu yn sgil cynyddu oriau yfed y safle.

Rhoddwyd cyfle i'r holl bartïon holi'r cynrychiolwyr ynghylch eu sylwadau.

Dywedodd deiliad y drwydded safle wrth yr Is-bwyllgor, mewn ymateb i'r cwynion a dderbyniwyd, nad oedd yn ymwybodol o bryderon y trigolion tan ar ôl i'r cais am amrywiad gael ei gyflwyno. Cadarnhaodd, yn dilyn sylwadau gan yr Heddlu ac lechyd yr Amgylchedd, fod nifer o fesurau wedi'u cyflwyno i liniaru unrhyw effaith ar y trigolion yn sgil gweithrediad y Clockwork Tavern. Dywedodd hefyd nad oedd y cais, ac na fydd byth, yn ffordd o greu clwb nos. Roedd y Clockwork Tavern yn lleoliad byw a chanolfan adloniant a'i nod oedd denu cwsmeriaid dros 21 nad ydynt yn mynd i glybiau nos.

Rhoddwyd cyfle i'r holl bartïon holi deiliad y drwydded ynghylch y sylwadau a wnaed.

Amlinellodd cynrychiolydd lesddeiliaid y Clockwork Tavern delerau'r brydles i ddeiliad y drwydded safle a chadarnhaodd y byddai'r brydles yn cael ei dirymu pe bai unrhyw weithgaredd yn cael ei gyflawni yn groes i'r drwydded. Anogodd ethos o gyfathrebu a gofynnodd i'r cyhoedd godi unrhyw bryderon ynghylch gweithrediad y safle gyda hi.

Rhoddwyd cyfle i'r holl bartïon holi'r cynrychiolydd ynghylch y sylwadau a wnaed.

Ar hynny

PENDERFYNODD yr Is-bwyllgor YN UNFRYDOL gynnal sesiwn preifat er mwyn cael cyngor cyfreithiol yn unol â Pharagraff 16, Atodlen 12 i'r Ddeddf Llywodraeth Leol.

YN OGYSTAL, PENDERFYNWYD bod yr Is-bwyllgor, ar ôl iddo ystyried yr holl dystiolaeth a roddwyd ger ei fron, o'r farn y dylid gwrthod y cais am amrywiad ar gyfer y Clockwork Tavern.

RHESYMAU

Wrth benderfynu ar y cais, yr oedd y canlynol yn hysbys i'r Is-bwyllgor;

1. Cafodd y safle ei drwyddedu am y tro cyntaf yn 2011. Rhoddwyd y drwydded bresennol yn 2012. Roedd hyn ar sail awr derfynol o 1am ar ddydd Gwener a dydd Sadwrn ac y byddai'r safle'n fusnes sy'n darparu bwyd.
2. Ni fu unrhyw hanes blaenorol o weithgarwch gorfodi mewn perthynas â'r safle, ac eithrio cyflwyno hysbysiad gwella safle o ran Covid yn 2020.
3. Cafwyd cwynion gan drigolion a busnesau lleol am sŵn cerddoriaeth a chwsmeriaid o'r safle.
4. Mae trigolion wedi gweld cryn ymddygiad gwrthgymdeithasol gan gwsmeriaid y safle.
5. Profiad yr heddlu yn y gorffennol o leoliadau hwyr y nos yn y lleoliad hwn a lleoliadau eraill yn Llanelli yw eu bod yn ganolbwynt ar gyfer troseddu ac anhrefn sy'n gysylltiedig ag alcohol a niwsans cyhoeddus.
6. Mae'r ymgeisydd wedi lleihau'r oriau y gofynnwyd amdanynt i 1am ar gyfer adloniant rheoledig, 2am ar gyfer gwerthu alcohol a 3am ar gyfer cau'r lleoliad.
7. Mae'r safle yn agos i ardal sydd wedi ei chlustnodi yn natganiad polisi trwyddedu y Cyngor yn fan problemus o ran troseddu ac anhrefn sy'n gysylltiedig ag alcohol.

Mae'r Is-bwyllgor wedi rhoi pwys ar farn yr awdurdodau cyfrifol ac yn nodi'n benodol nad oes yr un ohonynt yn argymhell gwrthod y cais.

Mae'r 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 trwydded, lle nad oedd dystiolaeth o'r fath i'w hategu, yn faterion y gallant roi ystyriaeth briodol iddynt.

Yn yr achos hwn, mae'r Is-bwyllgor yn fodlon bod tystiolaeth wirioneddol y gall seilio ei benderfyniad arni. Yn benodol, mae o'r farn bod y dystiolaeth a roddwyd gan drigolion a busnesau lleol o ran effaith y safle hwn yn gredadwy ac yn gymhellol. At hynny, mae o'r farn bod y dystiolaeth hon yn cael ei chadarnhau gan y dystiolaeth a roddwyd gan yr Heddlu a gwasanaethau lechyd y Cyhoedd.

Mae'r Is-bwyllgor hefyd yn rhoi pwys ar farn yr Heddlu, yn seiliedig ar eu profiad proffesiynol, y byddai caniatáu'r cais yn debygol o gynyddu faint o droseddu ac anhrefn sy'n gysylltiedig ag alcohol a niwsans cyhoeddus sy'n gysylltiedig â'r safle.

Mae'r Is-bwyllgor wedi ystyried a ellid mynd i'r afael yn ddigonol â'r materion hyn drwy fabwysiadu cyfres gadarn o fesurau rheoli ac amodau trwydded. Fodd bynnag, ar sail y dystiolaeth a gyflwynwyd ger ei fron, nid yw'r pwyllgor yn fodlon bod amodau'r drwydded a gyflwynwyd yn ddigonol i fynd i'r afael â'r materion a nodwyd ac mae'n credu na fyddent yn ddigonol i hybu'r amcanion trwyddedu.

Felly, mae'r Is-bwyllgor yn fodlon y byddai caniatáu'r cais, hyd yn oed yn amodol ar amodau arfaethedig y drwydded, yn tanseilio'r amcanion trwyddedu o ran atal troseddu ac anhrefn ac atal niwsans cyhoeddus. Felly, mae'r Is-bwyllgor o'r farn bod gwrthod y cais yn ffordd briodol o hybu'r amcanion hynny ac yn ymateb cymesur i'r materion a nodwyd.

