

At: Aelodau'r Pwyllgor Trwyddedu

Dyddiad: 22 Mehefin 2017

Rhif Union: 01824 712568

ebost: democrataidd@sirddinbych.gov.uk

Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR TRWYDDEDU, DYDD MERCHER, 28 MEHEFIN 2017** am **9.30 am** yn **SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN.**

Yn gywir iawn

G Williams

Pennaeth Gwasanaethau Cyfreithiol a Democrataidd

AGENDA

RHAN 1 - GWAHODDIR Y WASG A'R CYHOEDD I DDOD I'R RHAN HON O'R CYFARFOD

1 YMDDIHEURIADAU

2 PENODI CADEIRYDD

Penodi Cadeirydd y Pwyllgor Trwyddedu ar gyfer y flwyddyn i ddod.

3 PENODI IS-GADEIRYDD

Penodi Is-Gadeirydd y Pwyllgor Trwyddedu ar gyfer y flwyddyn i ddod.

4 DATGANIADAU O FUDDIANT (Tudalennau 7 - 8)

Dylai'r Aelodau ddatgan unrhyw gysylltiad personol neu gysylltiad sy'n rhagfarnu ag unrhyw fater a nodwyd yn un i'w ystyried yn y cyfarfod hwn.

5 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Rhybudd o eitemau y dylid, ym marn y Cadeirydd, eu hystyried yn y cyfarfod fel materion bryd yn unol ag Adran 100B (4) Deddf Llywodraeth Leol, 1972.

6 COFNODION Y CYFARFOD DIWETHAF (Tudalennau 9 - 20)

Derbyn -

(a) cofnodion y Pwyllgor Trwyddedu a gynhaliwyd ar 8 Mawrth 2017 (copi wedi'i amgáu), a

(b) chofnodion y Pwyllgor Trwyddedu Arbennig a gynhaliwyd ar 5 Ebrill 2017 (copi wedi'i amgáu).

7 ADOLYGU – DEDDF GAMBLO 2005 DATGANIAD O EGWYDDORION (Tudalennau 21 - 64)

I ystyried adroddiad gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (copi wedi'i amgáu) yn cyflwyno Datganiad o Egwyddorion drafft y Cyngor (Deddf Gamblo 2005), i'w ystyried a'i gymeradwyo ar gyfer ymgynghori.

8 ADOLYGU'R POLISI SEFYDLIADAU RHYW (Tudalennau 65 - 66)

I ystyried adroddiad gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (copi wedi'i amgáu), yn diweddarau aelodau ar adolygu'r Polisi Sefydliadau Rhyw.

9 ADOLYGU'R POLISI MASNACHU AR Y STRYD (Tudalennau 67 - 68)

Ystyried adroddiad gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (copi wedi'i amgáu), yn diweddarau aelodau o'r cynnydd mewn perthynas ag adolygiad o bolisi presennol masnachu ar y stryd yn Sir Ddinbych.

10 RHAGLEN GWAITH Y PWYLLGOR TRWYDDEDU (Tudalennau 69 - 72)

Ystyried adroddiad gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (copi'n amgaeedig) yn cyflwyno rhaglen gwaith i'r dyfodol y pwyllgor i'w chymeradwyo.

RHAN 2 – EITEMAU CYFRINACHOL

Argymhellir yn unol ag Adran 100A(4) Deddf Llywodraeth Leol 1972 y dylid gwahardd y Wasg a'r Cyhoedd o'r cyfarfod tra bydd yr eitemau busnes canlynol yn cael eu hystyried, oherwydd ei bod yn debygol y bydd gwybodaeth eithriedig, fel y diffinnir ym Mharagraff 12 a 14 Rhan 4 Atodlen 12A y Ddeddf, yn cael ei datgelu.

11 CAIS AM DRWYDDED I YRRU CERBYD HACNI A CHERBYDAU HURIO PREIFAT – YMGEISYDD RHIF 517116 (Tudalennau 73 - 88)

Ystyried adroddiad cyfrinachol gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (copi wedi'i amgáu) yn gofyn i aelodau benderfynu ar gais gan Ymgeisydd Rhif 517116.

12 ADNEWYDDU CAIS AM DRWYDDED I YRRU CERBYD HACNI A CHERBYDAU HURIO PREIFAT - RHIF YMGEISYDD 518819 (Tudalennau 89 - 100)

Ystyried adroddiad cyfrinachol gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (copi wedi'i amgáu), yn gofyn i aelodau benderfynu ar adnewyddu cais gan Ymgeisydd Rhif 518819.

13 GOLLYNGIAD O'R GOFYNIAD I ARDDANGOS PLATIAU TRWYDDED CERBYDAU HURIO PREIFAT (1) (Tudalennau 101 - 118)

I ystyried adroddiad cyfrinachol gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (copi wedi'i amgáu), yn gofyn am benderfyniad yr aelodau ynghylch cais am ollyngiad o'r gofyniad i arddangos platiau trwydded ar ddau gerbyd hurio preifat.

14 GOLLYNGIAD O'R GOFYNIAD I ARDDANGOS PLATIAU TRWYDDED CERBYDAU HURIO PREIFAT (2) (Tudalennau 119 - 130)

I ystyried adroddiad cyfrinachol gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (copi'n amgaeedig) yn gofyn am benderfyniad yr aelodau ynghylch cais am ollyngiad o'r gofyniad i arddangos platiau trwydded ar gerbyd hurio preifat.

AELODAETH

Y Cynghorwyr

Joan Butterfield
Hugh Irving
Alan James
Brian Jones
Barry Mellor

Melvyn Mile
Arwel Roberts
Peter Scott
Rhys Thomas
Huw Williams

COPIAU I'R:

Holl Gynghorwyr er gwybodaeth
Y Wasg a'r Llyfrgelloedd
Cynghorau Tref a Chymuned

Mae tudalen hwn yn fwriadol wag

**PWYLLGOR TRWYDDEDU
GWEITHDREFN ER MWYN PENDERFYNU AR GEISIADAU AM
DRWYDDEDAU GYRWYR CERBYDAU HACNI A CHERBYDAU HURIO
PREIFAT AC ADOLYGU GYRWYR TRWYDDEDIG PRESENNOL**

CAM	DISGRIFIAD
1.	Dylai'r Cadeirydd groesawu a chyflwyno'r ymgeisydd/deilydd y drwydded i bawb sy'n bresennol.
2.	Dylai'r Cyfreithiwr ofyn i'r ymgeisydd/deilydd y drwydded i gadarnhau ei fod/bod wedi derbyn yr adroddiad a gweithdrefnau'r Pwyllgor. Os yw'r ymgeisydd yn ateb yn gadarnhaol, dylid symud ymlaen at gam 4.
3.	Pe digwydd i'r ymgeisydd/deilydd y drwydded ddweud nad yw wedi derbyn yr adroddiad, yna dylid cyfarch y mater yn awr. Gallai'r Aelodau fod eisiau ystyried gohirio'r mater, am gyfnod byr, er mwyn i'r ymgeisydd/deilydd y drwydded gael cyfle i ddarllen yr adroddiad.
4.	Dylai Pennaeth Cynllunio a Diogelu'r Cyhoedd (neu gynrychiolydd ar ei ran) gyflwyno'r cais/adolygiad yn fras
5.	Gofynnir i'r ymgeisydd/deilydd y drwydded gyflwyno ei achos/hachos Gall yr ymgeisydd/deilydd y drwydded alw unrhyw dyst y mae'n eu dewis i gefnogi ei gais/chais, a dylid rhoi rhybudd ymlaen llaw i'r Swyddogion Trwyddedu ynglŷn â hynny.
6.	Gall Aelodau'r Pwyllgor holi'r ymgeisydd/deilydd y drwydded ac /neu ei dystion ei thystion.
7.	Gwahoddir swyddogion technegol i gyflwyno unrhyw ganfyddiadau (Gorfodaeth Trwyddedu/Cymunedol, Tîm Cyswllt Cyntaf (y Gwasanaethau Cymdeithasol), Cludiant Ysgolion.)
8.	Gall Aelodau'r Pwyllgor ac yna'r ymgeisydd/deilydd y drwydded ofyn cwestiynau i'r swyddogion technegol
9.	Gwahoddir yr ymgeisydd/deilydd y drwydded i gyflwyno sylwadau i gloi, os ydynt yn dymuno gwneud hynny.
10.	Gofynnir i'r canlynol adael y cyfarfod tra trafodir y cais/yr adolygiad gan yr Aelodau - yr ymgeisydd/deilydd y drwydded, pob trydydd parti, Pennaeth Cynllunio a Diogelu'r Cyhoedd, swyddogion technegol. DS yr unig rai a ddylai fod yn weddill yw – Aelodau'r Pwyllgor, cyfieithydd, cynghorydd cyfreithiol y pwyllgor a'r sawl sy'n cymryd y cofnodion.

11.	Dylai aelodau'r pwyllgor roi ystyriaeth i'r cais/adolygiad gan roi cyfrif am y dystiolaeth a glywyd.
12.	Pe bai'n angenrheidiol i Aelodau'r Pwyllgor alw unrhyw barti yn eu holau i'w holi neu i ofyn iddynt ddarparu rhagor o wybodaeth neu egluro rhywbeth, gwahoddir pawb a fydd wedi ymneilltuo o'r cyfarfod yn eu holau. Wedi i'r cwestiwn (cwestiynau) gael eu hateb gofynnir i bob trydydd parti ymneilltuo unwaith eto er mwyn i'r Aelodau gael ystyried y dystiolaeth i gyd.
13.	Pan fo'r Aelodau wedi dod i benderfyniad, gelwir yr holl bartïon yn eu holau a chaiff yr ymgeisydd/deilydd y drwydded wybod beth yw penderfyniad yr Aelodau gan y Cadeirydd.
14.	Bydd y Cadeirydd yn rhoi gwybod i'r ymgeisydd/deilydd y drwydded o'r penderfyniad y daethpwyd iddo. Bydd hyn yn cynnwys unrhyw amodau neu gosbau sydd wedi eu gosod. Os oes angen, dylai Cyfreithiwr y Cyngor gyflwyno eglurhad pellach ynglŷn â'r penderfyniad a'i oblygiadau i'r ymgeisydd/deilydd y drwydded.
15.	Os mai'r penderfyniad yw gwrthod neu os oes penderfyniad i atal neu ddirymu, dylai Cyfreithiwr y Cyngor roi gwybod i'r ymgeisydd/deilydd y drwydded am yr hawl i apelio i Lys Ynadon (bydd y llythyr penderfyniad hefyd yn cynnwys y manylion hyn).
16.	Ar gyfer gyrrwr sydd eisoes wedi ei drwyddedu (a bod y drwydded wedi ei rhoi gan Sir Ddinbych), a bod penderfyniad y Pwyllgor yn ymwneud ag atal neu ddirymu'r drwydded bresennol, gall yr Aelodau wneud hynny naill ai o dan: 1. Adran 61 (2A) Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976. 2. Adran 61 (2B) Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976. Daw'r penderfyniad hwn i rym YN SYTH ac ni ellir ei ddefnyddio ond pan fo'r sail dros atal/dirymu yn fater sy'n ymwneud â diogelwch y cyhoedd. Bydd y Cyfreithiwr yn esbonio goblygiadau'r penderfyniad wrth ddeilydd y drwydded.
17.	Caiff yr ymgeisydd/deilydd y drwydded ei hysbysu o'r penderfyniad yn ysgrifenedig cyn gynted ag y bo'r ymarferol bosibl.
18.	Caiff yr ymgeisydd/deilydd y drwydded ei wahodd/gwahodd i drafod unrhyw fater y mae'n ansicr yn ei gylch gyda Swyddogion Trwyddedu yn dilyn y Pwyllgor.

DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,
(enw)

*Aelod /Aelod cyfetholedig o
(*dileuer un)

Cyngor Sir Ddinbych

YN CADARNHAU fy mod wedi datgan buddiant ***personol / personol a sy'n rhagfarnu** nas datgelwyd eisoes yn ôl darpariaeth Rhan III cod ymddygiad y Cyngor Sir i Aelodau am y canlynol:-
(*dileuer un)

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)*

Llofnod

Dyddiad

Noder: Rhwch ddigon o fanylion os gwelwch yn dda, e.e. 'Fi yw perchennog y tir sy'n gyfagos i'r cais ar gyfer caniatâd cynllunio a wnaed gan Mr Jones', neu 'Mae fy ngŵr / ngwraig yn un o weithwyr y cwmni sydd wedi gwneud cais am gymorth ariannol'.

Mae tudalen hwn yn fwriadol wag

PWYLLGOR TRWYDDEDU

Cofnodion cyfarfod o'r Pwyllgor Trwyddedu a gynhaliwyd yn Siambr y Cyngor, Ty Russell, Y Rhyl, Dydd Mercher, 8 Mawrth 2017 am 9.30 am.

YN BRESENNOL

Y Cynghorwyr Joan Butterfield, Bill Cowie, Stuart Davies, Hugh Irving, Barry Mellor, Merfyn Parry, Pete Prendergast, David Simmons, Cefyn Williams (Cadeirydd) a/ac Huw Williams (Is-Gadeirydd)

HEFYD YN BRESENNOL

Cyfreithiwr (AL), Rheolwr Busnes Gwarchod y Cyhoedd (IM), Swyddogion Trwyddedu (JT), Swyddogion Gorfodaeth Trwyddedu (TB ac LJ) a Gweinyddwr y Pwyllgor (KEJ)

1 YMDDIHEURIADAU

Y Cynghorydd Meirick Davies.

