

# Public Document Pack

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To: Cllr Tony Sharps (Chairman)

Councillors: David Cox, Rob Davies, Ron Davies, Adele Davies-Cooke,  
Chris Dolphin, Rosetta Dolphin, Mike Lowe, Richard Lloyd, Ralph Small,  
Martin White and Andy Williams

30 September 2021

Dear Sir/Madam

**NOTICE OF REMOTE MEETING**  
**LICENSING COMMITTEE**  
**WEDNESDAY, 6TH OCTOBER, 2021 at 10.00 AM**

Yours faithfully

Robert Robins  
Democratic Services Manager

Please note: This will be a remote meeting and 'attendance' will be restricted to Committee Members and those Members of Council who have asked the Head of Democratic Services for an invitation. Such attendees may only speak at the Chair's discretion.

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

## A G E N D A

### 1 APOLOGIES

**Purpose:** To receive any apologies.

### 2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

**Purpose:** To receive any Declarations and advise Members accordingly.

### 3 MINUTES (Pages 5 - 8)

**Purpose:** To confirm as a correct record the minutes of the meeting held on 7<sup>th</sup> July 2021.

### 4 DRAFT STATEMENT OF LICENSING POLICY (Pages 9 - 118)

**Purpose:** To inform Members of the requirement to review the Statement of Licensing Policy under the Licensing Act 2003, and to provide a copy of the Draft Policy for 2021 – 2026 for Members following a period of consultation.

***Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours***

## **Procedural Note on the conduct of meetings**

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote

At County Council and Planning Committee meetings speaker's times are limited. A bell will be sounded to alert that the speaker has one minute remaining

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

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## **LICENSING COMMITTEE** **7<sup>TH</sup> JULY 2021**

Minutes of the meeting of the Licensing Committee of Flintshire County Council held at County Hall, Mold on Wednesday, 7<sup>th</sup> July 2021.

### **PRESENT: Councillor Tony Sharps (Chairman)**

Councillors: Rob Davies, Ron Davies, Adele Davies-Cooke, Chris Dolphin, Rosetta Dolphin, Mike Lowe, Richard Lloyd, Ralph Small, Martin White and Andy Williams.

### **IN ATTENDANCE:**

Licensing Team Leader and Team Leader - Democratic Services.

#### **1. APPOINTMENT OF VICE-CHAIR**

Councillor Richard Lloyd was moved and seconded as Vice-Chair of the Committee. A further nomination of Councillor Ralph Small was moved and seconded. Following the second nomination, Councillor Lloyd requested that his nomination was withdrawn, which it duly was.

### **RESOLVED:**

That Councillor Ralph Small be appointed Vice-Chair of the Licensing Committee for 2021/22.

#### **2. DECLARATIONS OF INTEREST**

Councillor Andy Williams declared a personal interest in agenda item number 5 – Changes to Taxi and Private Hire Licensing.

#### **3. MINUTES**

The minutes of the meeting held on 10<sup>th</sup> October 2019 had been circulated with the agenda.

### **RESOLVED:**

That the minutes be approved as a correct record and signed by the Chair.

#### **4. CHANGES TO TAXI AND PRIVATE HIRE LICENSING**

The Licensing Team Leader introduced the report and explained that the Department for Transport DfT had recently published the document “Statutory Taxi and Private Hire Vehicle Standards”. In addition, Welsh Government (WG) had recently published the document Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales”. Both of those documents affected Hackney Carriage and Private Hire Licensing.

The Statutory Taxi and Private Hire Vehicle Standards focussed on protecting children and vulnerable adults. The DfT stated that following a detailed consultation it was clear there was a consensus that common core minimum standards were required to better regulate the taxi and private high vehicle sector.

The Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales. That document followed Welsh Government's white paper 'Improving Public Transport' published in 2018. The aim of the recommendations contained in the document was to provide 'quick fixes' to improve the consistency of licensing standards and increase public safety across Wales. The recommendations formed the basis for further development by Welsh Government (WG) into national standards.

There were five reasons outlined by WG to adopt the recommendations, public safety being the first. The public should be able to expect a licensed driver to be competent, honest, safe and trustworthy.

The DfT statutory standards and the WG's Harmonisation of Taxi and Private Hire Vehicle Licensing recommendations introduced a number of changes that Local Authorities would need to adopt. In summary, the main changes are listed below:

#### Drivers

- Requirement for drivers to join the Disclosure & Barring Service (DBS) Update Service and have a DBS check every 6 months
- Use of the National Database for Refusal and Revocations of Hackney Carriage and Private Hire Drivers
- Overseas criminal record check for drivers
- Adopting the WG's Driver Code of Conduct
- Updating the Private Hire Driver Conditions in line with the WG's recommendations

#### Vehicles

- Requirement for vehicle proprietors to have an annual DBS check
- Overseas criminal record check
- Adopting the WG's policy on CCTV and Video Point of Impact Systems (VIPS)/Dash Cams in taxis and private hire vehicles
- Impose the WG's recommendations for accessibility conditions on vehicle proprietors of taxis and private hire vehicles

#### General

- Standardised application forms across Wales
- To commit to reviewing any Taxi Licensing Policy every five years in accordance with the DfT's Statutory Standards.

It was proposed that an overarching Taxi and Private Hire Licensing Policy would be drafted, for consideration by the Committee, to incorporate all

of the smaller policies and procedures currently in place into one document, and to incorporate the standards set out in the WG document.

In response to a question from Councillor Rosetta Dolphin, the Licensing Team Leader said that although it wasn't a mandatory requirement, all taxi drivers were encouraged to install CCTV in their vehicles as it was for the safety of everybody.

Councillor Mike Lowe asked if the rules within the policy would apply to taxis coming into Wales from England. The Licensing Team Leader explained that the DfT guidance applied in both England and Wales.

In response to a question from Councillor Lloyd, the Licensing Team Leader explained that prior to the Covid-19 pandemic, the Council linked up with North Wales Police and carried out spot checks on private hire vehicles and she was pleased to say there was a high compliance rate. Also, a full MOT was required for Private Hire / Hackney Carriages every 6 months. Since the pandemic however, the spot checks had not been able to be carried out.

Councillor Sharps asked if the Licensing Team Leader could prepare a brief report for the Committee on any incidents the department had dealt with since the pandemic, and also details of any decisions taken under delegated powers.

**RESOLVED:**

- (a) That the report be noted; and
- (b) That Members have regard to the two documents when considering any Taxi and Private Hire Licensing matters.

**5. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were no members of the press or public present.

(The meeting commenced at 10.00 a.m. and ended at 10.30 a.m.)

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**Chairman**

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## MEETING

<b>Date of Meeting</b>	Wednesday 6 <sup>th</sup> October 2021
<b>Report Subject</b>	Review of Flintshire County Council's Statement of Licensing Policy
<b>Report Author</b>	Chief Officer, Planning, Environment & Economy

## EXECUTIVE SUMMARY

To inform Members of the requirement to review the Statement of Licensing Policy under the Licensing Act 2003, and to provide a copy of the Draft Policy for 2021 – 2026 for Members following a period of consultation.

## RECOMMENDATIONS

1	For Members to consider and approve changes made to the Draft Policy following a period of consultation.
2	For Members of the Licensing Committee to approve the Draft Policy in preparation for final approval at Full Council.

## REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE REVIEW</b>
1.01	Local Authorities are required, under the Licensing Act 2003, to review their statement of Licensing Policy every 5 years.
1.02	This is the fifth Statement of Licensing Policy to be issued, and outlines the expectation of the Licensing Authority in relation to applicants, and details what applicants and service users may expect from the Licensing Authority.