CADEIRYDD

DYDDIAD

PWYLLGOR TRWYDDEDU

15 RHAGFYR 2021

YN BRESENNOL: Y Cynghorydd E.G. Thomas (Cadeirydd)

Y Cynghorwyr:

J.M. Charles, P.M. Edwards, W.T. Evans, J.K. Howell, H.I. Jones, A.S.J. McPherson, B.D.J. Phillips, J.S. Phillips, J.E. Williams a D.E. Williams

Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:

J. Power, Uwch Swyddog Trwyddedu,
R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol,
E. Bryer, Swyddog Gwasanaethau Democrataidd,
R. Morris, Swyddog Cefnogi Aelodau,
S. Rees, Cyfieithydd Ar Y Pryd,
J. Owen, Swyddog Gwasanaethau Democrataidd [Cymerwr Cofnodion].

Rhith-Gyfarfod:- 10:00yb - 10:55yb

- [SYLWER: Dywedwyd wrth y Cadeirydd nad oedd y Gyrrwr mewn perthynas ag Eitem 7 ar yr Agenda yn bresennol felly newidiodd y Cadeirydd drefn yr agenda er mwyn ystyried Eitem 8, cyn Eitem 7. Fodd bynnag, er hwylustod cyfeirio mae'r cofnodion hyn yn adlewyrchu trefn y materion ar Agenda'r cyfarfod.]

1. YMDDIHEURIADAU AM ABSENOLDEB.

Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorwyr A. Fox a J. Jones. Cafwyd ymddiheuriadau hefyd gan Mr David Bizby, Cynrychiolydd Heddlu Dyfed Powys.

2. DATGANIADAU O FUDDIANNAU PERSONOL.

Y Cynghorydd	Rhif y Cofnod	Y Math o Fuddiant
H.I. Jones	Eitem 8 ar yr Agenda Cais am drwydded yrru ddeuol ar gyfer cerbyd hacnai/hurio preifat - Mr Emyr Wyn Davies	Mae'n adnabod y gyrrwr.

4. LLOFNODI YN GOFNOD CYWIR COFNODION CYFARFODYDD YR IS-BWYLLGORAU TRWYDDEDU A GYNHALIWDYD AR Y DYDDIADAU CANLYNOL:-

3.1. IS-BWYLLGOR TRWYDDEDU "A" A GYNHALIWDYD AR 16^{EG} TACHWEDD, 2021.

PENDERFYNWYD llofnodi bod cofnodion cyfarfod yr Is-bwyllgor Trwyddedu "A" oedd wedi ei gynnal ar 16 Tachwedd, 2021 yn gofnod cywir.

3.2. IS-BWYLLGOR TRWYDDEDU "B" A GYNHALIWYD AR 21^{AIN} MEDI, 2021

PENDERFYNWYD YN UNFRYDOL lofnodi cofnodion cyfarfod Is-bwyllgor Trwyddedu "B" a gynhaliwyd ar 21 Medi 2021, gan eu bod yn gywir.

4. LLOFNODI YN GOFNOD CYWIR COFNODION CYFARFOD Y PWYLLGOR TRWYDDEDU A GYNHALIWYD AR 23^{AIN} MEDI, 2021.

Tynnodd y Cadeirydd sylw at y ffaith bod yna ddyfyniad anghywir yn Eitem 14 y Cofnodion a oedd yn nodi:-

“Argymhellodd yr Uwch-swyddog Trwyddedu fod Mr. Alyufrus yn cael rhybudd terfynol ynghylch ei ymddygiad yn y dyfodol”

Dylai'r frawddeg ddarllen:-

“Argymhellodd yr Uwch-swyddog Trwyddedu fod cais Mr Alyufrus yn cael ei wrthod.”

PENDERFYNWYD YN UNFRYDOL, yn amodol ar y newid uchod, lofnodi cofnodion cyfarfod y Pwyllgor Trwyddedu a gynhaliwyd ar 23 Medi 2021, gan eu bod yn gywir.

5. ADOLYGIAD O UCHAFSWM TABL PRISIAU CERBYDAU HACNAI.

Bu'r Pwyllgor yn ystyried adroddiad a oedd yn darparu gwybodaeth am gais a dderbyniwyd i gynyddu uchafswm y tabl prisiau presennol ar gyfer cerbydau hacnai. Roedd y cais yn cynnig ailstrwythuro uchafswm y tabl prisiau presennol ar gyfer cerbydau hacnai fel a ganlyn:-

1. cynyddu'r tâl cychwynnol ar y mesurydd o £0.60c ar Dariff 1, Tariff 2, a Thariff 3.
2. cynyddu'r Taliadau Ychwanegol ar gyfer cerbydau sy'n cario 5-8 o deithwyr. Ar gyfer pob teithiwr sy'n fwy na PHEDWAR codi tâl o£1 am bob teithiwr (Ar gyfer Teithwyr 5-8). Mae hyn yn gynydd o £0.75 y pen.
3. cynyddu'r ffi halogi am faeddu'r Cerbyd i £60. Mae hwn yn gynydd o £10.00
4. cynyddu'r Ffi Archebu i £5.00 (os yw'r daith yn cychwyn mwy na 4 milltir o ganolfan y gweithredwr). Mae hyn yn gynydd o £2.00 ac mae hefyd yn newid pellter y daith o fwy na 5 milltir i fwy na 4 milltir.
5. Bydd y pris Tariff 1 ar y mesurydd yn cael ei ddyblu ar gyfer hurio sy'n cychwyn Ddydd Nadolig a Dydd Calan. Bydd hyn yn parhau a bydd yn seiliedig ar y tariff y cytunwyd arno ar gyfer Tariff 1.

Dywedwyd mai'r tro diwethaf y newidiwyd y tariff oedd mis Mai 2011 ac oherwydd yr argostau cynyddol a ysgwyddwyd gan y fasnach dacsis, derbyniwyd cais i gynyddu uchafswm y tabl prisiau presennol yn unol â Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976, Adran 65 Tabl Prisiau Cerbydau Hacnai

Rhoddodd yr Uwch Swyddog Trwyddedu fanylion am ystadegau a dangosyddion sy'n berthnasol i'r fasnach dacsis ers 2011 a oedd yn cynnwys y cynnydd mewn costau tanwydd, isafswm cyflog, premiymau yswiriant ac yn fwy diweddar y cynnydd yng nghostau cerbydau, cydrannau, nwyddau a gwasanaethau ers Brexit a'r Pandemig. Wrth ystyried y wybodaeth a ddarparwyd, dywedwyd bod y sefyllfa gyffredinol yn dangos gostyngiad ariannol clir ac amlwg yn y fasnach dacsis yn Sir Gaerfyrddin a oedd wedi bod yn gweithredu ar golled ers y cynnydd diwethaf yn 2011.