2 DATGAN CYSYLLTIAD

Datganodd y Cynghorydd Huw Williams gysylltiad personol yn eitem 11 ar y rhaglen gan ei fod wedi cael trafodion busnes yn y gorffennol gyda'r ymgeisydd.

3 MATERION BRYN FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Ni chodwyd unrhyw fater brys.

4 COFNODION Y CYFARFOD DIWETHAF

Cyflwynwyd cofnodion y Pwyllgor Trwyddedu a gynhaliwyd ar 7 Rhagfyr 2016 a'r Pwyllgor Trwyddedu Arbennig a gynhaliwyd ar 20 Rhagfyr 2016.

Teimlodd y Cynghorydd Bill Cowie y byddai'n fuddiol i'r aelodau gael eu hysbysu am unrhyw apêl yn erbyn penderfyniad y pwyllgor gyda'r deilliant a chytunodd y swyddogion i adrodd yn ôl ar hynny.

PENDERFYNWYD derbyn a chymeradwyo cofnodion y cyfarfodydd a gynhaliwyd ar 7 Rhagfyr 2016 a 20 Rhagfyr 2016 fel cofnod cywir.

Ar y pwynt hwn, cytunwyd i amrywio trefn y rhaglen i ddarparu ar gyfer unigolion a oedd yn bresennol ar gyfer eitemau penodol.

GWAHARDD Y WASG A'R CYHOEDD

PENDERFYNWYD dan ddarpariaethau Adran 100A Deddf Llywodraeth Leol 1972, gwahardd y Wasg a'r Cyhoedd o'r cyfarfod ar gyfer yr eitemau canlynol ar y sail y byddai gwybodaeth eithriedig yn debygol o gael ei datgelu fel y'i diffinnir ym Mharagraffau 12 ac 14 Rhan 4 Atodlen 12A y Ddeddf.

5 ADOLYGIAD O DRWYDDED I YRRU CERBYDAU HACNI A CHERBYDAU HURIO PREIFAT - GYRRWR RHIF 510104

Cyflwynwyd adroddiad cyfrinachol gan y Pennaeth Cynllunio a Gwarchod y Cyhoedd (a ddsbarthwyd yn flaenorol) ynglŷn ag –

- (i) addasrwydd Gyrrwr Rhif 510104 i ddal trwydded i yrru cerbyd hacni a cherbydau hurio preifat yn dilyn cronriad o chwe phwynt cosb ar ei drwydded yrru DVLA am ddefnyddio cerbyd modur heb ei yswirio yn erbyn risg trydydd person yn Hydref 2015 a ddatgelwyd yn dilyn archwiliad arferol fel rhan o'i gais adnewyddu;
- (ii) Gyrrwr wedi methu datgelu euogfarn moduro adeg yr euogfarn neu fel rhan o'i gais adnewyddu fel sy'n ofynnol gan amodau trwyddedu;
- (iii) polisi'r Cyngor mewn perthynas â pherthnasedd euogfarnau, ac
- (iv) roedd y Gyrrwr wedi ei wahodd i ddod i'r cyfarfod i gefnogi ei gais adnewyddu ac i ateb cwestiynau'r aelodau ar hynny.

Cadarnhaodd y Gyrrwr ei fod wedi derbyn adroddiad a gweithdrefnau'r pwyllgor.

Cyflwynodd y Swyddog Gorfodi'r adroddiad (LJ) gan fanylu ar ffeithiau'r achos.

Eglurodd y Gyrrwr ei fod wirioneddol yn credu bod ei gerbyd wedi'i yswirio a bod ei gwmni yswiriant wedi cyfaddef gwall clericyddol pan gafodd ei holi mewn perthynas â'r yswiriant. Rhoddodd sicrwydd na fu unrhyw ymdrech fwriadol i dwyllo ar ei ran ef. Ymatebodd y Gyrrwr i gwestiynau'r aelodau ac ymhelaethodd ar yr amgylchiadau oedd yn ymwneud â'r drosedd a'i gamau a derbyniodd y gallai fod wedi darparu tystiolaeth i gefnogi ei ochr ef. O ran diffyg datguddio'r euogfarn cyfeiriodd y Gyrrwr at ei amgylchiadau personol ar y pryd gan ddweud bod yr euogfarn wirioneddol wedi mynd o'i feddwl ac nad oedd yn gyrru tacsis yn llawn amser. Yn ei ddatganiad terfynol ailadroddodd y Gyrrwr ei fod wedi gwneud camgymeriad gwirioneddol trwy beidio â datgelu'r euogfarn.

Yn y fan hon, cafodd y pwyllgor egwyl i ystyried yr achos a -

PENDERFYNWYD *gwrthod cais i adnewyddu trwydded i yrru cerbyd hacni a cherbydau hurio preifat gan Yrrwr Rhif 510104.*

Dyma oedd y rhesymau dros benderfyniad y Pwyllgor Trwyddedu –

Ystyriodd Aelodau ffeithiau'r achos a'r ple lliniaru a gyflwynwyd gan y gyrrwr a'i ymateb i gwestiynau yn ofalus. Roedd y pwyllgor wedi darganfod anghysondeb rhwng yr hyn a ddywedwyd gan y Gyrrwr yn y cyfarfod a'i ddatganiad tyst nad oedd yn adlewyrchu'n dda ar ei hygredd ac nad oedd wedi darparu unrhyw dystiolaeth i gefnogi ei ochr ef. O ran ei ddiffyg datguddio, roedd y ffurflen gais adnewyddu yn gofyn yn glir am fanylion unrhyw euogfarnau moduro. O ganlyniad, roedd y pwyllgor yn credu bod y Gyrrwr yn fwriadol wedi methu datgelu'r euogfarn er mwyn sicrhau y byddai ei drwydded yn cael ei hadnewyddu a'i fod yn gwybod ei fod wedi

gwneud datganiad ffug. Ystyriaeth bwysicaf y pwyllgor oedd gwarchod y cyhoedd. O ystyried diystyrwch amlwg y Gyrrwr o'r rheolau a'i ymgais fwriadol i dwyllo nid oedd y pwyllgor yn ei ystyried yn unigolyn cymwys ac addas i ddal trwydded a phenderfynwyd gwrthod y cais adnewyddu.

Cafodd penderfyniad y pwyllgor a'r rhesymau felly eu cyfleu i'r Gyrrwr a chafodd wybod am ei hawl i apelio.

6 ADOLYGIAD O DRWYDDED I YRRU CERBYDAU HACNI A CHERBYDAU HURIO PREIFAT - GYRRWR RHIF 16/0944/TXJDR

Cyflwynwyd adroddiad cyfrinachol gan y Pennaeth Cynllunio a Gwarchod y Cyhoedd (a ddosbarthwyd yn flaenorol) ynglŷn ag –

- (i) addasrwydd Gyrrwr Rhif 16/0944/TXJDR i ddal trwydded i yrru cerbyd hacni a cherbydau hurio preifat yn dilyn euogfarn llys am fod ag arf bygythiol yn ei feddiant;
- (ii) crynodeb o ffeithiau wedi eu darparu ynghyd â datganiadau tyst cysylltiol a dogfennau perthnasol eraill gan gynnwys geirdaon;
- (iii) polisi'r Cyngor mewn perthynas â pherthnasedd euogfarnau, ac
- (iv) roedd y Gyrrwr wedi ei wahodd i ddod i'r cyfarfod i gefnogi ei gais adnewyddu ac i ateb cwestiynau'r aelodau ar hynny.

Roedd y Gyrrwr yn bresennol yn y cyfarfod a chadarnhaodd ei fod wedi derbyn yr adroddiad a gweithdrefnau'r pwyllgor.

Amlinellodd y Swyddog Gorfodi'r achos (TB) fel y manylir yn yr adroddiad.

Rhoddodd y Gyrrwr sicrwydd am ei gymeriad da a phroffesiynol (geirdaon wedi eu darparu o fewn y dogfennau). Eglurodd yr amgylchiadau o amgylch yr euogfarn a chyflwynodd lythyr gan ei Gyfreithwyr yn cadarnhau ei fod wedi'i gyhuddo ar sail ei fod wedi dod o hyd i'r arf yn ei gerbyd ac roedd yn euog oherwydd nad oedd wedi ei gyflwyno i'r heddlu mor gyflym ag y dylai fod wedi gwneud. Derbyniodd y Gyrrwr y dylai fod wedi delio â'r mater yn wahanol ac yn unol â'r gweithdrefnau ond dywedodd ei fod wedi anghofio ei fod yn dal yn y cerbyd. Eglurodd y Gyrrwr faterion penodol oedd yn codi yn ei ddatganiad tyst mewn ymateb i gwestiynau aelodau a hefyd ymhelaethodd ymhellach ar yr amgylchiadau oedd wedi arwain at yr euogfarn, y rhesymau am ei gamau a'i blediad llys. Roedd yn gwadu'n llwyr ei fod wedi cael yr arf a'i gario yn y cerbyd at ddiben penodol a dywedodd ei fod wedi cydweithredu'n llawn gyda'r Heddlu a'r Adran Drwyddedu.

Yn ei ddatganiad terfynol rhoddodd y Gyrrwr sicrwydd ei fod yn yrrwr proffesiynol nad oedd yn peri unrhyw berygl i'r cyhoedd a rhoddodd sicrwydd ynghylch ei ymddygiad yn y dyfodol. Amlygodd yr effaith andwyol ar ei fywyd personol yn ystod y deuddeg mis diwethaf ac roedd yn gobeithio rhoi'r mater y tu ôl iddo a symud ymlaen.

Ar y pwynt hwn, gohiriodd y pwyllgor i ystyried yr achos a -

PENDERFYNWYD rhoi rhybudd ffurfiol i Yrrwr Rhif 16/0944/TXJDR ynglŷn â'i ymddygiad yn y dyfodol.

Dyma oedd y rhesymau dros benderfyniad y Pwyllgor Trwyddedu –

Rhoddodd yr Aelodau ystyriaeth ofalus i'r dystiolaeth a gyflwynwyd yn yr achos hwn, ynghyd â'r esboniad a roddwyd gan y Gyrrwr a'i ymateb i gwestiynau. Roedd y pwyllgor yn credu bod y Gyrrwr wedi ateb cwestiynau yn onest a hyd eithaf ei allu ac yn gyffredinol yn derbyn ei ochr ef. Derbyniodd y Gyrrwr y dylai fod wedi delio â'r sefyllfa yn unol â'r gweithdrefnau. Roedd yr Aelodau hefyd yn nodi bod y digwyddiad wedi digwydd bron ddeuddeg mis yn ôl ac nad oedd unrhyw faterion cyn nac ers hynny ac roeddent yn hyderus o ddarllen y geirdaon a ddarparwyd yn tystio proffesiynoldeb a chymeriad da'r Gyrrwr. O ganlyniad, nid oedd yr Aelodau'n meddwl bod y Gyrrwr yn peri unrhyw berygl i'r cyhoedd a chafwyd ei fod yn addas a phriodol i ddal trwydded. Fodd bynnag, o ystyried difrifoldeb y drosedd, roedd yr Aelodau'n ystyried a fyddai gwaharddiad dros dro neu rybudd ffurfiol yn briodol. Ar ôl cynnal pleidlais, cytunwyd i roi rhybudd ffurfiol i'r Gyrrwr ynghylch ei ymddygiad yn y dyfodol.

Cafodd penderfyniad y pwyllgor a'r rhesymau felly eu cyfleu i'r Gyrrwr.

7 CAIS AM GANIATÂD MASNACHU AR Y STRYD – YMGEISYDD RHIF 1

Cyflwynwyd adroddiad cyfrinachol gan y Pennaeth Cynllunio a Gwarchod y Cyhoedd (a ddosbarthwyd yn flaenorol) ynglŷn â –

- (i) chais a dderbyniwyd am Ganiatâd Masnachu ar y Stryd gan Ymgeisydd Rhif 1;
- (ii) yr ymgeisydd yn bwriadu gweithredu fan symudol gyda threlar yn gwerthu cynnyrch cig a chaws mewn nifer o ardaloedd penodol o fewn y Rhyl;
- (iii) manylu canlyniadau ymgynghoriad ar y cais gydag amrywiol bartneriaid a sectorau, mewnol ac allanol;
- (iv) cyfeiriwyd at bwerau'r Cyngor wrth wneud penderfyniad ar y caniatâd a materion polisi eraill o ran masnachu ar y stryd yng nghyd-destun y Polisi Masnachu ar y Stryd newydd yr ymgynghorir arno ar hyn o bryd; a
- (v) gofyn i'r Ymgeisydd ddod i'r cyfarfod i gefnogi ei gais ac i ateb cwestiynau'r aelodau ar hynny.

Rhoddodd y Swyddog Trwyddedu (JT) grynodedig o'r adroddiad ac ardaloedd masnachu arfaethedig yn y Rhyl a nodwyd gan yr Ymgeisydd a oedd yn cynnwys tir preifat wedi'i leoli o flaen yr Eglwys, Stryd Sussex, y Rhyl (caniatâd ysgrifenedig wedi'i baratoi yn y cyfarfod); Stryd Fawr (rhan); Stryd y Farchnad (rhan); Sgwâr Neuadd y Dref a Stryd Sussex (rhan). Dywedwyd wrth yr Aelodau na dderbyniwyd unrhyw sylwadau pellach mewn ymateb i'r ymgynghoriad ond tynnwyd sylw at yr

ymateb gan yr Adran Briffyrdd fel y manylwyd yn yr adroddiad yn ymwneud â rheoli traffig.