1.03	Officers have undertaken a thorough review of the current policy, taking into account any relevant changes in legislation, guidance and good practice.																					
1.04	The review was undertaken in partnership with other North Wales Local Authorities, as part of an ongoing effort to achieve consistency – where possible - across the region.																					
1.05	The Draft Statement of Licensing Policy for the period December 2021 – December 2026 is shown at Appendix A in both Welsh and English. For ease, the original changes made are shown in red, and the changes made following consultation are shown in blue.																					
1.06	Summary of changes: <table border="1" data-bbox="320 674 1385 1055"> <thead> <tr> <th>Section</th> <th>Paragraph</th> <th>Detail</th> </tr> </thead> <tbody> <tr> <td>3.0</td> <td>Introduction</td> <td>Changes to the introduction wording</td> </tr> <tr> <td>3.0</td> <td>3.4</td> <td>New section relating to the control of drugs</td> </tr> <tr> <td>3.0</td> <td>3.8</td> <td>Note in relation to industry partnership schemes</td> </tr> <tr> <td>3.0</td> <td>3.43</td> <td>Note on engagement with Public Health</td> </tr> <tr> <td>16.0</td> <td>16.1</td> <td>Note on the Wellbeing of Future Generations Act</td> </tr> <tr> <td>Appendix D</td> <td>Immigration Act</td> <td>Note the responsibilities under the immigration Act</td> </tr> </tbody> </table>	Section	Paragraph	Detail	3.0	Introduction	Changes to the introduction wording	3.0	3.4	New section relating to the control of drugs	3.0	3.8	Note in relation to industry partnership schemes	3.0	3.43	Note on engagement with Public Health	16.0	16.1	Note on the Wellbeing of Future Generations Act	Appendix D	Immigration Act	Note the responsibilities under the immigration Act
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1.07	The consultation process is detailed in section 3.0 below.																					
1.08	Two responses were received in respect of the consultation, from a representative of Public Health Wales, and a representative for Premises Licence Holders. The details of the consultation responses and the Licensing Authority's consideration of those responses is shown at Appendix B.																					

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The policy will replace the existing policy, and as preparation of the document and consultation have already been carried out, it is not thought that there would be further resource implications.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Before determining the policy, the Licensing Authority is required to consult with the following: <ul style="list-style-type: none"> <li>• The Chief Officer of Police for the Licensing Authority's area;</li> <li>• The Fire and Rescue Authority for that area</li> <li>• Such persons as the Licensing Authority considers to be representative of holders of:- <ul style="list-style-type: none"> <li>❖ Premises Licences</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>❖ Club Premises Certificates;</li> <li>❖ Personal Licenses issued by that Authority;</li> <li>• Such other persons as the Licensing Authority considers to be representative of business and residents in the area.</li> </ul>
	The consultation opened on 18 <sup>th</sup> August 2021 until 30 <sup>th</sup> September 2021.
3.02	<p>The Licensing Authority consulted with:</p> <ul style="list-style-type: none"> <li>• All responsible authorities (including Police and Fire Service)</li> <li>• Representatives of holders of premises licenses, club premises certificates and personal licence holders</li> <li>• All County Councillors</li> <li>• All Community Councils</li> </ul>
	Details of the consultation were published on Flintshire County Council's website, and a notice was placed in reception at County Hall, Mold.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Not applicable

<b>5.00</b>	<b>APPENDICES</b>
5.01	<p>Appendix A – Draft Statement of Licensing Policy 2021 – 2026</p> <p>Appendix B – Summary of consultation responses</p>

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p><b>Contact Officer:</b> Gemma Potter – Team Leader</p> <p><b>Telephone:</b> 01352 703371</p> <p><b>E-mail:</b> <a href="mailto:gemma.potter@flintshire.gov.uk">gemma.potter@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>Statement of Licensing Policy:</b> a document the Licensing Authority are required to produce every five years to outline the Council's expectations in relation to Licensing.</p>
	<p><b>Licensing Authority:</b> Flintshire County Council's Licensing Team, responsible for key decisions in relation to Licensing.</p>
	<p><b>Premises Licence:</b> a licence to allow for regulated licensable activity to take place on premises such as public houses.</p>
	<p><b>Club Premises Certificate:</b> a licence for regulated licensable activity in a</p>

	Club i.e. Private Members Club.
	<b>Personal Licence:</b> A licence an individual must hold to allow them to be named on a premises licence to authorise alcohol sales



**DRAFT**

**Flintshire County Council**  
**Statement of Licensing Policy**

**December 2021 - December 2026**

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## Foreword by the chair of Flintshire County Council's Licensing Committee

This is the fifth of Flintshire's Statements of Licensing Policy.

The Licensing Act 2003 has now been in force for more than fifteen years, and has seen many changes and amendments during that time.

The experience built up through the years has contributed to ensuring that customers have a wide choice of premises to visit, that licensees have been supported through difficult economic times and that residents living near licensed premises have remedies if they suffer disturbance of any kind.

Licensing in Flintshire is located within the **Community and Business Protection Section of the Planning, Environment and Economy Portfolio** with Trading Standards and the Community Safety function.

This means that many of the issues surrounding alcohol, for example under age sales, anti-social behaviour and breach of licence conditions can be dealt with by the same Section thus providing a more effective and consistent approach.

The remit of the Licensing Committee itself covers Private Hire and Hackney Carriage (Taxi) Licensing and the Gambling Act in addition to alcohol and entertainment licensing. These areas again have a natural synergy which provides for a well co-ordinated approach.



*Councillor Tony Sharps  
Chair of the Licensing  
Committee*

## 1.0 | Background

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- 1.1** This Licensing Policy Statement is issued as required by the Licensing Act 2003 ('the Act') and is in line with the Home Office and Department of Culture, Media, and Sport (DCMS) guidance to local authorities. This document sets out the policies that the Council as Licensing Authority will follow when making decisions upon applications for:
- ▶ The sale by retail of alcohol
  - ▶ The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
  - ▶ The provision of late night refreshment (supply of hot food or drink from a premises between 23:00 and 05:00 hours)
  - ▶ The provision of regulated entertainment to the public or club members or with a view to making profit including raising money for charity where the entertainment involves:
    - a) a performance of a play;
    - b) an exhibition of a film;
    - c) an indoor sporting event;
    - d) a boxing or wrestling entertainment;
    - e) a performance of live music;
    - f) any playing of recorded music;
    - g) a performance of dance;
    - h) entertainment of a similar description to that falling within paragraph e, f or g.

\* Live Music Act – See Appendix D

The entertainment falls within the requirements when it takes place in the presence of an audience and is provided for the purpose or includes the purpose of entertaining that audience.

- 1.2** Incidental live and incidental recorded music will not be regarded as regulated entertainment. The Licensing Authority will give the word "incidental" its ordinary and natural meaning when making judgements about whether activities are licensable.
- 1.3** Spontaneous music, singing and dancing is not included in the definition of regulated entertainment and any occurrences of it will be assessed in accordance with the Act.
- 1.4** Guidance on the procedures to be followed by applicants and objectors is included in Appendix A of this document.



## 2.0 | Scope and Extent of the Licensing Act

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- 2.1** 2.1 It is the duty of the Licensing Authority to carry out its functions under the Act with a view to promoting the licensing objectives which are:
- ▶ the prevention of crime and disorder
  - ▶ public safety
  - ▶ the prevention of public nuisance
  - ▶ the protection of children from harm

The Licensing Authority acknowledges that each objective is of equal importance and that there are no others.

It is recognised that the licensing function cannot operate in isolation in the delivery of the above objectives. The Licensing Authority will therefore continue to work in partnership with its local communities, the police, local businesses, the Community Safety Partnership and all other relevant stakeholders. The Licensing Authority acknowledges that the private sector and local residents and community groups have as equally a vital role as public bodies.

- 2.2** In undertaking its licensing function, any licensing authority is also bound by other legislation, examples of which are set out below:
- ▶ Section 17 of the Crime and Disorder Act 1998 requires a local authority to do all that it reasonably can to prevent crime and disorder in its locality
  - ▶ The European Convention on Human Rights, which is given effect by the Human Rights Act 1998 places a duty on public authorities to protect the rights of individuals in a variety of circumstances
  - ▶ Health and Safety at Work Act 1974
  - ▶ Environmental Protection Act 1990
  - ▶ Disability Discrimination Act 1995
  - ▶ The Anti-social Behaviour Act 2003
  - ▶ The Local Authorities (Alcohol Consumption in designated Public Places Regulations) 2007
  - ▶ The Health Act 2006 and the Smoke-free Premises etc. (Wales) Regulations 2007
  - ▶ The Violent Crime Reduction Act 2006
  - ▶ The Equalities Act 2010
  - ▶ Police Reform and Social Responsibility Act 2011
  - ▶ The Live Music Act 2012
  - ▶ Anti-Social Behaviour, Crime and Policing Act 2014

Where existing law already places statutory obligations on applicants, the Council will not impose the same or similar duties by way of licence conditions.