Bu'r Aelodau yn ystyried uchafswm y tabl prisiau presennol ar gyfer cerbydau hacnai a'r ailstrwythuro arfaethedig fel y nodwyd yn yr adroddiad.

Dywedwyd wrth yr Aelodau yr ymgynghorwyd â 550 o aelodau o'r fasnach dacsis yn Sir Gaerfyrddin ar uchafswm y tabl prisiau arfaethedig ar gyfer cerbydau hacnai, cafwyd 80 o ymatebion a dywedodd 79 ohonynt eu bod yn hapus â'r cynnydd arfaethedig yn y tariff. Yn ogystal, cafodd yr Aelodau ddiweddariad ar lafar o sylwadau'r ymatebwyr.

Cyfeiriwyd at yr ymatebion a gafwyd ynglŷn â'r gyfradd ar gyfer Noswyl Nadolig/Dydd Nadolig a Nos Galan/Dydd Calan. Mewn ymateb i ymholiad ynghylch diwygio'r tariff, dywedodd y Rheolwr Gwasanaethau Cyfreithiol a'r Uwch Swyddog Trwyddedu wrth y Pwyllgor na fyddai unrhyw welliannau yn ystod y cam hwn wedi'u cynnwys yn yr ymgynghoriad cychwynnol ag aelodau o'r fasnach dacsis felly, awgrymwyd y byddai'r ymgynghoriad cyhoeddus yn gyfle i aelodau'r cyhoedd a'r fasnach dacsis ddarparu unrhyw ddiwygiadau a awgrymir i uchafswm y tabl prisiau ar gyfer cerbydau hacnai drwy'r ymgynghoriad cyhoeddus. Yn unol â hynny, byddai canlyniadau'r ymgynghoriad cyhoeddus yn cael eu hadrodd i'r Pwyllgor maes o law.

Cafodd yr ymgeisydd gyfle i gyflwyno sylwadau o blaid ei gais o flaen y Pwyllgor.

PENDERFYNWYD YN UNFRYDOL

5.1 ad-drefnu uchafswm y tabl prisiau presennol ar gyfer teithiau Cerbydau Hacnai i ddarparu ar gyfer yr argostau cynyddol i berchenogion tacsis;

5.2 bod y diwygiadau i'r tabl prisiau presennol fel y nodir yn yr adroddiad yn cael eu cyhoeddi yn y papurau newydd lleol, gan roi 14 diwrnod i unrhyw unigolion i gyflwyno gwrthwynebiadau, yn unol ag Adran 65 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976. Os na fydd unrhyw wrthwynebiadau, caiff y tariffau eu rhoi ar waith

6. GORCHYMYN I'R CYHOEDD ADAEL Y CYFARFOD

PENDERFYNWYD YN UNFRYDOL, yn unol â Deddf Llywodraeth Leol 1972, fel y'i newidiwyd gan Orchymyn Llywodraeth Leol (Mynediad at Wybodaeth) (Amrywio) (Cymru) 2007, orchymyn i'r cyhoedd adael y cyfarfod tra oedd yr eitemau canlynol yn cael eu hystyried, gan fod yr adroddiadau'n cynnwys gwybodaeth eithriedig fel y'i diffiniwyd ym mharagraff 12 o Ran 4 o Atodlen 12A i'r Ddeddf.

7. TRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT - MR DANIEL JOHN VICTOR JOHNS.

Dywedwyd wrth y Pwyllgor nad oedd Mr Johns yn gallu mynychu'r cyfarfod oherwydd ymrwmiadau gwaith: -

PENDERFYNWYD mynd ymlaen i ystyried yr eitem ar yr agenda yn absenoldeb Mr John.

Rhoddwyd gwybod i'r Pwyllgor fod Mr Daniel John Victor Johns o 10 Ffordd y Road, Rhydaman, yn meddu ar Drwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat gan yr Awdurdod a bod mater wedi codi ynghylch ei drwydded.

Dywedodd yr Uwch-swyddog Trwyddedu wrth aelodau'r Pwyllgor am y materion a oedd wedi codi.

Argymhellodd yr Uwch-swyddog Trwyddedu fod cais Mr John yn cael ei ganiatáu a'i fod yn cael rhybudd ynghylch ei ymddygiad yn y dyfodol.

PENDERFYNODD Y PWYLLGOR YN UNFRYDOL, yn unol â chanllawiau'r Cyngor, fod Mr Daniel John Victor Johns yn cael rhybudd ynghylch ei ymddygiad yn y dyfodol.

8. CAIS AM DRWYDDED YRRU DDEUOL CERBYD HACNAI/HURIO PREIFAT - MR EMYR WYN DAVIES.

[SYLWER: Ar yr adeg hon, bu i'r Cynghorydd H.I. Jones ddatgan buddiant a gadawodd y cyfarfod tra oedd y Pwyllgor yn ystyried y mater a phenderfynu arno]

Bu'r Pwyllgor yn ystyried cais gan Mr Emyr Wyn Davies, 23 Heol Ffynnon Job, Caerfyrddin am Drwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat.

Bu'r Pwyllgor yn cyfweld â Mr Davies ynghylch ei gais.

Argymhellodd yr Uwch-swyddog Trwyddedu fod cais Mr Emyr Wyn Davies yn cael ei ganiatáu a'i fod yn cael rhybudd ynghylch ei ymddygiad yn y dyfodol.

PENDERFYNWYD YN UNFRYDOL ganiatáu cais Mr Emyr Wyn Davies am Drwydded Yrru Ddeuol ar gyfer Cerbyd Hacnai/Hurio Preifat a rhoi rhybudd iddo ynghylch ei ymddygiad yn y dyfodol.

CADEIRYDD

DYDDIAD

PWYLLGOR TRWYDDEDU**17 CHWEFROR 2022****ADOLYGIAD O'R POLISI HAPCHWARAE****ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:**

Atodir crynodeb o'r ymatebion i'r ymgynghoriad.

Argymhellir :-

- Bod y Polisi Hapchwarae diwygiedig yn cael ei gymeradwyo.