Roedd yr Ymgeisydd yn bresennol yn y cyfarfod, ynghyd â'i gynrychiolydd a chadarnhaodd ei fod wedi derbyn dogfennaeth y pwyllgor. Amlygodd yr Ymgeisydd ei brofiad masnachu blaenorol yn yr ardal gan ddweud bod yna alw am ei gynnyrch, yn arbennig o ystyried nad oedd yna siop cigydd ac roedd yn credu y byddai'r busnes yn denu mwy i'r ardal.

Er nad oedd yna wrthwynebiad i'r cais mewn egwyddor, amlygodd yr aelodau bwysigrwydd diogelu yn erbyn unrhyw effaith niweidiol ar siopau a busnesau lleol sydd eisoes yn bod yn yr ardal a sicrhau amodau priodol os rhoddir caniatâd, yn arbennig o ran niwsans sŵn. Wrth ystyried yr ardaloedd masnachu arfaethedig, teimlodd yr aelodau bod y rhan fwyaf yn rhy amwys ac angen bod yn fwy penodol ac roedd yna amheuan arbennig o ran rhoi caniatâd i Sgwâr Neuadd y Dref oherwydd cynlluniau'r Cyngor i adleoli Ystafelloedd Cofrestrydd a Phriodasau yno. Mewn ymateb i gwestiynau a sylwadau gan yr aelodau, rhoddodd yr Ymgeisydd sicrwydd y gellir delio gyda lefelau sŵn gyda generaduron lefel isel neu fodd arall a hefyd ymhelaethodd ar weithredu ei fusnes a'r effaith gadarnhaol o ran denu cwsmeriaid i'r ardal.

Yn y fan hon, cafodd y pwyllgor egwyl i ystyried y cais.

PENDERFYNWYD –

- (a) *Caniatáu'r cais am Ganiatâd Masnachu ar y Stryd ar gyfer tir preifat, wedi'i leoli o flaen yr Eglwys, Stryd Sussex, Y Rhyl, fel y manylwyd yn yr adroddiad, yn amodol ar yr amodau a nodwyd yn yr adroddiad, yn benodol paragraffau 4.3 a 7.3;*
- (b) *I swyddogion awdurdodedig gynnal archwiliad ar ddiwrnod cyntaf masnachu er mwyn sicrhau y cydymffurfwyd â'r amodau a osodwyd, a*
- (c) *Gofyn i'r Ymgeisydd ddarparu mwy o fanylion ar yr ardaloedd masnachu arfaethedig ar y Stryd Fawr, Stryd y Farchnad, Sgwâr Neuadd y Dref a Stryd Sussex fel y cyfeiriwyd atynt yn ei gais i gynnwys safleoedd penodol i'w hystyried ymhellach gan y pwyllgor.*

Dyma oedd y rhesymau dros benderfyniad y Pwyllgor Trwyddedu –

Wrth ystyried teilyngdod y cais roedd yr aelodau'n nodi nad oedd yna siop cigydd yn yr ardal a galw am y cynnyrch heb ei ddiwallu a hefyd nodwyd na fyddai'r Ymgeisydd mewn cystadleuaeth uniongyrchol gyda masnachwyr eraill a gallai gynyddu'r nifer o ymwelwyr yn yr ardal. O ystyried yr effaith gadarnhaol posibl ar y defnyddwyr a busnesau eraill, roedd yr aelodau'n teimlo, yn amodol ar delerau priodol, roedd yna deilyngdod i'r cais. O ystyried lleoliad penodol yr ardal fasnachu arfaethedig ar dir preifat y tu allan i'r Eglwys ar Stryd Sussex roedd yr aelodau'n hapus i roi caniatâd yn amodol ar delerau. Fodd bynnag, mynegwyd rhywfaint o bryder ynglŷn â diffyg eglurhad o ran yr ardaloedd masnachu cyffredinol arfaethedig eraill a theimlwyd y dylid gofyn am wybodaeth fwy penodol gan yr

Ymgeisydd i alluogi'r pwyllgor wneud penderfyniad gwybodus a diogelu budd y cyhoedd a siopau manwerthu lleol.

Cafodd penderfyniad y pwyllgor a'r rhesymau felly eu cyfleu i'r Ymgeisydd.

Ar ddiwedd yr eitem hon trafododd y pwyllgor y broses gwneud penderfyniad a ddefnyddiwyd lle gwnaed y penderfyniad gyda chonsensws y pwyllgor. Roedd yr Aelodau yn meddwl y byddai pleidleisio trwy ddangos dwylo yn well yn y dyfodol ond cadarnhawyd bod y penderfyniad a wnaed wedi ystyried bwriad y pwyllgor.

8 CAIS AM GANIATÂD MASNACHU AR Y STRYD – YMGEISYDD RHIF 2

[Datganodd y Cynghorydd Huw Williams gysylltiad personol yn yr eitem hon gan ei fod wedi cael trafodion busnes yn y gorffennol gyda'r Ymgeisydd a gadawodd y cyfarfod tra'r oedd y cais yn cael ei ystyried].

Cyflwynwyd adroddiad cyfrinachol gan y Pennaeth Cynllunio a Gwarchod y Cyhoedd (a ddsbarthwyd yn flaenorol) ynglŷn â –

- (i) chais a dderbyniwyd am Ganiatâd Masnachu ar y Stryd gan Ymgeisydd Rhif 2;
- (ii) yr ymgeisydd yn bwriadu gwerthu cynnyrch cig ar drelar pwrpasol yn Stryd y Farchnad, y Rhyl;
- (iii) manylu canlyniadau ymgynghoriad ar y cais gydag amrywiol bartneriaid a sectorau, mewnol ac allanol;
- (iv) cyfeiriwyd at bwerau'r Cyngor wrth wneud penderfyniad ar y caniatâd a materion polisi eraill o ran masnachu ar y stryd yng nghyd-destun y Polisi Masnachu ar y Stryd newydd yr ymgynghorir arno ar hyn o bryd; a
- (v) gofyn i'r Ymgeisydd ddod i'r cyfarfod i gefnogi ei gais ac i ateb cwestiynau'r aelodau ar hynny.

Rhoddodd y Swyddog Trwyddedu (JT) grynodedb o'r adroddiad ac eglurwyd bod yr ardal masnachu arfaethedig y tu allan i 10 ac 11 Stryd y Farchnad, y Rhyl ac nid fel y manylwyd o fewn yr adroddiad. Mewn ymateb i'r ymgynghoriad, roedd Cyngor Tref y Rhyl wedi cadarnhau nad oedd ganddynt unrhyw wrthwynebiad i'r cais.

Cyfeiriodd yr Ymgeisydd at ei brofiad yn y busnes a'r rheswm dros ei gais i fasnachu yn y Rhyl a'r ardal arbennig a nodwyd. Dywedodd na fyddai mewn cystadleuaeth uniongyrchol gyda manau manwerthu lleol a gallai ddarparu cynnyrch o ansawdd i siopwyr lleol a hefyd rhoddodd sicrwydd y defnyddir generaduron tawel. Mewn ymateb i gwestiynau, dywedodd yr ymgeisydd nad oedd wedi nodi amseroedd penodol na dyddiau o'r wythnos penodol gan y byddai'n fodlon cydymffurfio ag amseroedd a dyddiau a ystyriwyd yn briodol gan y pwyllgor ac nad oedd ganddo unrhyw ddewis penodol. Dywedodd yr Ymgeisydd ei fod yn gwerthu cynnyrch lleol ac eglurodd swyddogion na fyddai wedi'i gyfyngu drwy werthu cig o ffynonellau penodol.

Yn y fan hon, cafodd y pwyllgor egwyl i ystyried y cais.

PENDERFYNWYD –

- (a) *Yn amodol ar yr amodau a amlinellwyd yn yr adroddiad, yn benodol paragraffau 4.3 a 7.3, bod y cais am Ganiatâd Masnachu ar y Stryd yn cael ei ganiatáu fel a ganlyn -*

<i>Ardal Fasnachu</i>	<i>Tu allan i 10 a 11 Stryd y Farchnad, Y Rhyl</i>
<i>Dyddiau/ Amseroedd Masnachu</i>	<i>Dydd Llun, Mercher a Sadwrn 08.00 y bore tan 16.00 y prynhawn</i>

- (b) *bod swyddogion awdurdodedig yn cynnal arolygiad ar ddiwrnod cyntaf masnachu er mwyn sicrhau y cydymffurfiwyd â'r amodau a osodwyd.*

Dyma oedd y rhesymau dros benderfyniad y Pwyllgor Trwyddedu –

Roedd yr Aelodau yn meddwl cyn belled â bod yna amodau priodol i gynorthwyo rheoleiddio, byddai rhoi caniatâd i'r cais yn fuddiol i'r defnyddiwr a gallai hefyd helpu i ddenu cwsmeriaid i'r ardal ac felly o fudd i fusnesau lleol eraill. Roedd lleoliad y safle arfaethedig fel y nodwyd hefyd yn cael ei ystyried yn briodol gan ei fod wedi ei leoli oddi wrth y caffis awyr agored ar y stryd ac roedd masnachu tebyg wedi llwyddo ar y safle yn y gorffennol. Yn absenoldeb dymuniad ar gyfer masnachu/oriau ar ddyddiau'r wythnos gan yr Ymgeisydd, cytunodd yr Aelodau ar ddydd Llun a dydd Mercher fel dyddiau masnachu ac oriau masnachu rhwng 8.00am a 4.00pm yn briodol. Gall yr Ymgeisydd ymgeisio i amrywio'r dyddiau/oriau masnachu hynny ar unrhyw adeg.

Cafodd penderfyniad y pwyllgor a'r rhesymau felly eu cyfleu i'r Ymgeisydd.

SESIWN AGORED

Ar ôl cwblhau'r busnes uchod, ailddechreuodd y cyfarfod mewn sesiwn agored.

9 HYFFORDDIANT YMWHYBYDDIAETH CAMFANTEISIO'N RHYWIOL AR BLANT

Cyflwynodd y Rheolwr Busnes Gwarchod y Cyhoedd adroddiad gan y Pennaeth Cynllunio a Gwarchod y Cyhoedd (a ddosbarthwyd yn flaenorol) ynglŷn â rhoi diweddariad i'r Aelodau ar bresenoldeb gyrwyr mewn digwyddiadau hyfforddiant Ymwybyddiaeth Camfanteisio'n Rhywiol ar Blant a gofynnodd am arweiniad ar gamau ar gyfer diffyg presenoldeb yn ogystal â sylwadau ar gynigion y dyfodol ar gyfer hyfforddiant tebyg i ymgeiswyr gyrru newydd.

Yn dilyn nifer o faterion diogelu proffil uchel o amgylch y wlad, roedd y Pwyllgor Trwyddedu wedi penderfynu gwneud hyfforddiant Ymwybyddiaeth Camfanteisio'n Rhywiol ar Blant yn orfodol ar gyfer holl yrwyr trwyddedig. Roedd rhaglen aml-asiantaeth o ddigwyddiadau Ymwybyddiaeth wedi eu cyflwyno yn yr haf 2016 gan arwain at gyfanswm o 17 sesiwn dros 5 dyddiad gwahanol ar draws y sir, yn bennaf yn y Rhyl ond hefyd yn Rhuthun a Dinbych. Cynhaliwyd digwyddiad terfynol yn

Ionawr 2017 i unrhyw yrwyr nad oedd wedi mynychu. Roedd cyfanswm o 340 o yrwyr wedi mynychu'r digwyddiadau ac roedd adborth wedi bod yn gadarnhaol. Fodd bynnag, roedd yna 11 o yrwyr yn weddill nad oedd wedi derbyn yr hyfforddiant am amrywiol resymau fel y manylwyd o fewn yr adroddiad ac ar hyn o bryd nid oedd yna broses y cytunwyd arni i amlygu Camfanteisio'n Rhywiol ar Blant i yrwyr trwyddedig newydd. Darparwyd nifer o opsiynau i'r Aelodau ystyried y ffordd orau i symud ymlaen i sicrhau bod yr holl yrwyr yn diwallu'r gofynion hyfforddiant gorfodol.