The Licensing Authority will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Act. Examples of these strategies are set out below:

- ▶ Action Plan for Tackling Alcohol-related Crime, Disorder and Nuisance
- ▶ LGR / TSI Code of Best Practice on Test Purchasing
- ▶ Crime and Disorder Reduction Strategy
- ▶ Tackling Anti-social Behaviour
- ▶ Enforcement Policy
- ▶ Transport Plan

**2.3** The Licensing Authority would also draw attention to, and is supportive of, existing initiatives that are relevant to licensing, for example:

- ▶ Night-safe schemes
- ▶ Proof of age schemes
- ▶ CCTV coverage of town centres
- ▶ Exclusion Orders from town centres
- ▶ Pubwatch schemes
- ▶ Off-watch Schemes
- ▶ Flintshire Local Development Plan
- ▶ Betsi Cadwaladr University Health Board 'Calling Time for Change' strategy

**2.4** The objective of the licensing process is to allow the carrying on of retail sales of alcohol and the provision of licensable activities in a way which ensures public safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

**2.5** The Licensing Authority recognises that the entertainment industry in Flintshire is a significant contributor to the local economy. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. But there must be a balance with the needs of the residential population, whose amenity the Licensing Authority has a duty to protect.

**2.6** The Licensing Authority will also have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, street crime and the capacity of the County's infrastructure, resources and police resources to cope with the influx of visitors, particularly at night.

**2.7** The Licensing Authority has adopted this policy, which sets out the general approach it will take when it acts as Licensing Authority in considering applications for premises licences. In adopting this policy, the Licensing Authority recognises that each application will be considered on its merits.

- 2.8** The Licensing Authority recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities, and in particular, children. In determining conditions to be attached to licences and certificates the Licensing Authority will avoid measures which deter opportunities for cultural activities by imposing indirect costs.
- 2.9** The Council may seek premises licences in its own name for public spaces such as market squares, pedestrianised streets, etc. in order that community activities can take place easily. In such defined places, performers and entertainers would not need to obtain a licence themselves or issue any temporary event notices. They would simply seek permission from the Council as the premises licence holder.(The Council would not be seeking authority to permit the sale or supply of alcohol for these areas).
- 2.10** The purpose of the Statement of Licensing Policy is to assist Officers and Members in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition, the Policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the County with some measure of certainty.
- 2.11** The Licensing Act 2003 makes provision for this policy to be consulted on and reviewed at least every five years. Accordingly, this Policy will be reviewed no later than December 2026. Interim revisions may be made to it, for example, following feedback from the local community on whether the licensing objectives are being met.
- 2.12** The Council will also monitor the impact of licensing on regulated entertainment to ensure that cultural events are not being deterred by unnecessary, disproportionate or unreasonable licensing conditions. The Council's Arts Development Officers will be included in consultation on this.
- 2.13** The policy will normally apply to any licence application determined after the date that the Council resolves to make the policy operational, irrespective of the date on which the application was made. The Licensing Authority will only depart from the policy, if individual circumstances of the case merit it, in the interest of the licensing objectives. Full reasons for such a departure will be given.
- This policy applies to the following categories:
- ▶ Premises Licenses
  - ▶ Club Premises Certificates
  - ▶ Personal Licences
  - ▶ Permitted Temporary Activities (Temporary Event Notices)
- 2.14** In the case of premises requiring a Premises Licence or Club Premises Certificate the Licensing Authority may select appropriate and necessary conditions from the DCMS or Institute of Licensing pool of conditions. These conditions will be appropriate to the nature of the activities specified in the operating schedule, and

reflect the four licensing objectives set out at paragraph 1.5 above.

## 3.0 | Licensing Objectives

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### Introduction

Within the context of promoting the four licensing objectives, the Licensing Authority expects applicants to propose licensing conditions to mitigate the impact their premise may have on the health and well-being of their customers, the neighbourhood and the wider community.

### Crime and Disorder

*The Statement of Licensing Policy and the procedures and conditions that form part of the process should promote the Licensing Objectives*

- 3.1** The Licensing Authority will have regard to the Crime and Disorder Act 1998 under which it has a duty to prevent / reduce crime and disorder in the area. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies, e.g. the provision of CCTV cameras in certain premises.
- 3.2** One of the key priorities of the Flintshire Crime and Disorder Reduction Partnership is to reduce the level of crime in specified areas. The policy will have regard, therefore, to the likely impact of licensing on related crime and disorder in the Council's area, particularly when considering the location and impact and the operation and management of all proposed licence applications, renewals and variations of conditions.
- 3.3** The Licensing Authority will have due regard to the representations of North Wales Police which is one of the Responsible Authorities that will be consulted regarding premises licence and club premises certificate applications, and Temporary Event Notices.

### Drugs

#### 3.4

Within the context of promoting the licensing objectives for preventing crime and disorder and ensuring public safety, the Licensing Authority expects applicants and licensees to:

- Take all reasonable steps to prevent the entry of drugs into licensed premises
- Take all reasonable steps to prevent drugs changing hands within the premises

- Train staff to recognise understand the signs of drug misuse in people so that practical steps can be taken to deal with instances that occur
- Have appropriately trained staff to deal with drug related incidents
- Display appropriate drug safety awareness information to customers
- Provide first aid equipment in all venues, and a first aid room in larger venues. Consideration should be given to providing a defibrillator in larger venues
- Deploy staff trained to assist with medical incidents
- Implement an appropriate banning policy

## Door Supervisors

- 3.5** The Licensing Authority, upon receipt of relevant representations, may consider that certain premises require supervision for the purpose of promoting the reduction of crime and disorder, and to generally contribute to safe operation of the premises. In such cases, the Licensing Authority may impose a condition that licensed door supervisors (Security Industry Authority) must be employed at the premises either at all times or at such times as certain licensable activities are taking place, and at a number and ratio to be determined by the Licensing Authority.
- 3.6** Stewards and other persons whose role is to provide advice about and ensure the safety of those visiting the premises are not deemed to be carrying out a security activity and need not be registered with the Security Industry Authority.

## Late Night Refreshment

- 3.7** Premises selling hot food or drink between 11.00 pm and 5.00 am will need to be licensed. The key licensing objectives in connection with this activity are the prevention of crime and disorder and public nuisance. Where provision of hot food and drink is a secondary activity in licensed premises open for other activities, then the primary licence conditions will adequately cover the activity. The requirements will not normally be applied to convenience stores / garage shops and similar premises unless crime and disorder or public nuisance becomes an issue.

## Industry Partnership Schemes

- 3.8** The Licensing Authority would encourage active participation in schemes such as Pubwatch, Off-Watch, Best Bar None (if available in the area) as contributing to the prevention of crime and disorder licensing objective.

## PSPO's

- 3.9** Flintshire is a 'designated public place' under the relevant legislation. This means that if a police officer reasonably believes that a person is or has been consuming,

or intends to consume, alcohol in a designated public place he/she has the power to require that person not to drink alcohol in that place and to surrender any alcohol or alcohol containers (including sealed containers) in his/her possession.

- 3.10** It is not an offence to drink alcohol in a designated public place but failure to comply with an officer's requirements without reasonable excuse is an arrestable offence.

### Irresponsible Promotions

- 3.11** Banning the irresponsible promotion of alcohol in on-licensed premises was one of five measures brought in by Government in 2010. The others were banning the dispensing of alcohol directly into the mouths of customers; making free tap water available; ensuring age verification policies are in place and offering smaller servings of beer, wine and spirits.
- 3.12** In Flintshire the decision on what is and is not an irresponsible promotion will be made on a case by case basis taking all the circumstances into account and with reference to other Responsible Authorities when necessary.

### Late Night Levy

- 3.13** Changes in primary legislation through the Police Reform & Social Responsibility Act 2011 provided the potential for the Authority to adopt an additional local power to assist in the control of the effect of the Late Night Economy on the local community. Flintshire County Council do not currently charge a Late Night Levy.

### Early Morning Restriction Orders

- 3.14 Early Morning Restriction Orders (EMRO) are seen as a tool for potential use by the Authority to readjust the focus of the night time economy away from problem drinking, if such measures would promote the Licensing Objectives.

### Public Safety

- 3.13** The Licensing Authority wishes to promote high standards of public safety in relation to premises and activities within the scope of the Licensing Act 2003.
- 3.14** The Department of the Council which enforces health and safety in relevant premises may be consulted as a Responsible Authority and may also act as Authorised Persons for enforcement purposes under the Licensing Act 2003.