RHESYMAU:

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

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol

Amherthnasol

Angen i'r Cabinet wneud penderfyniad

Oes 28ain o Chwefror 2022

Angen i'r Cyngor wneud penderfyniad

Oes 9fed o Fawrth 2022

Aelod y Cabinet sy'n Deiliad y Portfolio:

Cynghorydd P.M. Hughes (Deiliad Portffolio Diogelu'r Cyhoedd)

Y Gyfarwyddiaeth:

Cymunedau

Enw Pennaeth y Gwasanaeth

Mr Jonathan Morgan

Swydd:

Pennaeth Cartrefi a Chymunedau

Mwy Diogel

Awdur yr Adroddiad

Emyr Jones

Arweinydd Trwyddedu

Rhifau Ffôn:

Cyfeiriadau E-bost:

01554 899285

jmorgan@sirgar.gov.uk

01267 228717

eorjones@sirgar.gov.uk

EXECUTIVE SUMMARY

LICENSING COMMITTEE 17TH FEBRUARY 2022

REVIEW OF GAMBLING POLICY

Context

The current Gambling Policy was adopted by the authority in December 2018. 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 25th of October 2021 and finished on the 21st of November 2021. 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, Mid and West Wales Fire and Rescue Service, Gambling Commission, Environmental Health (Pollution Section), Planning Authority, HMRC, Children Services.

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 access to gaming machines by under 18's in alcohol licensed premises and improvements to supervision arrangements and staff training are required.

The authority's licensing section in conjunction with the council's legal department have reviewed the policy document in light of the consultation responses. The authority has liaised closely with the Gambling Commission, including hosting a virtual meeting with a representative 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 change to Gambling Policy document include :-

1. Section 21 of the Gambling Policy relating to licensed premises gaming machine permits has been updated to reflect the results of the test purchasing exercise undertaken in 2019.(Page 31)
2. Section 23 of the Gambling Policy relating to Club Gaming Machine Permits has also been updated with good practice advice following the test purchase exercise in 2019.(Page 33)

A revised gambling policy document, incorporating amendments to reflect the relevant consultation responses is attached.

REPORT ATTACHED?

YES:

Gambling Policy
Consultation report

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: Jonathan Morgan

Head of Homes and Safer Communities

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	NONE	NONE	NONE	NONE	NONE

1. Policy, Crime & Disorder and Equalities

The proposed amendments to the Gambling Policy promote the prevention of crime and disorder. The Policy complies with the Authority's duty under section 17 of the Crime and Disorder Act.

An Equalities impact assessment has been undertaken and no negative impacts have been identified.

Legal

Legal services are satisfied that the proposed amendments comply with the Gambling Act 2005 and the statutory guidance issued by the Gambling Commission.

CONSULTATIONS

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

Signed: Jonathan Morgan

Head of Homes and Safer Communities

1. Scrutiny Committee - N/A

2. Local Member(s)

Local Members were consulted through correspondence.

3. Community / Town Council

Town and Community Councils were consulted through correspondence.

4. Relevant Partners

Relevant partners were consulted through correspondence and consultation meetings.

5. Staff Side Representatives and other Organisations - N/A

**CABINET MEMBER PORTFOLIO
HOLDER AWARE/CONSULTED**

YES

The cabinet members comments are incorporated within the analysis report.

**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
Consultation Responses	Review of Gambling Policy 2021	3, Spilman Street, Carmarthen
Gambling Commission Guidance	Review of Gambling Policy 2021	3, Spilman Street, Carmarthen

Mae'r dudalen hon yn wag yn fwriadol

Gambling Policy

Gambling Act 2005

2021

carmarthenshire.gov.wales

Cyngor **Sir Gâr**
Carmarthenshire
County Council



Tudalen 29

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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

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 applications 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.

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 6th 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

21.1 Based on experience of a test purchase exercise undertaken at licensed premises in 2019 which resulted in a 100% failure rate premises licence holders are strongly advised to review and improve their staff training and the supervision of gaming machines in order to protect children from gambling harm.

Gaming Machines -Automatic Entitlement

21.2 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.

21.3 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.

21.4 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.

21.5 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.

21.6 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.

21.7 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.

21.8 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 Machine Permits

23.1 Based on experience of a test purchase exercise undertaken at licensed premises in 2019, which resulted in a 100% failure rate at those premises, members clubs are strongly advised to review and improve their staff training and the supervision of gaming machines in order to protect children from gambling harm.

23.2 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.

23.3 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.

23.4 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".

23.5 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."

23.6 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.

23.7

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 for 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.

APPENDIX A 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

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel No. 0121 230 6666

e-mail: 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

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

e-mail: 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

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

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

County Commander
Mid and West Wales Fire and Rescue Service
Carmarthenshire Command HQ
Lime Grove Avenue