Roedd yr Aelodau'n falch o nodi bod 97% o yrwyr trwyddedig Sir Ddinbych wedi mynychu'r hyfforddiant gorfodol a weithredwyd fel gweithred gadarnhaol i helpu i godi ymwybyddiaeth am Gamfanteisio'n Rhywiol ar Blant, yn arbennig o ystyried y cysylltiadau â cherbydau trwyddedig a nodwyd yn ystod Ymchwiliad Rotherham. Fodd bynnag, roedd yn siomedig nodi nad oedd nifer o yrwyr wedi mynychu unrhyw un o'r digwyddiadau hyfforddiant niferus, yn arbennig o ystyried bod swyddogion wedi ceisio cysylltu â'r gyrwyr hynny trwy lythyr, dros y ffôn ac yn bersonol. Roedd yr Aelodau hefyd yn awyddus bod trefniadau priodol ar gyfer y gyrwyr trwyddedig newydd hynny ac ymgeiswyr y dyfodol. Trafododd y pwyllgor y gwahanol opsiynau i sicrhau cydymffurfiaeth â'r hyfforddiant mandadol fel y manylwyd o fewn yr adroddiad. O ran gyrwyr presennol dywedwyd wrth yr aelodau os oeddent o blaid diddymu trwyddedau ar sail diffyg presenoldeb byddai'n briodol i'r gyrwyr hynny gael eu dwyn gerbron y pwyllgor a rhoi cyfle iddynt egluro eu rhesymau dros ddiffyg presenoldeb. Awgrymodd y Cynghorydd Joan Butterfield y gallai'r canllawiau a gynhyrchwyd gan swyddogion i godi ymwybyddiaeth am Gamfanteisio'n Rhywiol ar Blant gael eu rhannu gydag ysgolion oherwydd y cysylltiadau gyda chlundant ysgol.

Roedd yna farn gymysg o ran y dull gorau i sicrhau cydymffurfiaeth ac yn dilyn pleidlais -

PENDERFYNWYD –

- (a) *Cynnal Pwyllgor Trwyddedu Arbennig i wrando ar sylwadau gan y gyrwyr presennol hynny nad oedd wedi mynychu'r hyfforddiant;*
- (b) *Mewn perthynas â gyrwyr a oedd newydd gael trwydded nad oedd eto wedi cael cyfle i fynychu hyfforddiant ymwybyddiaeth, rhoi cyfarwyddyd i swyddogion drefnu digwyddiad hyfforddiant ymwybyddiaeth pellach (efallai y gellir darparu hwn yn fewnol) ac*
- (c) *mewn cysylltiad ag ymgeiswyr newydd bod swyddogion yn cael eu cyfarwyddo i weithredu asesiad "prawf gwybodaeth" ar ôl darparu'r canllaw i'r ymgeiswyr/gyrwyr newydd y gellir ei gynnwys yn y Prawf Gwybodaeth cyn trwydded.*

10 DATGANIAD POLISI TRWYDDEDU ARFAETHEDIG

Cyflwynodd y Rheolwr Busnes Gwarchod y Cyhoedd adroddiad gan y Pennaeth Cynllunio a Gwarchod y Cyhoedd (a ddosbarthwyd yn flaenorol) yn cyflwyno'r drafft

terfynol o Ddatganiad Polisi Trwyddedu'r Cyngor i'w fabwysiadu. Roedd yn ofyniad statudol i ymgynghori ac adolygu'r Polisi o leiaf bob 5 mlynedd.

Cynghorwyd yr Aelodau yn dilyn adolygiad o'r Polisi mai mân newidiadau a gynigiwyd, er enghraifft cyfeirio at ddeddfwriaeth newydd ac roedd y Polisi wedi ei fformatio yn unol ag awdurdodau trwyddedu eraill ar draws y rhanbarth er cysondeb. Hefyd cyfeiriwyd at y broses ymgynghori a'r canlyniadau.

PENDERFYNWYD fod *Datganiad y Polisi Trwyddedu yn cael ei fabwysiadu i'w weithredu o 1 Ebrill 2017.*

11 RHAGLEN GWAITH I'R DYFODOL 2017 Y PWYLLGOR TRWYDDEDU

Cyflwynwyd adroddiad gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (a ddosbarthwyd ymlaen llaw) ynglŷn â rhaglen gwaith i'r dyfodol y Pwyllgor Trwyddedu ar gyfer 2017.

PENDERFYNWYD y *dylid cymeradwyo'r rhaglen gwaith i'r dyfodol y Pwyllgor Trwyddedu fel y manylwyd yn yr atodiad i'r adroddiad.*

Cyn terfynu'r cyfarfod diolchwyd i'r aelodau hynny nad oedd yn sefyll ar gyfer ail-etholiad am eu hymdrechion ar y Pwyllgor Trwyddedu. Hefyd diolchwyd yn arbennig i Gadeirydd y Pwyllgor Trwyddedu.

Daeth y cyfarfod i ben am 1.00pm.

Mae tudalen hwn yn fwriadol wag

PWYLLGOR TRWYDDEDU

Cofnodion cyfarfod o'r Pwyllgor Trwyddedu a gynhaliwyd yn Ystafell Bwyllgora 1a, Neuadd y Sir, Rhuthun, Dydd Mercher, 5 Ebrill 2017 am 9.30 am.

YN BRESENNOL

Y Cyngorwyr Bill Cowie, Meirick Davies, Hugh Irving, Merfyn Parry, Pete Prendergast, Cefyn Williams (Cadeirydd) a Huw Williams (Is-Gadeirydd)

HEFYD YN BRESENNOL

Cyfreithiwr (AL), Rheolwr Busnes Gwarchod y Cyhoedd (IM) a Gweinyddwr y Pwyllgor (KEJ)

1 YMDDIHEURIADAU

Y Cyngorwyr Stuart Davies a Barry Mellor

2 DATGAN CYSYLLTIAD

Ni chafodd unrhyw gysylltiad ei ddatgan.

3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Ni chodwyd unrhyw fater bryd.

Gwahardd y wasg a'r cyhoedd

***PENDERFYNWYD** dan ddarpariaethau Adran 100A Deddf Llywodraeth Leol 1972, gwahardd y Wasg a'r Cyhoedd o'r cyfarfod ar gyfer yr eitemau canlynol ar y sail y byddai gwybodaeth eithriedig yn debygol o gael ei datgelu fel y'i diffinnir ym Mharagraffau 12 ac 14 Rhan 4 Atodlen 12A y Ddeddf.*

4 ADOLYGIAD O DRWYDDED I YRRU CERBYDAU HACNI A CHERBYDAU HURIO PREIFAT - GYRRWR RHIF 509601

Cyflwynwyd adroddiad cyfrinachol gan y Pennaeth Cynllunio a Gwarchod y Cyhoedd (a ddisbarthwyd yn flaenorol) ynglŷn ag –

- (i) addaswyd Gyrrwr Rhif 509601 i ddal trwydded i yrru cerbydau hacni a cherbydau hurio preifat ar ôl methu mynychu'r hyfforddiant Ymwybyddiaeth Camfanteisio'n Rhywiol ar Blant a oedd yn orfodol, a gyflwynwyd gan y Cyngor yn 2016;
- (ii) y Pwyllgor Trwyddedu a gynhaliwyd ar 8 Mawrth 2017 a benderfynodd cynnull cyfarfod arbennig i glywed sylwadau gan yrwyr presennol nad oedd wedi mynychu'r hyfforddiant;

- (iii) manylion y cyfleoedd a roddwyd i Yrrwr Rhif 509601 i fynd i'r hyfforddiant perthnasol (gyda manylion yr ohebiaeth yn amgaeedig fel atodiadau i'r adroddiad) a
- (iv) bod y Gyrrwr wedi cael ei wahodd i fod yn bresennol yn y cyfarfod i gefnogi'r adolygiad o'i drwydded, ac i ateb cwestiynau'r aelodau ynglŷn â hynny.

Cafodd yr Aelodau wybod nad oedd y Gyrrwr yn bresennol ac ni chyfathrebwyd y rhesymau dros ei absenoldeb. O ganlyniad, cytunodd yr aelodau i fwrw ymlaen â'r adolygiad yn absenoldeb y Gyrrwr.

Cyflwynodd Rheolwr Busnes a Gwarchod y Cyhoedd (IM) yr adroddiad a'r cyfleoedd a roddwyd i'r Gyrrwr gymryd rhan mewn hyfforddiant gorfodol camfanteisio'n rhywiol ar blant. Nodwyd bod y Gyrrwr wedi cael lle i fynd i'r hyfforddiant 25 Ionawr 2017 ond nad oedd wedi ymddangos, ac roedd hefyd wedi methu mynd i'r sesiwn hyfforddi ddiweddaraf 29 Mawrth 2017. Mewn ymateb i gwestiynau, dywedodd y Rheolwr Busnes a Gwarchod y Cyhoedd mai ef oedd yr unig Yrrwr presennol gyda thrwydded nad oedd wedi mynd ar yr hyfforddiant perthnasol, gyda'r gyrrwyr blaenorol eraill a oedd heb wneud, naill ai wedi mynd ar yr hyfforddiant wedi hynny, neu wedi ildio eu trwyddedau. Rhoddwyd sicrwydd bod pob ymdrech wedi'i wneud i gysylltu â'r Gyrrwr ynghylch yr hyfforddiant gorfodol, a'r adolygiad trwydded dilynol.

Yn y fan hon, cafodd y pwyllgor egwyl i ystyried yr achos a -

PHENDERFYNWYD dirymu trwydded gyrru cerbydau hacni a cherbydau hurio preifat Gyrrwr Rhif 509601.

Dyma oedd y rhesymau dros benderfyniad y Pwyllgor Trwyddedu –

Ystyriodd yr Aelodau bod y Gyrrwr wedi cael digon o gyfle i fynd i'r hyfforddiant gorfodol, ond wedi methu mynychu neu gysylltu â'r awdurdod ynghylch pam nad oedd yn bresennol, neu i roi esboniad fel mesur lliniaru. Roedd Aelodau'n ystyried bod y Gyrrwr wedi diystyru gofyniad pwysig o'r drwydded yn llwyr, drwy fethu â mynd ar yr hyfforddiant gorfodol Camfanteisio'n Rhywiol ar Blant dro ar ôl tro, ac o gofio mai prif ystyriaeth y pwyllgor oedd diogelu'r cyhoedd, nid oedd yr aelodau'n credu bod y Gyrrwr yn berson priodol ac addas i gael trwydded. Felly penderfynwyd dirymu trwydded gyrru cerbydau hacni a cherbydau hurio preifat y gyrrwr.

Nodwyd y byddai'r Gyrrwr yn cael gwybod am y penderfyniad a'r rhesymau dros hwnnw yn ysgrifenedig, a byddai'n cael gwybod am ei hawl i apelio yn erbyn y penderfyniad i Lys yr Ynadon o fewn 21 diwrnod.

Daeth y cyfarfod i ben am 9.45am.

ADRODDIAD I'R:	Pwyllgor Trwyddedu
DYDDIAD:	28 Mehefin 2017
SWYDDOG ARWEINIOL:	Pennaeth Cynllunio a Gwarchod y Cyhoedd
SWYDDOG CYSWLLT:	Swyddog Cymorth Technegol (Trwyddedu) licensing@denbighshire.gov.uk 01824 706451
TESTUN:	Adolygu – Deddf Gamblo 2005 Datganiad Egwyddorion

1. PWRPAS YR ADRODDIAD

- 1.2 Cyngori Aelodau'r adolygiad angenrheidiol o Ddatganiad Egwyddorion y Cyngor ar gyfer y Ddeddf Gamblo 2005.

2. CRYNODEB GWEITHREDOL

- 2.1 Yn unol â'r Ddeddf Gamblo 2005 mae'n ofynnol i'r Cyngor adolygu'r Datganiad Egwyddorion bob tair blynedd.
- 2.2 Mae adolygiad wedi'i gynnal o'r Datganiad presennol ac mae ynghlwm yn Atodiad A yr adroddiad hwn.

3. GRYM I WNEUD Y PENDERFYNIAD

- 3.1 Adran 349, Deddf Gamblo 2005

4. GWYBODAETH GEFNDIR

- 4.1 Wrth bennu'r Datganiad Egwyddorion, mae'n ofynnol i'r Cyngor ystyried amcanion trwyddedu'r Ddeddf Gamblo 2005 a 'Chanllaw i Awdurdodau Trwyddedu' y Comisiwn Gamblo.
- 4.2 Mae'r amcanion trwyddedu statudol yn cynnwys:
 - Amddiffyn plant a phobl ddiamddiffyn eraill rhag niwed neu gael eu hecsbloetio gan gamblo
 - Atal gamblo rhag bod yn ffynhonnell trosedd neu anhrefn, yn gysylltiedig â throsedd neu anhrefn neu gael ei ddefnyddio i

gefnogi trosedd, a

- Sicrhau bod gamblo yn cael ei gynnal mewn ffordd deg ac agored

4.3 Mae'r Datganiad Egwyddorion wedi cael ei ddatblygu gan y chwe Awdurdod Trwyddedu yng Ngogledd Cymru, gan ddod â chysondeb i faterion sy'n ymwneud â materion a swyddogaethau Gamblo.

5. **YMGYNGHORI**

5.1 Cynnal fel rhan o'r broses ar weithredu.

5.2 Ymgynghorir â'r Awdurdodau Cyfrifol canlynol:

- Y Comisiwn Gamblo
- Heddlu Gogledd Cymru
- Gwasanaeth Tân ac Achub Gogledd Cymru
- Yr Awdurdodau Cynllunio
- Iechyd yr Amgylchedd, Iechyd a Diogelwch a Safonau Masnach
- Gwasanaethau Plant
- Cyllid a Thollau ei Mawrhydi

5.3 Yn ogystal â'r uchod, cysylltir â'r holl ddeilwyr trwydded i'w hysbysu am y broses ymgynghori ac i ofyn am eu barn.

6. **ARGYMHELLIAD**

6.1 Bod Aelodau yn ystyried ac yn cytuno ar gynnwys Datganiad Egwyddorion drafft y Cyngor (Deddf Gamblo 2005) ac yn awdurdodi swyddogion i gyflwynu ymgynghoriad statudol.