- 3.15** The Licensing Authority recognises that general health and safety duties will not always adequately cover specific issues that arise in premises in connection with certain entertainments and therefore conditions may need to be attached to a licence/certificate.
- 3.16** Where activities are organised by volunteers or a committee of a club or society, the Licensing Authority considers it good practice that the same level of health and safety protection is provided as if an employer / employee relationship existed, irrespective of whether there are strict legal duties applicable under the health and safety legislation.
- 3.17** The Licensing Authority will encourage licence holders to provide facilities enabling the admission of people with disabilities. No conditions will be applied which could be used to justify exclusion on the grounds of public safety. Any licence condition imposed to prohibit pets for public safety reasons will not apply to guide or assistance dogs.

## Fire Safety

- 3.18** The Licensing Authority will have due regard to the representations of North Wales Fire and Rescue Service which is one of the Responsible Authorities that will be consulted regarding premises licence/ club premises certificate applications, renewals and variations.
- 3.19** North Wales Fire & Rescue Service may select appropriate and necessary conditions in relation to fire safety matters in consultation with North Wales Fire and Rescue Service.
- 3.20** The Licensing Authority, upon receipt of relevant representations will include in a premises licence / club premises certificate an occupant capacity where necessary for public safety. This figure will be arrived at in consultation with North Wales Fire and Rescue Service.
- 3.21** Where applicants wish to avail themselves of the special provisions in Section 177 of the Act (dancing, amplified and un-amplified music in premises with a permitted capacity of not more than 200) North Wales Fire and Rescue Service may be asked to make a confirmation of the capacity of the premises.
- 3.22** Flintshire County Council is a signatory to the protocol between North Wales Fire & Rescue Service and the six North Wales local authorities.

## Prevention of Public Nuisance

- 3.23** When considering public nuisance the Licensing Authority will take account of:-
- ▶ Noise from premises - including that caused by patrons smoking outside



- ▶ Waste
- ▶ Litter - including smoking related litter
- ▶ Car Parking
- ▶ Light pollution
- ▶ Noxious smells

The Licensing Authority will take the broad common law meaning of public nuisance when making its judgements on applications and reviews of premises licences / certificates.

- 3.24** In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority will take into account the type of entertainment activity, proposed hours of operation, the capacity of the premises and the character of the area and proximity to local residents.
- 3.25** The Licensing Authority will use the recognised pool of licence conditions to control noise from existing premises and to advise developers on the required noise attenuation for new premises. Stricter conditions with regard to noise control may be imposed in areas where the premises are near residential property.
- 3.26** The Pollution Control Section of the Council's Public Protection Division will act as a Responsible Authority and will be consulted with regard to the prevention of public nuisance and reference may be made to the Institute of Acoustics 'Good Practice Guide on the Control of Noise from Pubs and Clubs' (current edition). Reference may also be made to the Department of Environment, Food and Rural Affairs (DEFRA) report entitled "Implications for Noise Disturbance Arising from the Liberalisation of Licensing Laws".
- 3.27** The Licensing Authority will balance the potential for limited disturbance in neighbourhoods with the need to encourage and promote live music, dancing and theatre.
- 3.28** The Licensing Authority acknowledges the powers that the Police hold to issue a Closure Order on individual licensed premises that are causing a nuisance as a result of noise emitted and would encourage the Police to use such powers wherever appropriate and inform the Licensing Authority in the event of such action.
- 3.29** The above powers are also available to Pollution Control Officers by the Anti-Social Behaviour Act 2003. Such powers will be used when deemed necessary and in accordance with the legislation.
- 3.30** The Licensing Authority will not impose conditions on licensed premises that the licensee cannot directly control, or on matters not related to the immediate vicinity of the premises.
- 3.31** When considering applications for licences or reviews of licences, the Licensing Authority will take a common sense view on whether the individual or business

making representations is located “in the vicinity” of the premises concerned and therefore likely to be directly affected by disorder and disturbance.

- 3.32** Noise and disturbance arising from the behaviour of patrons that have left the premises are matters for personal responsibility and are subject to Police enforcement of the normal law concerning disorder and anti-social behaviour.
- 3.33** Notwithstanding the previous paragraph, it is the view of the Licensing Authority that the Designated Premises Supervisor holds the responsibility for ensuring that patrons who may be outside their premises for smoking related purposes do not create public nuisance.

### **Protection of Children from Harm**

- 3.34** The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include, for example, theatres, cinemas, restaurants, pubs, night-clubs, cafes, take-aways, community halls and schools. Access by children to all types of premises will not be restricted in any way apart from as specified in the Licensing Act 2003, unless it is considered necessary to do so in order to protect them from harm in some way (i.e, physical, moral or psychological harm).
- 3.35** When considering applications for premises licences or club premises certificates, the Licensing Authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children, for example:
- ▶ Where there have been convictions of members of the current staff for serving alcohol to minors or with a reputation for underage drinking
  - ▶ With a known association with drug taking or dealing
  - ▶ Where there is a strong element of gambling on the premises (but not the simple presence of a small number of cash prize gaming machines)
  - ▶ Where entertainment or services of an adult or sexual nature are commonly provided, e.g. topless bar staff, striptease, lap-dancing, table-dancing or pole-dancing, strong and offensive language or imagery. (see also paragraph 20)
  - ▶ Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

The Licensing Act 2003 makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises.

The Licensing Authority will give the term “exclusively or primarily” its ordinary and natural meaning in the context of the particular circumstances. The Licensing Authority will consider the individual merits of each application.

- 3.36** Where the circumstances described in 6.2 exist then conditions may be attached to the licence to protect children from harm. Such conditions may include:

- ▶ Requirements for the production of proof of age cards
- ▶ Limitation on the hours when children may be present
- ▶ Age limitations (below 18)
- ▶ Limitations or exclusions when certain activities take place
- ▶ Restrictions or exclusions in respect of parts of premises
- ▶ Full exclusion of people under 18 from the premises when any licensable activities are taking place
- ▶ Requirements for adult supervision

As a general principle the Licensing Authority will not attach conditions to premises licences or certificates requiring the admission of children. This will be left to the discretion of the venue operator.

- 3.37** Where the exhibition of films is permitted the authority will expect age restrictions to be complied with in accordance with the British Board of Film Classification recommendations. This is a mandatory condition in the Licensing Act 2003 for premises admitting children to the exhibition of any film.
- 3.38** The Licensing Authority recognises the requirement in the Act for children under the age of 16 to be accompanied by an adult. In circumstances where large numbers of unaccompanied children are likely to be present on certain licensed premises, for example at a children's show or pantomime, then to ensure public safety and the protection of children from harm, the ratio of adults required to supervise children will be in accordance with Annex H, Section 182 Guidance to the Licensing Act 2003 or such other ratio that a responsible authority may recommend.
- 3.39** No films shall be exhibited at licensed premises which are likely to:
- ▶ Lead to disorder
  - ▶ Stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, language, disability, religious beliefs, sexual orientation or gender.
- 3.40** With general reference to the protection of children from harm, the Licensing Authority will regard the Social Services for Children Department of the Community Services Directorate as the Responsible Authority competent to respond on matters relating to children and harm.
- 3.41** It is expected by the Licensing Authority that operating schedules submitted as part of applications shall contain enough detailed information so that a proper view as to what measures may be necessary to protect children from harm can be determined.
- 3.42** Please see paragraph 15 below for more detailed information on control of Sexual Entertainment Venues

## Public Health

**3.43** The Local Health Board is responsible for making representations and observations on licence applications. ~~The Health Board will also use information provided by Public Health Wales in order to inform their decision-making.~~ Public health is not yet a licensing objective but the licensing authority believes that public health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data not available to other responsible authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

Public health data reveals that -

- 21 percent of adults in Flintshire drink above the recommended average weekly consumption of alcohol (National Survey for Wales, 2019).
- In 2019 - 2020, there were 353.4 alcohol-specific hospital admissions and 1857.3 alcohol-attributable hospital admissions (European Age Standardised Rate per 100,000 population) for individuals resident in Flintshire (Public Health Wales, 2020).