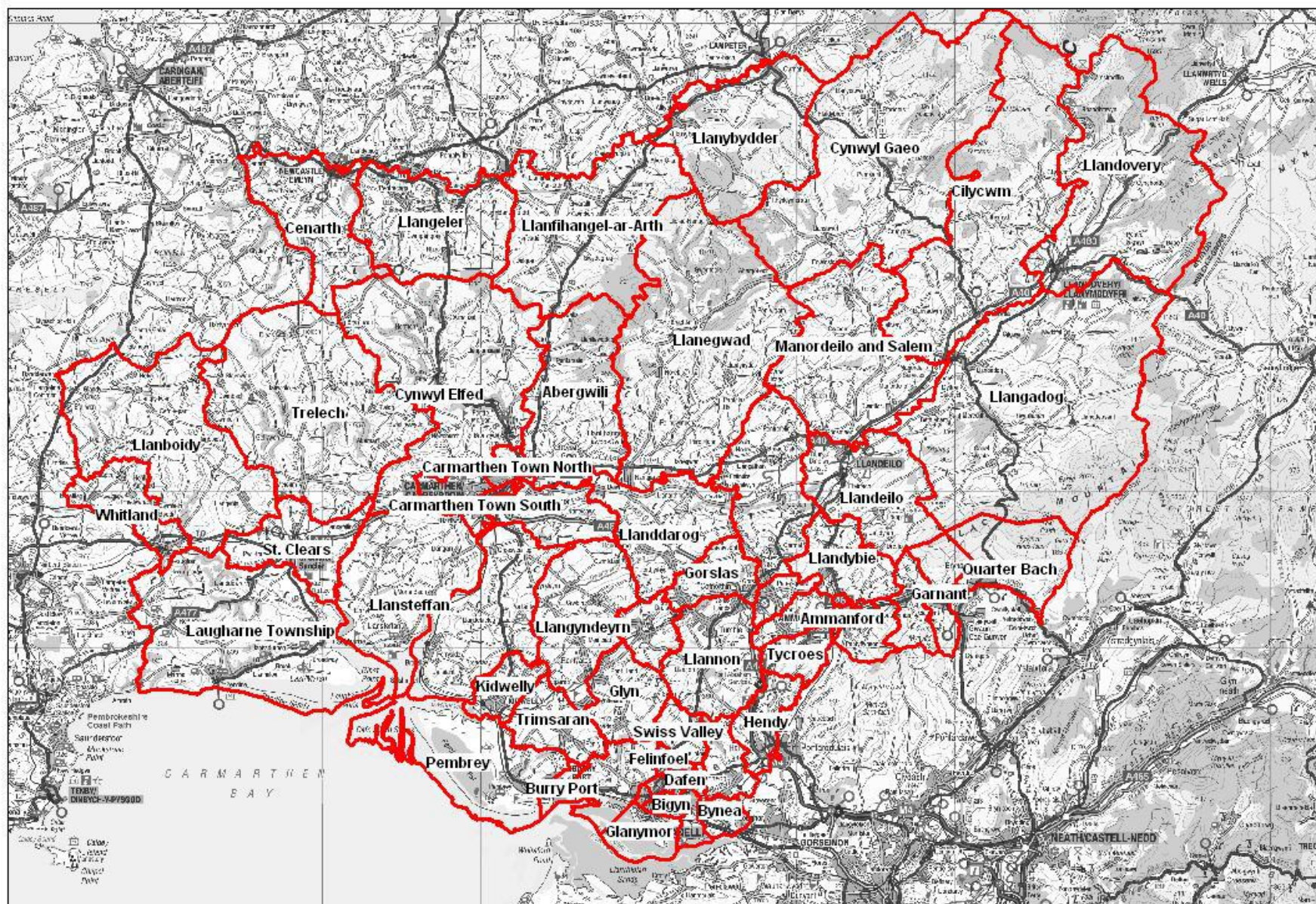
Carmarthen
Carmarthenshire
SA31 1SP

Tel No. 0870 6060699
e-mail : Mail@Mawwfire.gov.uk

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

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



Review of Gambling Policy

Consultation Report

2021

carmarthenshire.gov.wales

Cyngor **Sir Gâr**
Carmarthenshire
County Council



Tudalen 71

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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 five week consultation (25th October to 21st November 2021) 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 2018.

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 the Executive Board in February 2022 before going to full Council in March 2022.

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 Police
- the fire authority
- 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.

Survey

Surveys are a cost-effective method for finding out stakeholders' views and can be administered in a variety of different ways. An electronic 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. In addition to listed statutory consultees, links to the survey were circulated to members of the aging well 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 **72 submissions**, covering a wide section of the community. The table presented below provides a breakdown of the composition of respondents. Some have responded in a number of capacities, therefore the table presented below contains 86 responses.

Are you responding as a... (Multiple choice question)		
Member of the Public	26	37%
Premises licence holder	15	21%
Other	11	16%
Personal licence holder	9	13%
Gambling premises licence holder	5	7%
Gambling permit holder	5	7%
Club premises certificate holder	5	7%
Body representing licence holders / clubs	5	7%
Local business	4	6%
Body/ Person representing members of the Public (e.g. County councillors; Town & Community Council)	1	1%

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.

Postcode*	Number of responses (/47)
SA14	6
SA15	11
SA16	2
SA17	1
SA18	5
SA20	1
SA31	10
SA32	3
SA33	3
SA34	5

*Note Postcode areas seen in Appendix B.

Other

Carmarthenshire's Licensing Section convened a meeting 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**)

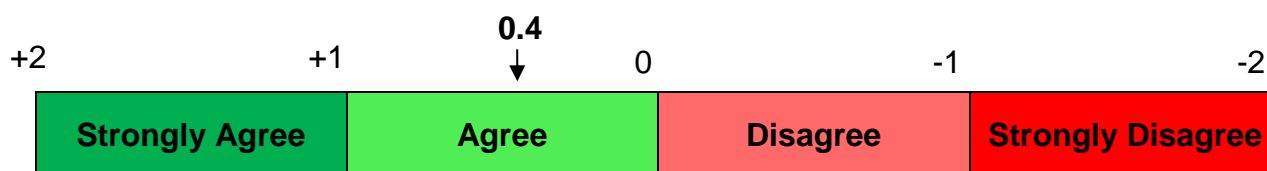
3 agree (each response worth 1, so=**3**)

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: $4 \div 10 = \mathbf{0.4}$

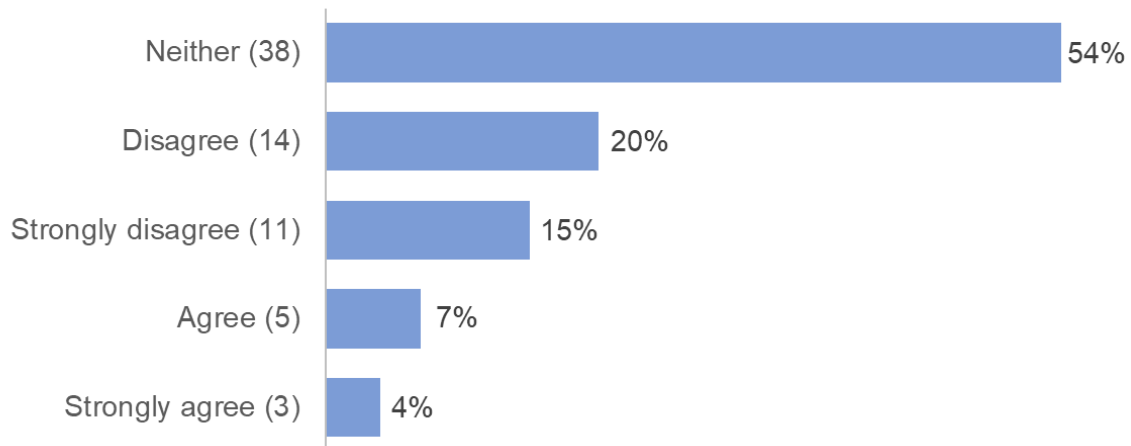


Respondents were asked to indicate the extent to which they agreed or disagreed with a series of statements about gambling – designed to produce information on the gambling-related problems across Carmarthenshire. A likert scale was used, with 'strongly agree' and 'strongly disagree' as response anchors.