Statement of Gambling Policy

GAMBLING ACT 2005
..... 2017 – 2020

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1. INTRODUCTION

1.1 BACKGROUND

- 1.1.1 Under the provisions of the Gambling Act 2005, Denbighshire County Council is the **Licensing Authority** (and is referred to in this document as “the licensing authority”) responsible for granting gambling Premises Licences, Notices, Permits and Registrations in the county of Denbighshire.
- 1.1.2 The Gambling Act 2003 (“the Act”) requires a licensing authority to prepare and publish a statement of licensing policy (“the policy”) at least every three years. This policy is made under Section 349 of the Act and in accordance with the ‘Guidance to Local Authorities’ issued by the Gambling Commission under Section 25 of the Act (“the Guidance”).
- 1.1.3 The licensing authority is bound by the Act and any regulations made under the Act. The licensing authority must have regard to the Guidance and the Licence Conditions and Codes of Practice (LCCP) issued by the Gambling Commission (Section 153). If it considers it appropriate, the licensing authority may depart from the Guidance if they have good reason to do so and can provide full reasons.
- 1.1.4 The policy was adopted by Denbighshire County Council on **XXXX 2017** having considered the comments received from those consulted. The policy becomes effective from this date and will remain in force until a statutory or other review and consultation process is deemed necessary. The licensing authority will keep the policy under review, making any amendments it considers appropriate to support the licensing objectives. Any amendments will be published in the form of a new policy statement or, if appropriate, by publishing the amendment.
- 1.1.5 The policy will normally apply to any application determined after the date that the licensing authority resolved to make these policies operational, irrespective of the date on which the application was made.
- 1.1.6 Key policy principles are presented in boxes.
- 1.1.7 The Appendices are to be read in conjunction with this policy however they do not form part of the policy and may be updated at any time.

1.2 GEOGRAPHY OF DENBIGHSHIRE COUNTY COUNCIL

- 1.2.1 Denbighshire is largely a rural county covering an area which runs from the North Wales coastal resorts of Rhyl and Prestatyn down through the Vale of Clwyd, as far as Corwen and the popular tourist town of Llangollen. Along the way it takes in the historic towns of Rhuddlan, Denbigh and Ruthin, each with its own castle, and the cathedral city of St. Asaph.
- 1.2.2 The leisure and tourism industry in Denbighshire is a major contributor to the local economy.
- 1.2.3 Denbighshire attracts over 5 million tourists and visitors per year.
- 1.2.4 Denbighshire has over XXX premises authorised by a premises licence, notice or permit under the Gambling Act 2005.

1.3 CONSULTATION PROCESS

- 1.3.1 The draft Statement of Gambling Policy was subject to formal consultation with:
- North Wales Police Service;
 - North Wales Fire & Rescue Service;
 - Representatives of the holders of the various licences for premises in the District who will be affected by this policy;
 - Persons and businesses likely to be affected by authorised gambling within the District
- 1.3.2 The draft Statement of Gambling Policy was also advertised and made available for inspection on the licensing authority website, and in council offices and libraries for a period of 4 weeks in accordance with the requirements of the Act.
- 1.3.3 The licensing authority, giving full regard to the Guidance, gave appropriate weight to the views of those consulted. In determining what weight to give particular representations, the licensing authority took into account:
- who made the representation (what is their expertise or interest)
 - how many other people have expressed the same or similar views
 - how far the representations relate to matters that the licensing authority should be including in the policy statement.

2. SCOPE AND EXTENT

2.0.1 The purpose of this Statement of Gambling policy is to set out the principles the licensing authority will apply when exercising its licensing function, i.e. when regulating the gambling activities within the terms of the Act. Reference will be made to the Act for ease of understanding however it is not intended to be a simplified summary of the law.

2.0.2 The Act defines **Gambling** as:-

2.0.3 **Gaming** - means playing a 'game of chance' for a prize. A 'game of chance' includes a game that involves both an element of chance and skill, a game that involves an element of chance that can be eliminated by superlative skill, and a game that is presented as involving an element of chance, but does not include a sport.

2.0.4 **Betting** – means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not.

2.0.5 **Taking part in a lottery** – means paying in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

A full glossary of the terms used in the Act and in this policy can be found in **Appendix A**.

2.0.6 It is a criminal offence under Section 33 of the Act to provide facilities for Gambling unless an exception is provided for under the Act.

2.0.7 The **types of authorisation** the Act requires the licensing authority to regulate are:-

- Premises Licences
- Temporary Use Notices
- Occasional Use Notices
- Permits as required under the Act; and
- Registrations as required under the Act.

2.0.8 This policy relates to all premises licences, notices, permits and registrations identified as falling within the provisions of the Act, namely: -

- Premises Licences
 - Casinos;
 - Bingo Premises;
 - Betting Premises;
 - Tracks (*site where races or other sporting events take place*);
 - Adult Gaming Centres;
 - Licensed Family Entertainment Centres;

- Notices
 - Temporary Use Notices
 - Occasional Use Notices
- Permits
 - Family Entertainment Centre Gaming Machine Permits;
 - Club Gaming Permits;
 - Club Gaming Machine Permits;
 - Alcohol licensed premises Gaming Machine Permits;
 - Prize Gaming Permits;
- Registrations
 - Registrations of Small Society lotteries.

3. LICENSING OBJECTIVES

3.0.1 When exercising its functions under the Act the licensing authority must seek to promote the three **licensing objectives** contained in the Act. The three 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; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.1 OBJECTIVE 1: PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME AND DISORDER

3.1.1 The licensing authority will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder.

3.1.2 The Guidance for local authorities notes that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.” The licensing authority agrees with this statement.

3.1.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the licensing authority Licensing Officers and/or the North Wales Police before making a formal application.

3.1.4 In considering licence applications, the licensing authority will particularly take into account the following:

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- 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;
- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

3.2 OBJECTIVE 2: ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY

- 3.2.1 Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore subject to the Personal Licence, both of which are the responsibility of the Gambling Commission.

3.3 OBJECTIVE 3: PROTECTING CHILDREN AND OTHER VULNERABLE PERSONS

- 3.3.1 With limited exceptions, the access of children and young persons to licensed gambling premises, which are adult only environments, will not be permitted.

3.3.2 The licensing authority will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

3.3.3 The licensing authority will consult with the Social Services Department on any application that indicates there may be concerns over access for children or vulnerable persons.

3.3.4 The licensing authority will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

3.3.5 The 2005 Act provides for a Code of Practice on access to casino premises by children and young persons and the licensing authority will work closely with the police to ensure the appropriate enforcement of the law.

3.3.6 The licensing authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children but it will assume, for regulatory purposes, that '**vulnerable persons**' includes :

- people who gamble more than they want to;
- people who gamble beyond their means; and
- people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

4. LEGISLATION AND POLICIES

4.1 LEGISLATION

4.1.1 In undertaking its licensing function under the Gambling Act 2005, the licensing authority will use a full range of measures including its planning controls and be mindful of legislation, strategies and policies which may impact on the promotion of the licensing objectives. These include:-

- Equalities Act 2010
- Section 17 of the Crime and Disorder Act 1988;
- Human Rights Act 1998;
- Health and Safety at Work etc. Act 1974;
- Environmental Protection Act 1990;
- The Anti-social Behaviour Act 2003;
- Race Relations Act, 1976 (as amended)
- The Licensing Act 2003
- Regulatory Return (Fire Safety) Order 2005
- The Regulators' Compliance code
- Planning and Public Protection Service Enforcement Policy

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

4.2 PLANNING AND BUILDING CONTROL

4.2.1 Planning, building control and licensing regimes are properly separated to avoid duplication and inefficiency. They involve consideration of different, although related matters.

4.2.2 Denbighshire County Council has statutory planning responsibility within the County.

4.2.3 Denbighshire County Council's planning policies are set out in the Local Development Plan and 'Supplementary Planning Guidance'.

4.2.4 The Planning Authority develop their plans to:

- ensure effective and sustainable long term planning, and
- optimise economic, social and environmental benefits.

4.2.5 In general, planning permissions authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover activities that can have a wide range of different impacts in the locality. The precise nature of the

impacts of the specified activities proposed by an applicant for a premises licence need to be considered when the application is made.

- 4.2.6 The licensing authority will normally expect that prior to the submission of a licensing application, the appropriate planning permission will have been granted in respect of any premises. However, applications for licences may be made before any relevant planning permission has been sought or granted.
- 4.2.7 The authority will also normally expect the activity to be authorised by the licence to be a lawful planning use and that any operating hours sought do not exceed those, if any, authorised by the planning permission.
- 4.2.8 Operating hours granted within the licensing process do not replace any restrictions imposed as a planning condition. Planning conditions will be addressed through the planning process.

5. DELEGATION, LICENSING COMMITTEE AND DECISION MAKING

5.1 DELEGATION

5.1.1 The licensing authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub Committee to deal with them.

5.1.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, for example, those licences and permits where no representations have been made, will be delegated to Council Officers.

5.1.3 The licensing authority will delegate licensing matters to be dealt with by the Licensing Committee and to Officers in accordance with the latest recommended Delegation of Functions specified in guidance issued by the Secretary of State, under Section 182 of the Act. The table shown at **Appendix B** sets out the current agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.

5.1.4 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Committee, or Committee to Full Council, if appropriate.

5.2 LICENSING COMMITTEE

5.2.1 The Act provides that the functions of the licensing authority, including its determinations are to be carried out by its licensing committee. At Denbighshire County Council this committee is referred to as the **Licensing Committee** and contains 11 Members.

5.2.2 The licensing committee may delegate these functions to sub-committees or in appropriate cases, to officials supporting the licensing authority.

- 5.2.3 The Licensing Committee of Denbighshire County Council have appointed a **Licensing Sub-Committee** to deal with
- Applications where there are relevant representations
 - Applications to review premises licence
 - Applications for club gaming/club machine permits where there are relevant representations
 - Decisions to give a counter notice to a Temporary Use Notice.

5.2.4 The Sub-Committee contains 3 members who will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward councillors will not sit on a sub-committee involving an application within their ward.

5.2.5 Where a councillor who is a member of the **Licensing Committee** is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.

5.2.6 The Licensing Sub-Committee will refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

5.2.7 The Licensing Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

5.3 DECISION MAKING

- 5.3.1 Every determination of a licensing decision by the Licensing Committee or Sub-committee shall be accompanied with clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the Applicant and those who have made relevant representations as soon as practicable.
- 5.3.2 A summary of the decision shall be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the licensing authority.
- 5.3.3 The Council's licensing officers will deal with all other licence applications where either no representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
- 5.3.4 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the licensing committee or sub-committee. Where representations are rejected written reasons as to why that is the case will be given.
- 5.3.5 In order to avoid duplication with other statutory regimes as far as possible the licensing authority will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

6. GENERAL PRINCIPLES

- 6.0.1 Nothing in this 'Statement of Policy' will:
- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; OR
 - Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.
- 6.0.2 The licensing authority, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.
- 6.0.3 The licensing authority shall aim to permit the use of premises for gambling in so far as they think it is
- In accordance with any relevant code of practice under Section 24 of the Act;
 - In accordance with any relevant guidance issued by the Commission;
 - Reasonably consistent with the licensing objectives
 - In accordance with the licensing authority's statement of licensing policy.
- 6.0.4 Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence under the Act.

6.1 COMPETENT AUTHORITY FOR PROTECTION OF CHILDREN FROM HARM

- 6.1.1 The licensing authority, designates the (Social Services) Safeguarding and Reviewing Team of Denbighshire County Council as the competent authority to provide advice on the protection of children from harm given the wealth of specialist knowledge and expertise to hand to fulfil this role.
- 6.1.2 The Act indicates each licensing authority must nominate a single body to undertake this function but it may be prudent for the licensing authority to involve other organisations if it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where it receives representations to that effect.

6.2 INTERESTED PARTIES

- 6.2.1 For the purposes of the Gambling Act 2005, a person is an interested party in relation to a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - Has business interests that might be affected by the authorised activities; this could also include, for example, trade associations, charities, faith groups and medical practices.
 - Represents persons who satisfy either of the above; for example Residents' and Tenants' Associations.
- 6.2.2 When considering whether a person is an interested party, each case will be judged on its merits taking into consideration the relevant circumstances, including those contained in the Guidance to local authorities.
- 6.2.3 Where a person, whether or not directly affected by an application or living in the vicinity of a licensable premise under consideration, puts themselves forward as representing the interests of residents in the vicinity, the licensing authority will normally ask them to provide evidence that they are acting as representatives of others.

6.3 EXCHANGE OF INFORMATION

- 6.3.1 In fulfilling its functions and obligations under the Gambling Act 2005 the licensing authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information the licensing authority will conform to the requirements of the Gambling Act, Data Protection and Freedom of Information legislation in accordance with the Council's existing policies.
- 6.3.2 Contact details of those persons making representations and details of the representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representation or applying for a review of a premises licence will be informed that these details will be disclosed.