## 4.0 | Cumulative Impact

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- 4.1** This relates to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 4.2** The Licensing Authority does not consider that at the time of publication of this Statement of Licensing Policy there are areas in Flintshire where cumulative impact poses a significant problem.
- 4.3** However, the Licensing Authority wishes to remain alive to the possibility of such impact occurring.
- 4.4** Through liaison with local residents and Responsible Authorities the Licensing Authority may therefore conclude in the future, that a particular part of its area is considered to be causing a cumulative impact on one or more of the licensing objectives.
- 4.5** A special policy of refusing new licences will therefore be adopted when there is an evidential basis for it from Responsible Authorities, interested parties or other bodies such as Crime and Disorder Reduction Partnerships.
- 4.6** The Licensing Authority will follow the steps detailed in the revised Home Office Guidance when adopting a special policy.
- 4.7** This will create a rebuttable presumption that applications for new premises licences, club premises certificates or material variations will normally be refused, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.
- 4.8** The special policy will not, however, be absolute. Each application will be considered on its merits and licences or certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. The different styles and characteristics of premises will be taken into account.
- 4.9** Special policies will not be used as a ground for revoking an existing licence or certificate, nor for rejecting applications to vary an existing licence except where those modifications are directly relevant to the policy and strictly necessary for the promotion of the licensing objectives.
- 4.10** A special policy will not be used to impose fixed closing times in a particular area, or to impose quotas – based on either the number of premises or the capacity of those premises.

- 4.11** Other mechanisms will also be used for controlling cumulative effect, for example:
- ▶ provision of CCTV
  - ▶ prohibitions on consuming alcohol in designated public areas
  - ▶ police enforcement of the general law concerning disorder and anti social behaviour
  - ▶ enforcement of legislation on selling alcohol to people who are drunk
  - ▶ confiscation of alcohol from adults and children in designated areas
  - ▶ use of the police temporary closure powers
  - ▶ ability for the Police, Responsible Authorities, residents and businesses to seek review of premises licences or club premises certificates.

## 5.0 | Planning and Building Control

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- 5.1** The Planning, Building Control and Licensing regimes in Flintshire will be properly separated to avoid duplication and inefficiency.
- 5.2** Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property in question. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.
- 5.3** The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers wider amenity issues. As such licence applications should not be a re-run of the planning application and should not necessarily be influenced by decisions taken by the local authority planning committee or by the Planning Inspectorate on appeal, and vice versa.
- 5.4** The granting by the licensing authority of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission (Listed Building Consent where applicable), or Building Control approval.
- 5.5** There are also circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to enforcement action under planning law.
- 5.6** The Planning Authority is a responsible authority under the Licensing Act and as such may make representations on licence applications as long as they relate to the licensing objectives.
- 5.7** Reference is made to The Agent of Change principle, which places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise sensitive development.

## 6.0 | Application for First-time Grant of Licence / Certificate and Variation of existing Terms and Conditions

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In considering all new or variation of condition applications, the Licensing Authority will assess them in light of the licensing objectives, the operating schedule and in particular will consider the following, to the extent that they are under the control of the applicant :

- 6.1** The steps the applicant has taken or proposes to take to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- 6.2** The steps the applicant has taken or proposes to taken to prevent disturbance by patrons arriving at or leaving the premises.
- 6.3** The steps the applicant has taken or proposes to take to prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction.
- 6.4** The steps the applicant has taken or proposes to take to ensure patrons leave the premises quietly.
- 6.5** The arrangements made or proposed for parking by patrons, and the effect of parking on local residents.
- 6.6** Whether there is sufficient provision for public transport for patrons.
- 6.7** Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
- 6.8** Whether routes to and from the premises on foot or by car or service / delivery vehicles pass residential premises.
- 6.9** Whether other measures to reduce nuisance have been considered, such as the use of CCTV or the employment of Licensed Door Supervisors.
- 6.10** The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures.
- 6.11** The likelihood of any violence, public disorder or policing problem arising if a licence was to be granted.
- 6.12** If the applicant has previously held a licence within the County, the details of any enforcement action arising from the premises.



- 6.13** Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- 6.14** Representations from Responsible Authorities.
- 6.15** Representations from interested parties.
- 6.16** In respect of applications for variation of a premises licence or club premises certificate the Licensing Authority will take into account the previous history of the premises and its management. The views of all Responsible Authorities may be taken into account.

### Minor Variations

- 6.17 A premises licence / club premises certificate holder may apply under the 'minor variation' procedure for small variations which may not impact adversely on the licensing objectives. There is no right to a hearing, however if the application is rejected, a full application can be made.
- 6.18 The Licensing Authority must consider the impact of the minor variation, and decide whether to consult with any of the Responsible Authorities.

### Annual Fee

- 6.19 Although premises licenses and club premises certificates are granted indefinitely, licence holders are required to pay an annual fee to the Licensing Authority.

During 2012, the Police Reform and Social Responsibility Act amended the Licensing Act 2003 to impose a requirement on the Licensing Authorities to suspend premises licenses where the annual fees are not paid.

## 7.0 | Temporary Events

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- 7.1** The Licensing Authority will produce clear and understandable local publicity about its approach to temporary permitted activities. In brief, these are events that last for less than 168 hours and have less than 500 people attending.
- 7.2** Both the Police and Environmental Health can object to a Temporary Event Notice within a three day window of submission
- 7.3** Many local events will be organised by volunteers or a committee of a club or society. The Licensing Authority considers it good practice that the same level of health and safety protection is provided as if an employer / employee relationship existed, irrespective of whether there are strict legal duties applicable under the health and safety legislation.
- 7.4** The Licensing Authority will encourage organisers of temporary events to seek advice / information from their local Safety Advisory Groups.
- 7.5** Though the Licensing Authority is unable to attach any limitations or restrictions in respect of Temporary Events it expects organisers to have proper respect for local residents and those attending events, for example, in the areas of:
- ▶ health and safety
  - ▶ noise pollution
  - ▶ use of temporary structures
  - ▶ road closures
  - ▶ use of pyrotechnics / fireworks
  - ▶ controlling anti-social behaviour
  - ▶ sale of alcohol

### Standard TENs

- 7.6** A minimum of ten working days' notice must be given to the Licensing Authority of temporary events, however the earliest possible notice would be preferred. "Ten working days' notice" means ten working days exclusive of the date the notification is received, and the day the event starts. "Working day" excludes Saturday, Sunday, Christmas Day, Good Friday or Bank Holidays.
- 7.7** Where the Police or Environmental Health object to the TEN, the applicant can agree to modify the TEN. If no agreement is reached, a hearing of the Licensing Sub Committee will be arranged. The panel may decide to impose conditions or issue a Counter Notice to prevent the event from going ahead.

## Late TENS

- 7.8** A late TEN may be given up to five working days but no earlier than nine working days before the event is due to take place.
- 7.9** Where the Police or Environmental Health apply for a Late TEN, there is no provision for a hearing and the Authority must serve a Counter Notice to prevent the event from going ahead.

## 8.0 | Personal Licences

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- 8.1** The Licensing Authority will closely follow the Home Office guidance in respect of applications for and granting of Personal Licences.
- 8.2** Applicants will be required to produce a recent basic criminal record disclosure document. Applicants from foreign jurisdictions must make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent offence.
- 8.3** The Licensing Authority will liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act.
- 8.4** The Licensing Authority will append details of the relevant offences to the application forms for the information of applicants.

## 9.0 | Club Premises Certificates

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- 9.1** Section 62 of the Licensing Act sets out the general conditions which an organisation with at least 25 members who have joined together for particular social, sporting or political purposes must meet to be a qualifying club. Only qualifying clubs may apply for a Club Premises Certificate.
- 9.2** A Club Premises Certificate provides authorisation for the supply of alcohol and provision of regulated entertainment for the benefit of members and their bona-fide guests only. If a premises wishes to provide licensable activities for non-members or the public in general, they will need to do so by means of a Temporary Event Notice or a Premise Licence. The Licensing Authority will liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act.
- 9.3** The grant of a Club Premises Certificate affords the qualifying club certain benefits:
- ▶ Supply of alcohol to members without the requirement for a Designated Premises Supervisor
  - ▶ Provision of Late Night Refreshment to members without the need for additional authorisation
  - ▶ Limited rights of entry to the police and authorised persons as the premises will generally be considered to be private and not open to the general public
  - ▶ Exemption from police powers of instant closure on grounds of disorder and noise because they operate under their codes of discipline and rules
  - ▶ Exemption from orders of the magistrates' court for the closure of all licensed premises in an area when disorder is happening or expected

## 10.0 | Operating Schedule

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- 10.1** The Licensing Authority believes that all parties – licensing authorities, licence / certificate holders, authorised persons, the police and responsible authorities – should be working together in partnership to ensure collectively that the licensing objectives are promoted.
- 10.2** In order to minimise disputes and the necessity for hearings, the Licensing Authority believes it would be sensible for applicants to consult with all responsible authorities when operating schedules are being prepared.
- 10.3** Operating Schedules are expected to contain sufficient information to allow any Responsible Authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
- 10.4** Descriptions of activities proposed at the premises should include those that also fall outside the definition of regulated entertainment.
- 10.5** The type of dancing should be described, as should the type of music provided. This type of information is essential so that Responsible Authorities and interested parties can form a proper view as to what measures may be necessary to ensure that the licensing objectives are being met.
- 10.6** The measures put forward in Operating Schedules to promote the licensing objectives will become licence conditions attached to the premises licence or club premises certificate.