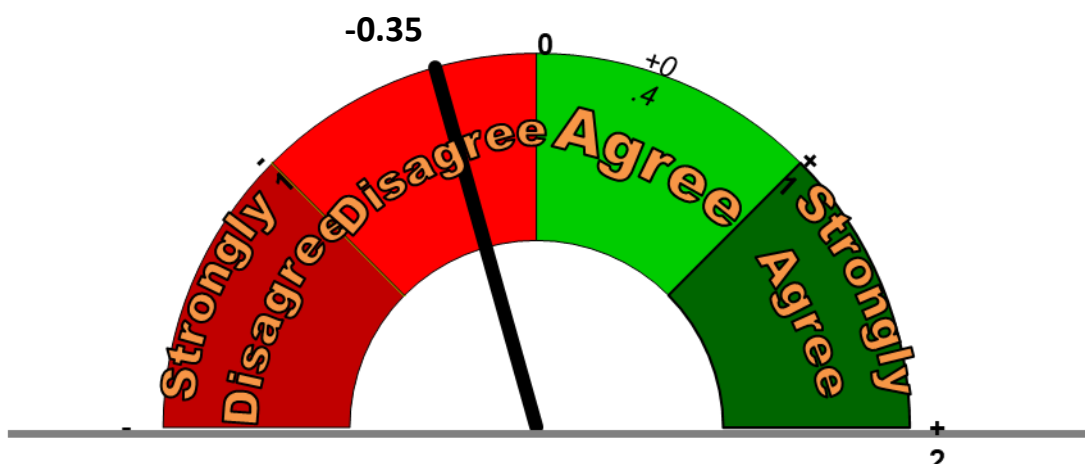
1. *There are gambling related problems in my area.*

Firstly, 36% of respondents disagreed (20% disagree; 16% strongly disagree) that there were **gambling-related problems in their area**. 54% 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 only 11% of respondents agreed with the statement with 4% of these participants strongly agreeing.

1. There are gambling related problems in my area.



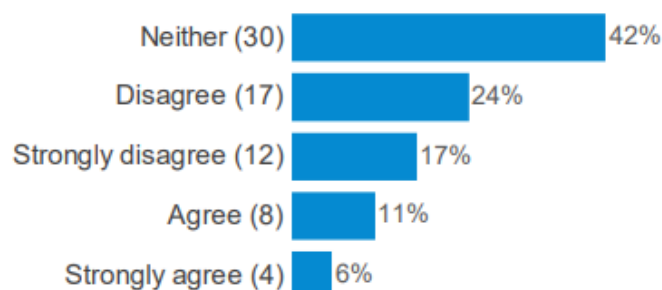
That the majority do not consider gambling-related problems to be an issue in their area is borne out by a negative Average Index Score (AIS) of **-0.35** (plotted below).



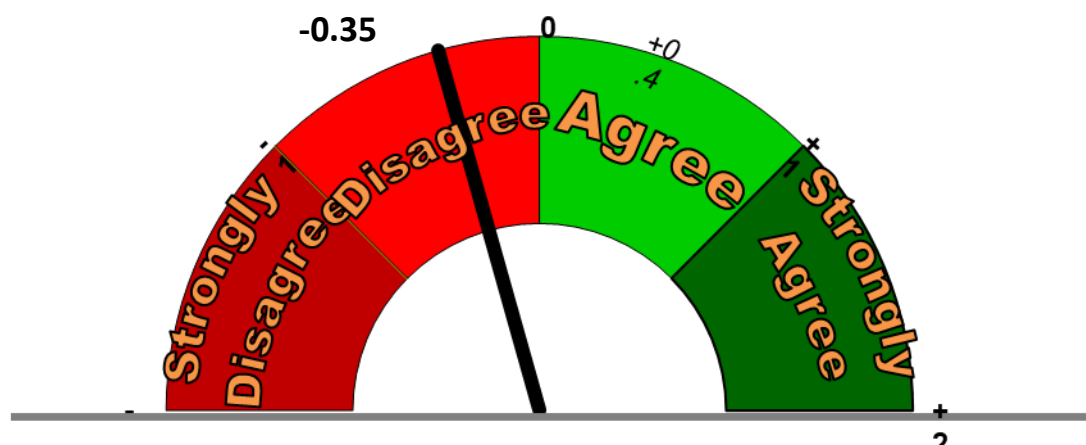
2. *Access to gambling by children, young people and other vulnerable persons is a problem in my area*

Next, 41% of respondents disagreed (24%) or strongly disagreed (17%) that **access to gambling by children and young people was a problem in their area**. Contrastingly, 11% agreed with this statement and 6% 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.

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



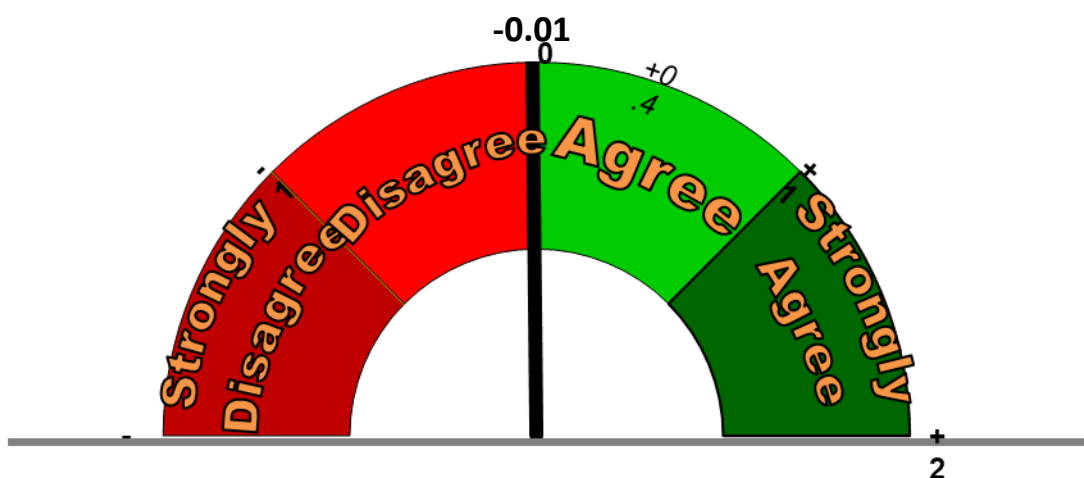
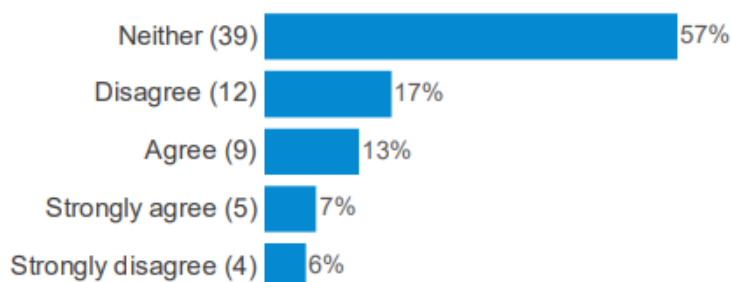
An Average Index Score of -0.35 confirms this result, with a score in the 0 – -1 range indicating disagreement.