6.4 INSPECTION AND CRIMINAL PROCEEDINGS

- 6.4.1 The licensing authority will be guided by the Gambling Commission's Guidance and will endeavour to be:
- **Proportional:** regulators will only intervene when necessary; remedies will be appropriate to the risk posed and costs identified and minimized.
 - **Accountable:** regulators will be able to justify decisions and be subject to public scrutiny.
 - **Consistent:** rules and standards will be joined up and implemented fairly.
 - **Transparent:** regulators will be open and endeavour to keep regulations simple and user friendly;
 - **Targeted:** regulation will be focused on the problem and minimize side effects.
- 6.4.2 The licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 6.4.3 The licensing authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:
- Planning controls;
 - Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments;
 - Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
 - The power of the police, other responsible authorities or a local resident or business to seek a review of the licence.
- 6.4.4 This licensing authority will use a risk based inspection criteria for any necessary inspections, i.e. those premises considered to pose a greater risk will be subject to more frequent inspections than those posing a lower risk.
- 6.4.5 When determining risk, consideration will be given to :-
- the nature of the gambling activities carried out on the premises
 - the location of the premises in relation to schools etc.
 - the procedures put in place by the management to meet the licensing objectives.
- 6.4.6 The licensing authority will make arrangements to monitor premises, undertake inspections and take appropriate enforcement it deems necessary to support and promote the licensing objectives or following receipt of complaint. The County will be monitored for unlicensed premises.

6.4.7 The licensing authority will seek to work actively with the police in enforcing legislation. It encourages the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998.

6.4.8 In general terms, action will only be taken in accordance with the Planning & Public Protection Enforcement Policy. To this end the key principles of consistency, transparency and proportionality will be maintained.

6.4.9 Where conditions have been imposed on a licence, an authorised person of the licensing authority may inspect the premises at any reasonable time for the purpose of checking that those conditions are being complied with.

6.4.10 The licensing authority will consider issuing a written informal warning to a licence holder specifying recommended improvement within a particular period of time if it deems necessary to support and promote the licensing objectives.

7. LICENSING PROCESS

- 7.0.1 **Applicants are advised that the application process for each type of authorisation or permission is set out in detail in the Act, the Regulations and the Guidance.**
- 7.0.2 Applications must be made on the prescribed or local form, and be accompanied by a fee. All prescribed forms and notices can be downloaded from the Commission's website www.gamblingcommission.gov.uk.
- 7.0.3 All local application forms are available in both the Welsh and English language, and are available to download from the licensing authority's website. A request for an application form may also be made directly to the licensing authority via telephone 01824 706342.
- 7.0.4 Applicants may submit applications electronically to the licensing authority by hardcopy or via email to licensing@denbighshire.gov.uk.

7.1 APPLICATIONS

- 7.1.1 The starting point in determining applications will be to grant the application, without conditions.
- 7.1.2 Conditions will only be considered where they are needed to meet the requirements of the licensing objectives and any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the 'risks' involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.
- 7.1.3 When determining an application to grant a premises licence or whether to review a premises licence, regard will be given to
- the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children, and
 - the size and scope of the gambling premises concerned.
- 7.1.4 **Each case will be determined on its own merits.** Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

- 7.1.5 Where there are no **relevant representations** from Responsible Authorities or Interested Parties to an application the licence will be granted provided that the application is made in accordance with the requirements of the Act. For representations to be relevant they must
- relate to the promotion of one of the three licensing objectives;
 - be made by a responsible authority or interested party within the prescribed period;
 - not been withdrawn; and
 - they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- 7.1.6 Where relevant representations on an application are received and the application has been made in accordance with the requirements of the Act, any non-compliance with other statutory requirements may be taken into account in reaching a decision about whether to grant a licence.

7.2 MEDIATION

- 7.2.1 Where a relevant representation concerning the licensing objectives is made by a responsible authority or interested party, the licensing section will decide whether the representation is relevant.

- 7.2.2 Where the licensing authority find the representation to be relevant it may recommend a **mediation meeting** to address and clarify the issues of concern.
- 7.2.3 This process will not override the right of an applicant or interested party to decline to participate in a mediation meeting.
- 7.2.4 If this informal process is unsuccessful a hearing before the licensing committee or sub-committee will follow. All relevant parties will be notified.
- 7.2.5 The determination of the application will be made by the licensing committee or sub-committee and the details of that decision will be circulated to the parties concerned.

7.3 CONDITIONS

- 7.3.1 The Act and regulations provide for specific conditions to be attached to a Premises Licence as either “**mandatory**” or “**default**” conditions.
- 7.3.2 Section 169 of the Act gives licensing authorities the power to impose default conditions on premises licences that they issue.
- 7.3.3 When considering any conditions to be attached to licences, the licensing authority will consider the local circumstances and risks associated with specific premises or class of premises, which might give rise to the need for conditions.

7.3.4 The licensing authority will not impose any conditions unless its discretion has been engaged following the making of a relevant representation and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It will then only impose such conditions which are appropriate and proportionate to promote the licensing objectives arising out of the consideration of the representations.

7.3.5 Conditions on premises licences will relate only to gambling, as considered appropriate in light of the following principles:

- Must be proportionate to the circumstance which they are seeking to address;
- Should be relevant to the need to make the proposed building suitable as a gambling facility;
- Should be directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
- Should be fairly and reasonably related to the scale and type of premises;
- Should be reasonable in all other respects.

7.4 REVIEWS

- 7.4.1 At any time following the grant of a premises licence a **responsible authority** or any **interested party** may ask the licensing authority to review the premises licence because of a matter arising at the premises in connection with any of the three licensing objectives.
- 7.4.2 The review process represents a key protection for the community where problems associated with the licensing objectives occur at a premises.
- 7.4.3 In every case, an application for a review must relate to a particular premises and **must be relevant to the promotion of one or more of the licensing objectives.**

- 7.4.4 Grounds for a review may be that activities, including but not limited to the following, are taking place at the premises:
- Use of licensed premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crimes;
 - Use of licensed premises for the sale and distribution of illegal firearms;
 - Use of licensed premises for prostitution or the sale of unlawful pornography;
 - Use of licensed premises as a base for organised criminal activity;
 - Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
 - Use of licensed premises for the sale of smuggled tobacco or goods;
 - The use of licensed premises for the sale of stolen goods.
 - Children and/or vulnerable persons are put at risk.

7.4.5 The licensing authority will reject an application for a review if the applicant fails to provide supporting information and documents that one or more of the licensing objectives are not being met or if the reason for the review does not relate to the licensing objectives.

- 7.4.6 The licensing authority will also reject an application for a review if
- the grounds are frivolous;
 - the grounds are vexatious;
 - the grounds are irrelevant;
 - the grounds will not cause the Council to revoke or suspend a licence or to remove or attach conditions on the Premises Licence;
 - the grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
 - the grounds are substantially the same as representations made at the time the application for a Premises Licence was considered.

7.4.7 The licensing authority considers it good practice for all responsible authorities that have concerns about problems identified at premises to give licence holders early warning of their concern and the need for improvement, and where possible they should advise the licence holder of the steps they need to take to address those concerns.

INITIATION OF REVIEW BY LICENSING AUTHORITY

7.4.8 A Premises Licence may also be reviewed by the licensing authority on its own volition.

7.4.9 Prior to discharging its power to initiate a review, the licensing authority will attempt to have constructive discussions with the operators about any concerns and may ask the operator to provide the licensing authority with its own **risk assessment** which sets out the controls it has put in place to mitigate risks.

8. LOCAL STANDARDS

8.1 PREMISES LICENCES

8.1.1 Premises Licences can authorise the provision of gambling facilities on

- Casinos;
- Bingo Premises;
- Betting Premises, including Tracks;
- Adult Gaming Centres (AGC); and
- Family Entertainment Centres.

By distinguishing between premises types, the Act makes it clear that gambling activity of the premises should be linked to the premises described. **The Act does not permit premises to be licensed for more than one of the above activities.**

8.1.1 An application for a Premises Licence can only be made by persons (which includes companies or partnerships):

- Who are aged 18 or over, **and**
- Who have the right to occupy the premises and
- Who have an Operating Licence authorising him to carry out the proposed activity **OR** who have applied for an Operating Licence to allow them to carry out the proposed activity.

The premises licence cannot be determined until an operating licence has been issued.

8.1.2 The exception to this is an applicant for a premises licence to allow a track to be used for betting, as these applicants are not required to hold an operating licence if they merely provide space for other people to provide betting (and those other people hold valid betting operating licences).

8.1.3 The licensing authority strongly encourages applicants to discuss proposed applications with a licensing officer and responsible authorities at an early stage and prior to the submission of the application itself. This should identify potential problems and help to build good partnership working. It may also reduce the need for a hearing at a later stage.

8.1.4 Applicants are encouraged to make themselves aware of any relevant planning and transport policies, tourism and cultural strategies and local crime and disorder strategies, and to take these into account, where appropriate, in the formulation of their operating schedules.

8.1.5	The licensing authority will expect all applicants to specify the methods by which they will promote the three licensing objectives in their operating schedules, having regard to the type of premises, the licensable activity proposed, the operational procedures, the nature of the location and the needs of the local community.
8.1.6	The authority considers that a well-drawn, specific operating schedule indicates that an applicant understands and is prepared to meet the responsibilities of a licence holder under the Act.
8.1.7	The authority considers that a blank or sparsely completed operating schedule may give the impression that the applicant has given inadequate thought to the responsibilities of a licence holder.

8.1.9 Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence under the Gambling Act 2005.

CASINOS

8.1.10 It was resolved on 23rd January 2007 (implemented on 1st February 2007) that applications for casinos are not to be permitted.

8.1.11 Should the licensing authority choose to review this policy, this will be a resolution of Full Council following considered debate and the reasons for making the resolution will be provided.

BINGO PREMISES

8.1.12 Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood:

- Cash bingo, where the stakes paid make up the cash prizes that are won
- Prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

8.1.13 The licensing authority will attach mandatory and default conditions to all Bingo Premises licences.

BETTING PREMISES

8.1.14 The licensing authority is responsible for issuing and monitoring premises licences for all betting premises.

8.1.15 The licensing authority will attach mandatory and default conditions to all Betting Premises licences.

TRACKS

8.1.16 The Act does not give a list of premises that are officially recognised as ‘tracks’ but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of tracks include

- A horse racecourse
- A greyhound track
- A point-to-point horserace meeting
- Football, cricket and rugby grounds
- A golf course
- Venues hosting darts, bowls or snooker tournaments.

8.1.17 The licensing authority will determine what constitutes a sporting event or race on a case by case basis.

ADULT GAMING CENTRES (AGC)

8.1.18 Applicants for an Adult Gaming Centre Premises Licence must hold a ‘Gaming Machines General Operating Licence (Adult Gaming Centre)’ from the Gambling Commission before the premises licence can be determined.

8.1.19 The licensing authority will attach mandatory conditions to all AGC Premises licences.

FAMILY ENTERTAINMENT CENTRES (FEC)

8.1.20 Applicants for a Family Entertainment Centre Premises Licence must hold a ‘Gaming Machines General Operating Licence (Family Entertainment Centre)’ from the Gambling Commission before the premises licence can be determined.

8.1.21 Licensed Family Entertainment Centres (FECs) are commonly located at seaside resorts, in airports and at motorway service stations, and cater for families, including unaccompanied children and young persons. They are permitted to make available category C and D gaming machines.

8.1.22 Children and young persons are not permitted to use category C machines and it is a requirement that there must be clear segregation between the types of machines so that persons under 18 years of age do not have access to them.

8.1.23 The licensing authority will take into account the policies and procedure proposed by the applicant to protect children and young persons when considering applications for FEC Premises licences.

8.1.24 The licensing authority will attach mandatory conditions to all FEC Premises licences.

8.2 NOTICES

TEMPORARY USE NOTICES (TUN)

- 8.2.1 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.
- 8.2.2 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.
- 8.2.3 There are a number of statutory limits as regards temporary use notices.

- 8.2.4 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.
- 8.2.5 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.

OCCASIONAL USE NOTICES (OUN)

- 8.2.6 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.

8.3 PERMITS

- 8.3.1 Permits are designed as a light-touch approach to low level ancillary gambling. The permits regulate gambling and the use of gaming machines in specific premises.
- 8.3.2 The licensing authority are responsible for issuing
- Family Entertainment Centre Gaming Machine Permits;
 - Club Gaming Permits and Club Gaming Machine Permits;
 - Alcohol-licensed premises Gaming Machine Permits;
 - Prize Gaming Permits.
- 8.3.3 The licensing authority will grant or reject an application for a permit. **No conditions may be attached to a permit.**
- 8.3.4 In addition, the licensing authority are responsible for receiving notification from holder of alcohol licences under the Licensing Act 2003 that they intend to exercise their automatic entitlement to 2 gaming machines in their premises.
- 8.3.5 See **Appendix C** for further information regarding the categories of gaming machines allowed by permit and information regarding stakes and prize limits.

8.3.6 When determining applications for permits the licensing authority will consider any convictions held by the applicant that would make them unsuitable to operate the premises plus the suitability of the premises in relation to their location and issues about disorder.

FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMIT

- 8.3.7 Unlicensed Family Entertainment Centres are able to offer only category D machines on a gaming machine permit. Any number of category D machines can be made available.
- 8.3.8 An application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an unlicensed Family Entertainment Centre and, if the applicant is an individual, is aged over 18 years.
- 8.3.9 The permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application.

8.3.10 There is no prescribed application form for this permit however the licensing authority have created a **local application form** for this purpose. A plan for the unlicensed Family Entertainment Centre must be submitted with each application.