## 11.0 | Hours of Operation

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- 11.1** The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time.
- 11.2** The Licensing Authority will aim, through the provisions of the licensing objectives, to achieve a slower dispersal of people from licensed premises through longer opening times. The Council will not fix pre-determined closing times for particular areas, nor seek to engineer 'staggered closing times'.
- 11.3** Shops, stores and supermarkets will be permitted to sell alcohol for consumption off the premises at the times when they are normally open in the course of their business. Hours may be restricted when representations are received from the Police in relation to individual shops which are known to be a focus of disorder and disturbance.
- 11.4** When considering applications for premises licences / certificates, the Licensing Authority will take into account applicants' requests for terminal hours in the light of:
- ▶ The potential impact on the amenity of the area
  - ▶ The character or function of a particular area
  - ▶ The nature of the proposed activities to be provided at the premises
- 11.5** The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the above. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate.
- 11.6** Where premises are situated adjacent to residential areas then stricter conditions with regard to noise control may apply, but this should not limit opening hours provided the required conditions are complied with.
- 11.7** The times when a premises are open to the public are not necessarily identical to the hours during which licensable activities may take place. It will be possible for premises to allow the consumption of previously purchased alcohol outside the hours authorised for the sale or supply of alcohol.
- 11.8** The Licensing Authority will not oblige the holder of a premises or club premises certificate to remain open for the entire period permitted by his / her licence or certificate.

## 12.0 | Enforcement, Reviews and Powers

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- 12.1** A protocol on the implementation of a shared enforcement role between the Licensing Authority and North Wales Police has been established.
- 12.2** In general terms, action will only be taken in accordance with agreed enforcement principles and in line with the Public Protection Enforcement Policy which is dated July 2009 and available at [www.flintshire.gov.uk](http://www.flintshire.gov.uk)
- 12.3** The ability to require reviews of premises licences or club premises certificates allows licensing authorities to apply a 'light touch' bureaucracy to the grant and variation of premises licences / club premises certificates.
- 12.4** A review may be initiated by the Responsible Authorities, e.g. North Wales Police, North Wales Fire and Rescue Service, Flintshire County Council's Environmental Health Department or by a resident or business in the vicinity of premises.
- 12.5** In every case sufficient evidence to support the allegations made will need to be presented to the Licensing Authority.
- 12.6** Authorised Persons and Responsible Authorities will be expected to give licence / certificate holders early warning of their concerns about problems identified at the premises concerned and the need for improvement. A failure to respond to such warnings is likely to lead to a decision to request a review.
- 12.7** The Licensing Authority will refer to Home Office guidance when considering whether complaints from interested parties are irrelevant, vexatious, frivolous or repetitious.
- 12.8** Amendments to the Licensing Act by the Police Reform and Social Responsibility Act 2010 afford Councils the power to suspend premises licences and club premises certificates where the required annual fee has not been paid.
- 12.9** When an annual fee has not been paid by the due date, usually the anniversary on which the licence was first granted, the Licensing Authority will notify the licence or certificate holder in writing that:
- ▶ The licence or certificate will be suspended in 7 days from the date of the notice
  - ▶ The suspension will not become effective should the fee be paid prior to the suspension date



## 13.0 | The Licensing Process

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### Conditions of License

- 13.1** The Licensing Authority will avoid imposing disproportionate and over burdensome conditions on premises licences / club premises certificates.
- 13.2** The Licensing Authority will have regard to model pools of conditions and will attach conditions as appropriate given the circumstances of each individual case. The model conditions will deal with issues surrounding –
- ▶ Crime and disorder
  - ▶ Public safety
  - ▶ Public nuisance
  - ▶ Protection of children from harm
- 13.3** The Licensing Authority will also consider reference documents listed in the Annexes to the Home Office Guidance, though they will not be used as standard conditions.
- 13.4** When attaching conditions the Licensing Authority will also be aware of the need to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.
- 13.5** When determining applications the Licensing Authority will have regard to guidance issued by the Home Office. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.

### Administration – Application Process

- 13.6** The Licensing Authority accepts that it must not interfere in the decision of who is the most appropriate person to apply for or hold a premises licence / club premises certificate. It will, however, only accept applications made in the prescribed form.
- 13.7** The Licensing Authority will expect individual applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 13.8** Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime

prevention initiatives and to have taken these into account where appropriate when formulating their operating schedule.

- 13.9** The Licensing Authority acknowledges the advice received from the Home Office that the views of vocal minorities should not be allowed to predominate over the general interests of the community.
- 13.10** The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub Committee, or by one or more officers acting under delegated authority. Delegation of functions will be in line with Home Office recommendations.
- 13.11** In the context of applications, inspection, enforcement and reviews of premises licences / certificates the following groups are identified in Flintshire

**Authorised Persons and Officers (inspection and enforcement roles):**

- ▶ North Wales Police
- ▶ North Wales Fire and Rescue Service
- ▶ Flintshire County Council
  - ▶ Health and Safety
  - ▶ Pollution Control
  - ▶ Food Safety
  - ▶ Environmental Control
  - ▶ Licensing
- ▶ Health & Safety Executive
  - ▶ in accordance with Health & Safety (Enforcing Authority) Regulations 1998

**Responsible Authorities (to be notified of applications and entitled to make representations):-**

- ▶ North Wales Police
  - ▶ North Wales Fire and Rescue Service
  - ▶ Flintshire County Council – Public Protection Division
  - ▶ Health and Safety Executive (where applicable)
  - ▶ Flintshire County Council - Planning
  - ▶ Flintshire County Council – Children’s Services
  - ▶ The Licensing Authority
  - ▶ Local Health Board
- 13.12** Any person can make representations or comments to the Council about applications for new licenses, variations or reviews.

Comments may be positive or negative but will only be considered relevant by the Council if they relate clearly to the licensing objectives.

- 13.13** Where premises are being constructed or extended or substantially changed structurally, an application for a Premises Licence or Club Premises Certificate will be accepted provided clear plans exist, an operating schedule is submitted together with the name of the designated premises supervisor. If information of sufficient detail is not available then application should be made for a “Provisional Statement” instead.
- 13.14** Flintshire is linked to the Government’s Gov.uk system, which means that we are able to receive applications (including payment) electronically.

## 14.0 | The Licensing Committee

### Recommended Delegation of Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a Police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a Police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection	All other cases
Applications for interim authorities		If a Police objection	All other cases
Application to review premises licence / club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police objection to a temporary event notice		All cases	

Appeals against decisions of the Licensing Authority must be made to the magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

## 15.0 | Special Considerations

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### Adult Entertainment

- 15.1** Flintshire County Council has formally adopted controls on Sexual Entertainment Venues.
- 15.2** The effect of this resolution is that sexual entertainment venues will be included in the existing licensing regime which controls other sex establishments, namely sex shops and sex cinemas.
- 15.3** It will be an offence to operate such premises without the necessary Sex Establishment Licence being in force, or to fail to operate in accordance with the terms and conditions subject to which such a licence has been issued.
- 15.4** A sexual entertainment venue is defined as 'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer' and includes such activities as lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows.
- 15.5** If a Licensing Act 2003 Premises Licence is in force that permits regulated entertainment in the form of music or dancing or entertainment of a like kind it will be possible for entertainment of the type outlined in the above paragraph to be held on no more than 11 occasions within a 12 month period. There must be at least a month between each occasion and no such occasion can last more than 24 hours.
- 15.6** The Licensing Authority takes the view that 'stripograms' and similar activities fall within the definition of sexual entertainment if the licensee organises or provides them and in these circumstances therefore they should not take place unless a Sex Establishment Licence is in force. Premises may however avail themselves of the occasional use provision detailed in the above paragraph.
- 15.7** Licensees are requested to provide notification to the Licensing Authority when they provide or allow sexual entertainment under the occasional use provision detailed in paragraph 20.5 above, or when 'stripograms' have performed in their premises. Please make contact via [licensing@flintshire.gov.uk](mailto:licensing@flintshire.gov.uk) or on 01352 703 030

## 16.0 | Well-being of Future Generations Act 2015

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- 16.1** This Act requires Local Authorities in Wales to think about the long-term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems, such as poverty, health inequalities and climate change. The Act clearly supports and actively promotes the licensing objectives. This Act links specifically to the prevention of crime and disorder and public nuisance. It recognises that there is a need to create appropriate soundscapes – the right acoustic environment in the right time and place. The Local Authority will consider the management of noise and soundscapes and in particular the five ways of working contained under this Act namely, i) Long term – the importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs, ii) Integration, iii) Involvement, iv) Collaboration and v) Prevention. Welsh Government has produced a 'Noise and Soundscape Action Plan for 2018-2023' <https://gov.wales/sites/default/files/publications/2019-04/noise-and-soundscape-action-plan.pdf>

The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:-

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences.