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

It was seen that 57% (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. Additionally, 20% of respondents agree (Strongly agreed 7%; agreed 13%) with this statement. Moreover it was seen that 23% participants disagreed (6% strongly disagree; 17% disagree).

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



An Average Index Score of -0.01 suggests, overall, respondents neither agreed or disagreed 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 graph below shows that the majority of respondents (n=69; 97%) are unaware of any problems which have occurred as a result of gambling premises being located in close proximity to sensitive buildings. Only two people responded that they were aware of problems which have occurred.

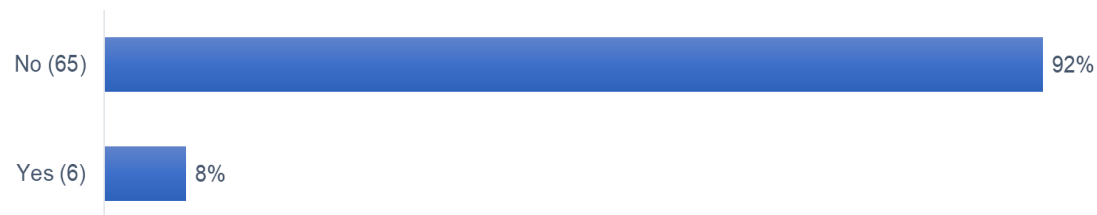
4. Are you aware of any problems that have occurred as a result of gambling premises being located in close proximity to sensitive buildings e.g. schools, sixth form colleges, children's play areas, treatment centres for drug, alcohol and other addictions?



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, 92% (N=65) 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=6) noted that they have experiences problems due to gaming machines being made available to the public.

5. Are you aware of any premises where problems have occurred as a result of 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 11	Question 6 I think it's important to recognise establishments that are well run and which keep a close eye on any gambling activities, ensuring that children do not have access to gaming machines. We consider ourselves to be such an establishment, as we do not rely on gambling as our main source of revenue. For this club, it is a sideline because our members want to play bingo and some of them also enjoy our various gaming machines. We tend to have an older clientele who would not otherwise be able to enjoy the social aspect of a game of bingo in a friendly, small scale environment. We strongly believe that a club like our should not be penalised simply because other forms of gambling cause problems.	Noted	No Change required to policy	No Change

Respondent 29	<p>Question 6</p> <p>Monitoring adverts online and aimed at young adults and children</p>	Noted	No change required to policy	No power to control advertising online. Online gambling controlled by the Gambling Commission.
Respondent 38	<p>Question 1</p> <p>The are about the same number of betting shops in the town centre as public houses. The hours of opening are quite late and there is often parking issues in Caersalem terrace due to people placing bets late in the evening.</p> <p>Question 6</p> <p>The number of "gambling" outlets needs to be reduced, similarly the number of street side advertising. Llanelli has significant social issues and reducing the presence may prevent a recovering gambling addict being tempted back</p>	<p>Noted</p> <p>Noted</p>	<p>No change required to policy</p> <p>No change required to policy</p>	<p>Cannot limit number of premises.</p> <p>Cannot limit number of premises.</p>

Respondent 43	Question 6 Keep your noses out of peoples lives. Got nothing to do with you	Noted	No change required to policy	No Change
Respondent 51	Question 3 Online ability through phones	Noted.	No change required to policy	No power to control advertising online. Online gambling controlled by the Gambling Commission.
Respondent 54	Question 6 More accessible places for people to get support for gambling addiction. I am 24 yrs old, and have friends who gamble - they never go into any betting shops, all online/on app. Need to have more accessible and local places for them to get support.	Noted.	No change required to policy	No power to control advertising online. Online gambling controlled by the Gambling Commission.
Respondent 58	Question 3 This is an online problem and not specific to the locality. Nor is it anything that one can hold the Local Authority responsible for.	Noted	No change required to policy	No Change

	As with so many issues this is an question of balance. It must be considered that Gambling does provide much needed income for the country as well as providing an element of fun when handled correctly, an element of life that has been sorely lacking in recent years. However, there is no question that the ease of access to gambling does create problems although I believe that this is mainly due to online presence and apps rather than anything the Council has much control over.			
Respondent 66	<p>Question 1 Lots of betting shops</p> <p>Question 2 Some pubs etc have fruit machines in communal areas that aren't monitored such as entrance halls - children could access these without being stopped</p>	<p>Noted</p> <p>Noted</p>	<p>No change required to policy</p> <p>The Policy document has been amended to include further strong advice regarding the supervision of gaming machines</p>	<p>Cannot limit number of premises.</p> <p>Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need to improve staff training and the supervision of gaming machines.</p>
Respondent 67	<p>Question 2 I am a Trading Standards Officer in Carmarthenshire and undertook a an under age test purchasing survey in Oct 2019. In total, 17 premises from</p>	Noted	The Policy document has been amended to reflect the findings of the test purchasing exercise undertaken at licensed	Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need

	across the county were visited with a 100% failure rate, with no challenge made of the young volunteers.		Premises in 2019 and includes a statement strongly advising operators to improve staff training and the supervision of gaming machines to protect children from harm through gambling.	to improve staff training and the supervision of gaming machines.
Respondent 68	<p>Question 1</p> <p>lots of betting shops in small area</p> <p>Question 2</p> <p>lots of fruit machine in some places not supervised - could be an issue</p> <p>Question 4</p> <p>station road as an example - drug rehab place & 'half way house' in old Vista Lounge - within stones throw of several 'bookies'!</p> <p>Question 6</p> <p>encourage schools to do a session on the dangers of gambling? they concentrate on drugs, smoking etc but maybe gambling should be included</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>No change required to policy</p> <p>The Policy document has been amended to include further strong advice regarding the supervision of gaming machines</p> <p>No change required to policy</p> <p>No change required to policy</p>	<p>Cannot limit number of premises.</p> <p>Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need to improve staff training and the supervision of gaming machines.</p> <p>Each application considered on their individual merits.</p> <p>Not within the scope of the Gambling Policy</p>

Respondent 70	<p>Question 6</p> <p>While physical gambling premises can be regulated locally the real issue is with the online gambling companies. While Carmarthenshire County Council can't influence policy making in regard to these establishments regrettably this is where the root of the problem lies and more actions in the form of advertising restrictions and controls are needed as well as spending caps.</p>	Noted	No change required to policy	Not within the scope of the Gambling Policy
Respondent 71	<p>Question 6</p> <p>The licensing authority undertook an underage test purchase exercise in October 2019, looking at access to gaming machines in licensed premises by persons under the age of 18. All 17 premises tested failed the exercise and were required to review and improve their staff training and supervision of Gaming Machines at the premises.</p>	Noted	The Policy document has been amended to reflect the findings of the test purchasing exercise undertaken at licensed Premises in 2019 and includes a statement strongly advising operators to improve staff training and the supervision of gaming machines to protect children from harm through gambling.	Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need to improve staff training and the supervision of gaming machines.