CLUB GAMING PERMITS AND CLUB GAMING MACHINE PERMITS

- 8.3.11 The licensing authority may grant members clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the provision of gaming machines, equal chance gaming and games of chance as prescribed in regulations.
- 8.3.12 If a members' club or miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply for a club gaming machine permit using the prescribed form.
- 8.3.13 Holders of club gaming permits and club gaming machine permits are required to comply with the code of practice issued by the Gambling Commission on the location and operation of machines.

ALCOHOL-LICENSED PREMISES GAMING MACHINE PERMITS

- 8.3.14 The licensing authority may issue holders of alcohol licences under the Licensing Act 2003 a gaming machine permit which permits any number of Category C or D machines in licensed premises.
- 8.3.15 The application must be made by the person that holds the alcohol premises licence issued under the Licensing Act 2003.
- 8.3.16 The licensing authority may vary the number and category of gaming machines authorised by the permit if it considers it necessary to promote the licensing objectives.
- 8.3.17 Holders of licensed premises gaming machine permits are required to comply with the code of practice issued by the Gambling Commission on the location and operation of machines.

8.3.18 There is no prescribed form for this permit however the licensing authority have created a **local application form** for this purpose.

PRIZE GAMING PERMITS

- 8.3.19 The licensing authority may issue prize gaming permits to authorise the provision of facilities for gaming with prizes on specific premises.
- 8.3.20 The application must be made by the person who occupies or plans to occupy the premises and if the applicant is an individual, must be aged 18 or over.
- 8.3.21 Applicants are asked to set out the types of gaming that they are intending to offer in their application.

8.3.22 There is no prescribed form for this permit however the licensing authority have created a **local application form** for this purpose.

8.4 REGISTRATIONS

- 8.4.1 The Act denotes 'local authorities' as being responsible for registering societies to run **Small Society Lotteries**, as opposed to licensing authorities. In the interest of consistency, Denbighshire County Council being the local authority defined under Section 25 of the Act will be referred to as the licensing authority in this document.
- 8.4.2 Applications for small society lottery registrations must be in the form prescribed and be accompanied by both the required registration fee and all necessary documents required by the licensing authority.
- 8.4.3 The licensing authority will require applicants to provide a copy of their terms and conditions and their constitution to establish that they are a non-commercial society.

8.5 LOCAL RISK ASSESSMENTS

- 8.5.1 The Gambling Commission's '**Licence Conditions and Codes of Practice**' (LCCP) formalise the need for operators to consider local risks.
- 8.5.2 The Social Responsibility code 10.1.1 requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking a risk assessment, licensees must take into account the matters identified in this statement of policy.
- 8.5.3 A local risk assessment must be undertaken when applying for a new premises licence and must be updated
- When applying for a variation of a premises licence;
 - To take account any significant changes in local risks;
 - When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

- 8.5.4 The licensing authority will expect every risk assessment to cover the following broad headings:
- Reference to any specific local risks
 - How the operator proposes to mitigate these risks
 - How the operator will monitor the risks

- 8.5.5 The **Local risks** identified by the licensing authority include, but are not restricted to:
- The proximity of the premises to sensitive establishments such as schools, vulnerable adult centres, or to residential areas with a high concentration of families with children.
 - The nature of the gambling activities and category of gaming machines made available at the premises.
 - Any age restrictions and segregation requirements at the premises necessary for the protection of children and young persons.
 - The prevalence of vulnerable persons in the locality of the premises.

9. COMPLAINTS AGAINST LICENSED PREMISES

- 9.0.1 The licensing authority will investigate complaints against licensed premises in relation to matters concerning the licensing objectives. In the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.
- 9.0.2 Where an interested party has made a complaint about licensed premises, or a valid application for a licence to be reviewed, the Council may initially recommend a conciliation meeting to address and clarify the issues of concern.
- 9.0.3 This process will not override the right of any interested party or for any licence holder to decline to participate in a conciliation meeting.
- 9.0.4 Due consideration will be given to all complaints unless they are considered to be frivolous, vexatious or repetitious.

10. FURTHER INFORMATION

10.1 GAMING MACHINES

- 10.1.1 The licensing authority notes that the term “Gaming Machine” covers all machines on which people can gamble and the term has only been preserved in the Act because it is one that is readily understood.
- 10.1.2 The definition of “gaming machines” is wider in the Gambling Act 2005 than those in previous gaming legislation and covers all types of gambling activities which can take place on a machine, including betting on virtual events.
- 10.1.3 It should be noted however that there still remains a distinction between skill machines and gaming machines plus important exemptions remain for certain equipment that is not considered a gaming machine, even when gambling can be performed on it, for example a home personal computer.
- 10.1.4 In order for a premises to site gaming machines an authorisation is normally required. Typically this is
- An operating licence from the Commission **and** a gambling premises licence from the licensing authority;
 - An alcohol premises licence, or
 - A gaming machine permit.
- 10.1.5 Where the licensing authority is concerned regarding the manufacture, supply, installation, maintenance or repair of game machines, or the manner in which they are operating will contact the Commission for guidance.
- 10.1.6 Regulations define four categories of gaming machine: categories A, B, C and D with category B divided into five further sub-categories. The maximum number of machines permitted varies according to the premises type.
- 10.1.7 There is no minimum age for players of Category D gaming machines however players of category A, B and C gaming machines must be aged 18 years or above.
- 10.1.8 See **Appendix C** for further information regarding machine categories and entitlements.

10.2 LICENSING REGISTER

- 10.2.1 Under the Act, every licensing authority is required to keep a **licensing register** containing
- a record of each premises licence, club premises certificate and personal licence issued by it,
 - a record of each temporary event notice received by it,
 - a record of every other applications made to it, notices given to it and any counter notice given by it, and
 - such other information as may be prescribed by regulations.
- 12.2 The information contained in the licensing register will be made available for inspection by the public during office hours, free of charge, and a copy of that information may be supplied on request (for a fee).
- 12.3 A summary of the information contained in the licensing register is available to view online at www.denbighshire.gov.uk.

12.4 Any person wishing to view the licensing register in person should contact the licensing authority by email licensing@denbighshire.gov.uk or via telephone on 01824 706342 to arrange an appointment.

12.5 To ensure that the information contained in the register is presented in an appropriate format, any person wishing to view the register in person will be requested to clarify which part of the register they wish to have available during the appointment.

10.3 DATABASE OF PREMISES RECORDS

- 10.3.1 A database of premises licences is available on the Commission's website and consists of information submitted by licensing authorities. The Commission's website address is www.gamblingcommission.gov.uk .

APPENDIX A: GLOSSARY OF TERMS

Adult Gaming Centre: licensed gambling premises which can provide gaming machines. Only adults (persons 18 years old or over) can enter an Adult Gaming Centre.

Betting premises: licensed gambling premises which can provide betting facilities and gaming machines. Only adults (persons 18 years old or over) can enter Betting Premises unless the premises are on a track.

Bingo: there are two types of bingo

High Turnover Bingo - Bingo where the aggregate of stakes and prizes in any 7 day period exceeds £2000. High turnover bingo can only take place in casinos and bingo halls.

Low Turnover Bingo - (sometimes described as non-high turnover bingo) Bingo where the aggregate of stakes and prizes in any 7 day period is less than £2000. Low turnover bingo can take place in pubs and clubs, and in premises that hold a Prize Gaming Permit or Unlicensed Family Entertainment Centre Gaming Machine Permit.

Bingo Premises: licensed gambling premises which can provide high turnover bingo and gaming machines.

Casino: there are 3 types of casino that can exist in England and Wales: large, small, or “tiny” (casinos that existed under the old law and have retained their licences under the new law). The differences are based on overall size and the number of machines and gaming tables that can be provided. Casinos can provide casino games (games which are not equal chance gaming and may involve playing against a bank) and bingo as well as gaming machines.

Child: For the purposes of the Gambling Act 2005, anyone under the age of 16 years.

Club: the 2005 Act recognises 2 types of club: **members clubs** (at least 25 members and established for purposes other than gaming unless it is a bridge or whist club, including Miners Welfare Institutes); and **commercial clubs**. Equal chance gaming can take place without any further permit provided the limits on stakes and prizes are not exceeded. In addition low turnover bingo can take place and if it is a bridge or whist club then bridge or whist can be played.

Club Gaming Permit: a permit to enable the premises to provide gaming machines (three machines of Categories B3A, B4, C or D), equal chance gaming and games of chance (limited to pontoon and chemin de fer).

Club Machine Permit: a permit to enable the premises to provide gaming machines (three machines of Categories B3A, B4, C or D).

Conditions: there are two types of conditions

1. **Default Conditions** – are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the licensing authority.

2. **Mandatory Conditions** – are conditions set by the Secretary of State (some are set out in the Act and some will be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The licensing authority will have no discretion to alter or remove these conditions.

Crane grab machine: a non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a machine to separate one or more physical objects from another.

Equal Chance Gaming: games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

Exempting gambling: certain specified low-level gambling can take place in private premises, workplaces, pubs and clubs without any requirements for licensing or registration.

Exempt Lotteries: certain types of lottery can be run without either a licence from the Gambling Commission or registration with the local authority. They are Incidental Non Commercial Lotteries, Private Lotteries and Customer Lotteries.

Family Entertainment Centre: there are 2 types of Family Entertainment Centres: licensed and unlicensed. In both cases children and young persons can enter the premises unaccompanied by adults and use category D machines. Licensed Family Entertainment Centre can provide category C and D machines, but only persons aged 18 or over can use the category C machines. An Unlicensed Family Entertainment Centre can only provide category D machines.

Fixed Odds Betting: if a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming'), then it is likely to be betting at fixed odds.

Fixed Odds Betting Terminals (FOBTs): FOBTs are a type of gaming machines which generally appear in licensed betting shops. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.

Gaming: playing a game of chance for a prize. This includes games of pure chance (or luck), games that have an element of skill and chance combined, and games where "superlative skill" can eliminate the element of chance. Sports are excluded from the definition of Games of Chance.

Gaming Machine: a machine used for gambling. There are divided into 8 categories, (A, B1, B2, B3A, B3, B4, C & D) depending on the maximum stakes and maximum prizes. Different categories of machines can be used in different types of licensed gambling premises and under different permits.

Guidance to Licensing Authorities: guidance issued by the Gambling Commission.

Incidental non-commercial lottery: see Exempt Lotteries above.

Large Lottery: where the total value of tickets in any one lottery exceeds £20,000 or £250,000 in separate lotteries over one calendar year. This type of lottery requires an operating Licence from the Gambling Commission.

Licensed premises Gaming Machine Permit: allows pubs to have more than 2 gaming machines, provided the main purpose of the premises is to remain a pub, rather than an Entertainment Centre with a bar.

Licensing authority: the district, borough or unitary authority responsible for licensing gambling and other activities in the area.

Licensing Objectives: there are three objectives

- 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Lottery: the 2005 Act recognises 2 types of lottery, a simple lottery or a complex lottery. In both cases players pay to take part and prizes are allocated. In the case of a simple lottery, that allocation is wholly by chance, but in the case of a complex lottery there can be further steps which are not dependent upon chance. Some lotteries are exempt from regulation (see above).

Occasional Use Notice: a notice that may only be issued in respect of a track (see below) that permits betting on a track without the need for a Premises Licence.

Prize Gaming: gaming in which the nature and size of the prize is not determined by the number of players or stakes, e.g. bingo with non-cash prizes.

Prize Gaming Permit: a permit issued by the Licensing Authority allowing prize gaming to take place.

Pub: premises that have a premises licence under the Licensing Act 2003 to sell alcohol for consumption on the premises in a bar at which alcohol is served to customers. Pubs can have 2 category C or D gaming machines. If a pub has a Licensed Premises Gaming Machine Permit (see above) it can have more gaming machines.

Risk Assessments: the requirement under the Social Responsibility code 10.1.1 for operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks.

Relevant representations: are representations made by responsible authorities or interested parties within the prescribed period, that relate to the promotion of at least one of the three

licensing objectives, have not been withdrawn; and, in the opinion of the licensing authority, are not frivolous or vexatious.

Responsible authority: public bodies that must be notified of applications and are entitled to make representations to the licensing authority. They include

- the licensing authority in whose area the premises is wholly or partly situated,
- the Gambling Commission,
- the chief officer of police or chief constable for the area in which the premises is wholly or partly situated,
- the fire and rescue authority for the same area,
- the local planning authority for the area in which the premises is wholly or partly situated,
- the relevant authority which has functions in relation to pollution to the environment or harm to human health for the area in which the premises is wholly or partly situated,
- a body, designated by the licensing authority, as competent to advise about the protection of children from harm,
- HM Revenue and Customs
- Any other person prescribed in regulations by the Secretary of State.

Review: following the grant of a premises licence a responsible authority or interested party may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the three licensing objectives.

Skills with Prizes machine: a machine on which the winning of a prize is determined only by the player's skill and there is no element of chance. These are unregulated.

Small Society Lottery: these are for non-commercial societies (a society established and conducted for charitable purposes; for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or for any other non-commercial purpose other than that of private gain) who must register their lotteries with the local authority.

Temporary Use Notice: a notice that allows limited types of gambling to take place for a limited period on premises that do not have a premises licence.

Track: a site where races or other sporting events take place e.g. horse racing, dog racing, athletics, football, motor racing etc.

Travelling Fair: a fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year. Fairs can provide prize gaming and category D gaming machines.