## 17.0 | The Licensing Register

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- 17.1** The Licensing Authority maintains an on-line licensing register which can be viewed at [www.flintshire.gov.uk](http://www.flintshire.gov.uk).
- 17.2** Charges made for copies of applications will not exceed the cost of preparing such copies.

## Contact

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Contact with Flintshire County Council regarding the Licensing Act 2003 and associated matters can be made via:

Telephone: 01352 703030

Fax: 01352 703341

E-mail: [licensing@flintshire.gov.uk](mailto:licensing@flintshire.gov.uk)

Website: [www.flintshire.gov.uk](http://www.flintshire.gov.uk)





At any level it can be decided depending on the merits of the case to apply for a review of a premises licence. Progression to each level is an optional process and this flowchart is designed as a template for progress and monitoring of troublesome Licenced Premises culmination of the licence.

## Appendix B

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### ALCOHOL AND HEALTH IN WALES

Alcohol use and its consequences remain a major public health challenge in Wales, the UK and elsewhere. The harmful use of alcohol ranks among the top five risk factors for disease, disability and death throughout the world.

- The proportion of adults drinking alcohol above the weekly guidelines (average weekly consumption above 14 units) has remained at a similar level since 2016. Data published by Public Health Wales Observatory in 2019 reveals that 19 percent of adults (aged 16 years and over) drink above the weekly guidelines compared to 20 percent in 2016.
- Rates of alcohol consumption by gender show that 25.8 percent of men drink above weekly guidelines compared to 12.7 percent of women and people aged 45 to 65 drink more frequently than any other age group (Public Health Observatory, 2019).
- Since 2009-10, the percentage alcohol specific hospital admissions involving individuals over the age of 50 has risen by almost 23 percent (Public Health Wales, 2020).
- Alcohol hospital admissions are strongly linked to deprivation. The proportion of all patients admitted for alcohol-specific conditions living in the most deprived areas was 2.7 times higher than those from the least deprived areas (Public Health Wales, 2020).
- Mortality from alcohol specific conditions has steadily increased since 2013. However, the number of admissions fell by 7 percent in 2019 compared to the year before (Public Health Wales, 2020).

Alcohol plays an important and positive role in social and family life and contributes to employment and economic development locally. However, social traditions and economic benefits should not mask the fact that alcohol is a toxic substance that can have a detrimental effect on physical and mental health and wellbeing.

### DRINKING LEVELS AND PATTERNS

There's no guaranteed safe level of drinking, but drinking below the recommended daily limits, means the risks of harm to health are low. Even drinking less than lower risk levels is not advisable in some circumstances. It is not only the amount of alcohol consumed that increases the risk of harm.

Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. Most common in younger age groups, binge drinking is often associated with 'pre-loading'. Preloading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident. People pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub or bar.

The Licensing Authority can consider representations from health bodies acting as responsible authorities. The health bodies can provide information that is relevant to the promotion of the licensing objective of public safety, which includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. For example, drunkenness can lead to accidents and injuries from violence resulting in attendances at emergency departments and the use of ambulance services. In some cases, these will also involve breaches of the crime and disorder licensing objective. In respect of the protection of children from harm there is a duty to protect them from moral, physical and psychological harm and therefore there is lots of potential for health bodies to add value. Under 18 alcohol-related A&E attendances may relate to the objective to protect children from harm and underage or proxy sales of alcohol will have implications for both the crime and disorder and protecting children from harm objectives. Health teams can provide supporting evidence, for example in relation to the effects that drinking alcohol has on the adolescent body. In some areas, the main barrier to health bodies acting effectively as a responsible authority is that the evidence that they need to support a representation is not routinely collected or available in their area.

Wrexham Council and its partners, Wrexham Maelor Hospital, North Wales Police, Welsh Ambulance Service and Betsi Cadwaladr University Health Board are currently working on a pilot project to improve data collection and sharing. It is intended to implement this across the whole of North Wales. The data collected should assist greatly in targeting enforcement where it is needed, informing licensing policy and contributing to the licensing decision making process.

## Appendix C

### Mandatory Conditions

#### 1. Door supervisors

Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against:

- a) Unauthorised access or occupation (eg. through door supervision)
- b) Outbreaks of disorder
- c) Damage

#### 2. Community premises alternative mandatory condition

Every supply of alcohol under the Premises Licence must be made or authorised by the management committee.

#### 3. Exhibition of films

The admission of children under the age of 18 to film exhibitions permitted under the terms of this certificate shall be restricted in accordance with any recommendations made :

- a) By the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- b) By the licensing authority where no classification certificate has been granted by the BBFC, or
- c) where the licensing authority has notified the club which holds the certificate that section 20(3) (b) (74(3) (b) for clubs) of the Licensing Act 2003 applies to the film.

#### 4. Supply of alcohol

1 No supply of alcohol may be made under this Premises Licence:

- At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

3 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner that carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

- Games or other activities that require or encourage, or are designed to require or encourage, individuals to:

- Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or
  - Drink as much alcohol as possible (whether within a time limit or otherwise)
  - Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the act)
  - Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less
  - Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
    - The outcome of a race, competition or other event or process; or
    - The likelihood of anything occurring or not occurring
  - Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6 (1) The Premises Licence holder or Club Premises Certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7 The responsible person shall ensure that:
- Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - beer or cider: ½ pint
    - gin, rum, vodka or whisky: 25ml or 35ml; and
    - still wine in a glass: 125ml;
  - customers are made aware of the availability of these measures

## Appendix D

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### Legislative Amendments

#### Live Music Act

The Live Music Act 2012 and Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013 removes the requirement for the following:

- Film exhibitions for the purposes of advertisement, information, education etc
- Film exhibitions that form part of an exhibit put on show for any purposes of a museum or art gallery
- Music whether live or recorded, which is incidental to other activities that do not require a licence
- Live music as follows:
  - Amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
  - Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
  - Unamplified music between 8am and 11pm in all venues
- Use of television or radio receivers for the simultaneous reception and playing of a programme
- Any entertainment or entertainment facilities at a place of public religious worship
- Entertainment at garden fetes or similar functions unless there is an element of private gain.
- Morris dancing or dancing of a similar nature or a performance of unamplified live music as part of such a performance
- Entertainment on road vehicles in motion
- Performance or play in front of an audience of 500 persons or less between 8am and 11pm
- Performance of dance in front of an audience of 500 persons or less (unless it is relevant entertainment within the meaning of Schedule 3 para 2a Local Government (Miscellaneous Provisions) Act 1982 i.e certain forms of sexual entertainment) between 8am and 11pm
- Indoor sporting events in front of an audience of 1000 persons or less between 8am and 11pm.

As of the 6th April 2015, all recorded music in alcohol “on-licensed” premises played between 8am and 11pm, to an audience of up to 500 people, will no longer require a licence or conditions in respect of regulated entertainment be enforceable.

## Immigration Act

The Immigration Act places additional responsibilities on licensing authorities to take action where licence holders are found to not be entitled to work in the United Kingdom.

## Deregulation Act

### Late Night Refreshment Exemptions

Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Decisions to exempt supplies of late night refreshment are best made with local knowledge. The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with antisocial behaviour or disorder associated with the night time economy. As well as freeing up the businesses in question from unnecessary costs, this can also provide greater flexibility for licensing authorities to target their resources more effectively.

The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- on or from premises which are wholly situated in a designated area;
- on or from premises which are of a designated description; or
- during a designated period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.).

When choosing to designate a particular area as exempt, the relevant licensing authority must define the location, which can be of any size.

When choosing to designate particular categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations. These are:

- motorway service areas;
- petrol stations;
- local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- hospitals (except domestic premises);
- community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
- licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 11pm and 5am.