Respondent 72	<p>Question 2</p> <p>The issue I have found is that we need to improve the supervision of Gaming Machines located within premises. Once these machines have been installed, the supervision especially towards young people is poor. The age verification systems can only be described as poor</p>	Noted	<p>The Policy document has been amended to reflect the findings of the test purchasing exercise undertaken at licensed Premises in 2019 and includes a statement strongly advising operators to improve staff training and the supervision of gaming machines to protect children from harm through gambling.</p>	<p>Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need to improve staff training and the supervision of gaming machines.</p>
	<p>Question 6</p> <p>As I have previously alluded to, I am aware of test purchases being conducted within Carmarthenshire during 2019. I was very disappointed at the results and the failure rates whereby such a high proportion of children were allowed access to Gaming Machines at various premises without any form of challenge regarding their ages. It was quite apparent that there was simply very little supervision of the gaming machines at the premises. Whilst there was and is no evidence of a gambling problem in the area, these premises</p>	Noted	As above	As above

	<p>need to vastly improve their supervision and challenging mechanisms. My Organisation together with the Licensing Department need to work closely with Licensed Premises which have Gaming Machines in order to improve the age verification process. this can be done through visits, campaigns, education etc. in order to improve the situation.</p>			
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4) SUMMARY – KEY CHANGES TO THE GAMBLING POLICY

1. New paragraph inserted into section 21 (Licensed Premises Gaming Machine Permits) strongly advising licensees to improve staff training a supervision of gaming machines.
2. New paragraph inserted into section 23 (Club Gaming and Club Machine Permits) strongly advising members clubs to review and improve staff training and the supervision of gaming machines.



Gambling Act 2005 - Review of Gambling Policy Consultation Document 2018

Part 1 - About You

Are you responding as a...

- Gambling premises licence holder
- Gambling permit holder
- 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 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	20	39
9	31	40
14	32	44
15	33	48
16	34	66
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

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:

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:

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
contacted

No - I do not wish to be

How we will use your information

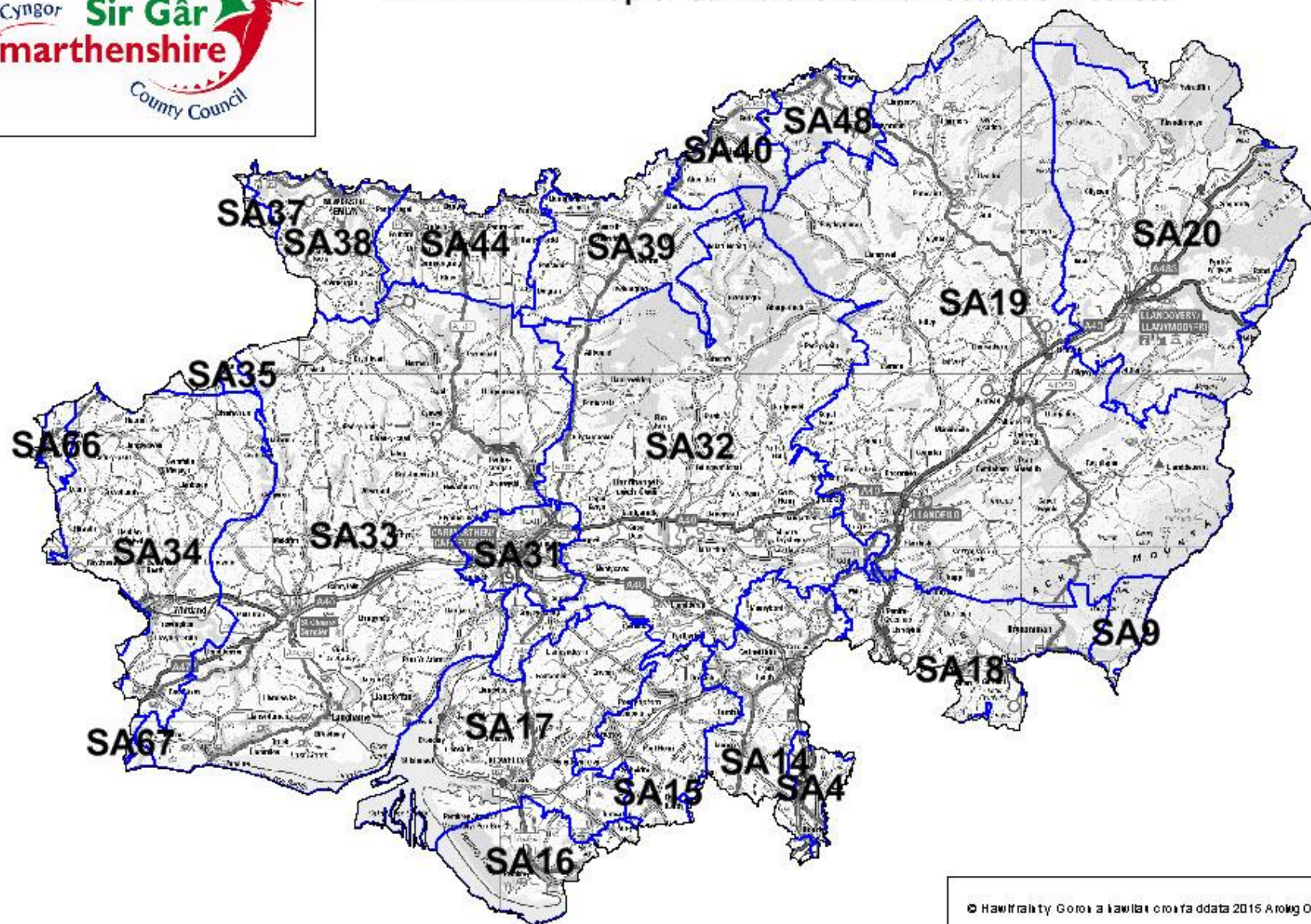
We are collecting personal data about you on this form to comply with requirements in the Gambling Act 2005 on carrying out consultations.

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



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Mae'r dudalen hon yn wag yn fwriadol