Young Person: for the purposes of the Gambling Act 2005, anyone who is not a child but is aged under 18.

APPENDIX B: DELEGATION OF DECISION MAKING

Matter to be dealt with	Full Council	Licensing Committee or Sub-committee	Head of Planning and Public Protection
Final approval of the Licensing Authority statement of policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X (if delegated by full council)	
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for a variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission or responsible authority	X Where no representations received from the Commission or responsible authority
Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made and not withdrawn	X Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
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	

X indicates the lowest level to which decisions can be delegated

APPENDIX C: GAMING MACHINE SUMMARY

SUMMARY OF MACHINE PROVISION BY PREMISES

Premises Type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by Pool betting			Maximum of 4 machines categories B2 to D (except B3A Machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines		
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines		
Licensed family entertainment centre						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institute (with permits)				Maximum of 3 machines in categories B3A or B4 to D			
Qualifying alcohol-Licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines

SUMMARY OF GAMING MACHINE CATEGORIES AND ENTITLEMENTS

Category of machine	Maximum stake	Maximum prize
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money

Mae tudalen hwn yn fwriadol wag

ADRODDIAD I'R:	Pwyllgor Trwyddedu
DYDDIAD:	28 Mehefin 2017
SWYDDOG ARWEINIOL:	Pennaeth Cynllunio a Gwarchod y Cyhoedd
SWYDDOG CYSWLLT:	Uwch Swyddog Technegol (Trwyddedu) trwyddedu@sirddinbych.gov.uk 01824 706451
TESTUN:	Adolygu'r Polisi Sefydliad Rhyw

1. PWRPAS YR ADRODDIAD

Rhoi gwybod i Aelodau am y sefyllfa bresennol o ran cynigion i lunio Polisi Sefydliad Rhyw drafft, diwygiedig.

2. CRYNODEB GWEITHREDOL

- 2.1 Efallai y bydd Aelodau yn cofio y rhoddwyd adroddiad yn cynnig adolygu Polisi Sefydliad Rhyw'r Cyngor, ger eu bron ar gyfer ystyriaeth ym mis Mawrth 2015.

3. PŴER I WNEUD Y PENDERFYNIAD

Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982.

4. CEFNDIR

- 4.1 Rhoddodd yr adroddiad gwreiddiol wybod i Aelodau am gyflwyniad Adran 27 o Ddeddf Troseddu a Phlisma 2009 a ail ddsbarthodd clybiau glinddawnsio fel lleoliadau o adloniant rhywiol a rhoi pŵer i awdurdodau lleol reoleiddio lleoliadau o'r fath fel Sefydliadau Rhyw o dan Atodlen 3 Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982.
- 4.2 Hysbyswyd yr Aelodau nad oedd y pwerau hyn yn awtomatig ac y buasent ond yn berthnasol pe baent yn cael eu mabwysiadu'n benodol gan yr awdurdodau lleol. O ganlyniad, gofynnwyd i'r Aelodau ystyried mabwysiadu darpariaethau Adran 27 a byddai angen ymgynghoriad cyhoeddus cyn eu gweithredu.

4.3 Wedi iddynt ystyried cynnwys yr adroddiad, cytunodd yr Aelodau y dylid gweithredu â'r bwriad o fabwysiadu'r ddeddfwriaeth angenrheidiol a diwygio'r Polisi Sefydliad Rhyw cyfredol o ran hynny. Penderfynwyd felly:

(a) Y dylid gofyn i Swyddogion Lunio Polisi Sefydliad Rhyw drafft diwygiedig sy'n addas i'r diben i'w gyflwyno mewn cyfarfod yn y dyfodol cyn cynnal ymgynghoriad cyhoeddus, ac

(b) Y dylid mabwysiadu a chynnwys darpariaethau Adran 27 y Deddf Troseddu a Phlisma 2009 o fewn y Polisi Sefydliad Rhyw drafft diwygiedig.

YSTYRIAETH

5.

Er nad oes safleoedd o'r math hyn yn Sir Ddinbych ar hyn o bryd, bydd mabwysiadu'r pwerau hyn yn gweithredu fel mesur ataliol rhag unrhyw safleoedd o'r fath yn y dyfodol.

5.1

Er gwybodaeth i'r Aelodau, mae'r Ddeddf Troseddu a Phlisma yn darparu eithriad sydd eisoes yn caniatáu i leoliad wedi'i drwyddedu dan Ddeddf Trwyddedu 2003i gynnig adloniant i oedolion, gan sicrhau nad yw'n digwydd ar fwy nag un achlysur bob mis am ddim mwy na 24 awr am 11 mis y flwyddyn.

5.2

Mae'n rhaid i leoliad sydd yn dymuno defnyddio'r eithriad hwn sicrhau eu bod wedi'u awdurdodi ar gyfer y ddarpariaeth o adloniant wedi'i reoleiddio a nad oes unrhyw gyfyngiadau ar eu trwydded safle sy'n berthnasol i adloniant i oedolion, neu fel arall mae'n rhaid iddynt wneud cais am Rhybudd Digwyddiad Dros Dro.

5.3

O yrr angen i roi blaenoriaeth i greu ac adolygu polisiâu, mae swyddogion o'r farn y byddant yn barod i gyflwyno Polisi drafft diwygiedig i'r Aelodau yn 2018.

5.4

Hyd nes y bydd y polisi diwygiedig yn cael ei lunio a'i fabwysiadu, bydd swyddogion yn parhau i atgyfeirio unrhyw geisiadau am Leoliadau o Adloniant Rhywiol yn y dyfodol i'r Pwyllgor Trwyddedu o dan y gweithdrefnau presennol.

5.5

6.0

ARGYMHELLIAD

Bod Aelodau yn nodi'r adroddiad ac yn cytuno ar y terfynau amser ynglŷn â llunio Polisi Sefydliad Rhyw drafft diwygiedig.

ADRODDIAD I'R:	Pwyllgor Trwyddedu
DYDDIAD:	28 Mehefin 2017
SWYDDOG ARWEINIOL:	Pennaeth Cynllunio a Gwarchod y Cyhoedd
SWYDDOG CYSWLLT:	Uwch Swyddog Technegol (Trwyddedu) 01824 706451
TESTUN:	Adolygu'r Polisi Masnachu ar y Stryd

1. PWRPAS YR ADRODDIAD

- 1.1 Rhoi gwybod i'r Aelodau am y cynnydd o ran adolygiad arfaethedig o'r polisi masnachu ar y stryd cyfredol yn Sir Ddinbych.

2. CRYNODEB GWEITHREDOL

- 2.1 Ceisio barn a rhoi diweddariad i'r Aelodau ar y gwaith parhaus sy'n cael ei wneud.

3. GRYM I WNEUD Y PENDERFYNIAD

- 3.1 Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982 Rhan III, Atodlen 4, Masnachu ar y Stryd.

4. GWYBODAETH GEFNDIR

- 4.1 Yn 2015, penderfynodd yr Aelodau i awdurdodi swyddogion i adolygu'r gyfundrefn masnachu ar y stryd bresennol er mwyn mynd i'r afael ag anawsterau gyda'r gyfundrefn ac awgrymu gwelliannau i reoleiddio a chefnogi masnachu ar strydoedd y Sir yn well.
- 4.2 Yn eu cyfarfod yn Rhagfyr 2016, cafodd yr Aelodau'r cyfle i ystyried drafft o'r polisi a thrafodwyd amrywiol ddewisiadau i'w cynnwys mewn unrhyw ddrafft yn y dyfodol.
- 4.3 Cytunwyd i ymgynghori ag Aelodau'r Cynghorau Dinas, Tref a Chymuned i ddechrau, ynghyd ag adrannau mewnol y Cyngor i gael eu barn, yn arbennig o ran y system arfaethedig ar gyfer caniatâd bloc dros dro a

digwyddiadau arbennig a amlinellwyd yn y polisi drafft, cyn symud i ymgynghoriad cyhoeddus llawn.

5.0 SYLWADAU'R SWYDDOGION

5.1 Ymgynghorwyd â Chynghorwyr Dinas, Tref a Chymuned fel y manylwyd yn 4.3 ac er y derbyniwyd ambell ymateb penodol, maent wedi eu cynnwys yn y drafft diweddaraf y cynhelir ymgynghoriad cyhoeddus arno ar hyn o bryd.

5.2 Oherwydd amseriad yr ymgynghoriad cyhoeddus (sy'n cyd-fynd â'r cyfnod cyn yr etholiad) roedd swyddogion yn ystyried ei fod yn briodol ymestyn y broses hon i roi digon o amser i Gynghorwyr newydd a phresennol i ystyried y polisi drafft sydd ar gael ar wefan y Cyngor tan 30 Mehefin 2017.

6.0 ARGYMHELLIAD

6.1 Bod Aelodau yn ystyried cynnwys yr adroddiad hwn ac yn awdurdodi Swyddogion i barhau i weithio ar y Polisi Masnachu ar y Stryd drafft drwy lunio unrhyw ymatebion a dderbyniwyd a chyflwyno fersiwn terfynol i'r Aelodau presennol i'w ystyried yn eu cyfarfod nesaf yn Medi 2017.

ADRODDIAD I'R:	Pwyllgor Trwyddedu
DYDDIAD:	28 Mehefin 2017
SWYDDOG ARWEINIOL:	Pennaeth Cynllunio a Gwarchod y Cyhoedd
SWYDDOG CYSWLLT:	Uwch Swyddog Technegol (Trwyddedu) trwyddedu@sirddinbych.gov.uk 01824 706433
TESTUN:	Rhaglen Gwaith i'r Dyfodol 2017

1. PWRPAS YR ADRODDIAD

1.2 Rhoi diweddariad i'r Aelodau ar Raglen Gwaith i'r Dyfodol 2017.

2. CRYNODEB GWEITHREDOL

2.1 Mae'r Rhaglen Gwaith i'r Dyfodol ddiweddaraf ynghlwm, yn Atodiad 1, i'r Aelodau ei hystyried a'i chymeradwyo.

3. GWYBODAETH GEFNDIR

3.1 Yng nghyfarfod diwethaf y Pwyllgor Trwyddedu, cymeradwywyd Rhaglen Gwaith i'r Dyfodol eleni gan yr Aelodau.

3.2 Wrth ddrafftio'r Rhaglen Gwaith i'r Dyfodol, mae Swyddogion wedi ystyried y polisiâu sy'n berthnasol i'r Pwyllgor Trwyddedu a dyddiadau adolygu'r polisiâu hynny ynghyd ag unrhyw newid deddfwriaethol posibl a gynigir gan lywodraeth ganolog.

3.3 Penderfynodd yr Aelodau y dylid diweddarau'r Rhaglen Gwaith i'r Dyfodol yn ystod pob un o gyfarfodydd y Pwyllgor Trwyddedu er mwyn galluogi'r swyddogion i ymateb i bwysau neu newidiadau wrth iddynt godi, heb orfod gwneud newidiadau sylweddol i'r rhaglen.

3.4 Mae'r swyddogion wedi cael gwybod bod y Sefydliad Trwyddedu, ynghyd â Chymdeithas Llywodraeth Leol, ar hyn o bryd, yn gweithio ar ddatblygu polisi euogfarnau cenedlaethol i awdurdodau lleol ei weithredu, os ydynt yn dymuno gwneud hynny. Pennwyd mewn trafodaethau gyda'r Sefydliad Trwyddedu y bydd y polisi euogfarnau cenedlaethol arfaethedig yn ddogfen gadarn a fydd yn creu cysondeb ar draws Cymru a Lloegr, felly, cynigir y dylid gohirio unrhyw waith pellach

ar adolygu'r polisi cyfredol hyd nes y bydd y polisi cenedlaethol terfynol ar gael.

4. **ARGYMHELLIAD**

- 4.1 Y dylai'r Aelodau gymeradwyo'r Rhaglen Gwaith i'r Dyfodol, fel ag y mae yn Atodiad 1, ynghyd ag unrhyw ddiwygiadau arfaethedig fel y'u nodir yn 3.4 uchod.

Pwyllgor Trwyddedu

Rhaglen Waith

Dyddiad Pwyllgor	Adroddiad	Sylw
Medi 2017	Masnachu Stryd	Cymeradwyaeth
	Datganiad o Egwyddorion (Gamblo)	Cymeradwyaeth
	Amodau/Polisi Gyrrwr / Gweithredwr Cerbyd Hacni a Cherbyd Hurio Preifat	Adolygu
	Diweddariad Ffioedd a Thaliadau	Diweddariad
Rhagfyr 2017	Polisi Collfarnu Gyrrwr Cerbyd Hacni a Cherbyd Hurio Preifat	Drafft cyntaf ar gyfer ymgyngori
	Amodau/Polisi Gyrrwr / Gweithredwr Cerbyd Hacni a Cherbyd Hurio Preifat	Drafft cyntaf ar gyfer ymgyngori
Mawrth 2018	Polisi Collfarnu Gyrrwr Cerbyd Hacni a Cherbyd Hurio Preifat	Cymeradwyaeth
	Amodau/Polisi Gyrrwr / Gweithredwr Cerbyd Hacni a Cherbyd Hurio Preifat	Cymeradwyaeth

Mae tudalen hwn yn fwriadol wag

Yn rhinwedd Paragraff(au) 12, 14 Rhan 4, Atodlen 12A
Deddf Llywodraeth Leol 1972.

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