*Licensing authorities do not have to use the exemptions at all and can continue to require all late night refreshment providers to be licensed. However, licensing authorities should consider deregulation where appropriate.*

## Community and Ancillary Sellers Notice

Draft and/or secondary legislation has not yet been finalised for CAN's (Community and Ancillary Sellers Notice) but it is envisaged that there will be an ability for community groups and small business accommodation providers to provide/sell limited amounts of alcohol to apply for a CAN. The CAN would last for a three year term with the possibility that Environmental Protection service and the Police could object from the outset.

Options possibly contained in the legislation may include the following

- Alcohol may be sold between 7am and 11pm
- Notice will be given to the licensing authority
- The prescribed fee will be paid
- Police, Environmental Health Authority and licensing authority can object if a CAN will undermine the licensing objectives. Where problems arise, the police and environmental health authority can object, with the result that the CAN may be revoked.
- Police and licensing authority officers will have rights of entry to investigate where users are in breach of the CAN conditions.
- No right to a hearing or appeal if a CAN is revoked
- Sale of alcohol must be ancillary to provision of goods or services by the business.
- Sale of alcohol from single named premises.
- Alcohol for consumption on the named premises
- Sale of alcohol must be made by or on behalf of a community group that does not trade for profit.
- Sale of alcohol must be ancillary to an organised community event.
- Sales of alcohol may be made from up to three named premises.
- Sales of alcohol for consumption at organised events of up to 300 people



## Appendix E

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### Glossary of Terms

**Authorised Persons** – Authorised persons are bodies empowered to carry out inspection and enforcement roles under the Licensing Act 2003.

**Club premises certificate** – Authorising a **qualifying club** to carry out ‘qualifying club activities’ under the Licensing Act 2003. This includes time-limited certificates.

**Conditions** – there are three types of conditions

1. **Proposed Conditions** – are conditions proposed by the applicant in the operating schedule.
2. **Imposed Conditions** – are conditions imposed by the licensing authority after its discretion has been engaged following the receipt of relevant representations.
3. **Mandatory Conditions** – are conditions prescribed by the Act and are included in every premises licence or club premises certificate when specified licensable activities take place.

**Cumulative impact area** – Area that the **licensing authority** has identified in their licensing policy statement as having a saturation of licensed premises and the ‘cumulative impact’ of any additional licensed premises could adversely impact on the statutory licensing objectives.

**Designated Premises Supervisor (DPS)** – This will normally be the person who has been given day-to-day responsibility for running the premises by the **premises licence** holder. Every premises licence that authorises the sale of alcohol is required under the 2003 Act to specify a DPS. The DPS must be a **personal licence** holder. The only exception is for community premises which have made a successful application to the LA to be exempt from the requirement.

**Early morning alcohol restriction order** – A power under section 119 of the **Police Reform and Social Responsibility Act 2011** to prohibit sales of alcohol for a specific time period between the hours of 12am and 6am, if it is deemed appropriate for the promotion of the licensing objectives.

**Expedited/summary review** – A chief officer of police can apply for an expedited/summary review of a **premises licence** because of serious crime and/or serious disorder under s.53A of the **Licensing Act 2003**.

**Fee bands** – In determining the amount of the licence fee for applications for new **premises licences** and **club premises certificates**, and full variations to licences or certificates, each premises falls into a band based on its non-domestic rateable value. Since the introduction of the 2003 Act until 2012/13, the application fees associated with each band for a new licence or certificate have been as follows: Band A (£100); Band B

(£190); Band C (£315); Band D [no **multiplier**] (£450); Band D premises licence with **multiplier** (£900); Band E [no multiplier] (£635); Band E premises licence with multiplier (£1,905). The subsequent annual fees associated with each licence or certificate are as follows: Band A (£70); Band B (£180); Band C (£295); Band D [no multiplier] (£320); Band D premises licence with multiplier (£640); Band E [no multiplier] (£350); Band E premises licence with multiplier (£1,050).

**Forfeited (personal licence)** – Suspension following a court order under s.129 of the **Licensing Act 2003** specified (and where that order has not been suspended, pending an appeal under s.129 (4) or 130 of the Act).

**Hearing** – Used in the context of applications for a **premises licence** or **club premises certificate** that go to a hearing for determining applications for a premises licence, for provisional statements, to vary a premises licence, for club premises certificates, and to vary club premises certificates.

**Judicial review** – Includes only those where the High Court notified parties of its decision in the time period specified.

**Lapsed (club certificate)** – Where a **club premises certificate** has lapsed because it had effect for a limited period, but that period has since expired.

**Lapsed (premises licence)** – Where a **premises licence** has lapsed due to the death, incapacity, insolvency etc. of the licence holder, as set out under s.27 of the **Licensing Act 2003**. Excludes instances where a premises licence was in effect for a limited period, but the period has since expired (e.g. one-off events).

**Late night levy order** – A discretionary power for **licensing authorities** under section 125 of the **Police Reform and Social Responsibility Act 2011**. The late night levy is paid by those premises licensed to sell alcohol late at night to raise a contribution to the costs of policing the late night economy.

**Late night refreshment** – The provision of hot food or drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

**Licensing authority** – The licensing authority is responsible for the licensing of alcohol, regulated entertainment and late night refreshment.

**Minor variation (to licence or certificate)** – Applications made under s.41A or s.86A of the **Licensing Act 2003** to make low-risk changes to the terms of a **premises licence** or **club premises certificate**. The fee for a minor variation is prescribed in the Act.

**Multiplier** – Multipliers are applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises under the authorisation of a **premises licence** (**fee bands** D and E only).

**Off-sales** – The sale by retail of alcohol for consumption off the premises.

**On-sales** – The sale by retail of alcohol and the supply of alcohol (by clubs) for consumption on the premises.

**Other persons** – Any individual, body or business that is likely to be affected by the granting of **premises licence** or **club premises certificate** applications. Other persons may submit relevant representations to the relevant licensing authority and may seek a review of premises licence or club premises certificate.

**Personal licence** – Authorising an individual to supply or authorise the supply of alcohol in accordance with a **premises licence** under the **Licensing Act 2003**. The application fee for a personal licence is prescribed in the Act.

**Premises licence** – Authorising premises to be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of **late night refreshment**, under the **Licensing Act 2003**. This includes time-limited premises licences. A premises licence fee is based on its non-domestic rateable value. Application fees vary from £100 (Band A) to £1,905 (Band E with multiplier); annual fees vary from £70 to £1,050.

**Qualifying club** – A number of criteria must be met to be considered a qualifying club for a **club premises certificate**. They are:

- that under the rules of the club, persons may not be admitted to membership or be admitted as candidates for membership, or to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission;
- that the club is established and conducted in good faith as a club;
- that the club has at least 25 members; and
- that alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.

**Relevant representations** – Representations which are about the likely effect of the grant of the **premises licence** or **club premises certificate** applications on the promotion of the licensing objectives, that are made by a responsible authority or other person within the period prescribed under section 17(5)(c) of the Act, that have not been withdrawn, and in the case of representations made by a other persons, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

**Responsible authority** – Public bodies that must be notified of certain **premises licence** or **club premises certificate** applications and are entitled to make representations to the licensing authority. They include

- the licensing authority and any other licensing authority in whose area part of the premises is situated,
- the chief officer of police for any police area in which the premises are situated,
- the fire and rescue authority for any area in which the premises are situated,
- the Local Health Board for any area in which the premises are situated,
- the enforcing authority for Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,
- the local planning authority for any area in which the premises are situated,
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health in any area in which the premises are situated in relation to,
- a body which represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and are competent to advise such matters,

- in relation to a vessel, a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,
- the local authority responsible for weights and measures in any area in which the premises are situated.

**Review** – Following the grant of a **premises licence** or **club premises certificate** a **responsible authority** or **other person** may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

**Revoked (personal licence)** – If the holder of a **personal licence** is convicted of an offence during the application period for the licence, the licence may be revoked under s.124 of the **Licensing Act 2003**.

**Surrender (of licence)** – If the holder of a licence wishes to surrender it, it is done according to the provisions under section 28 (for a **premises licence**), section 81 (for a **club certificate**) and section 116 (for a **personal licence**).

**Temporary event notice (TEN)** – A notice under s.100 of the **Licensing Act 2003**, used to authorise relatively small-scale licensable activities, subject to certain criteria and limits. Includes only notices that have been correctly and properly given in the time period specified i.e. excludes notices that were sent back because of mistakes on the form. This also includes notices that were subsequently withdrawn. The fee for a TEN is prescribed in the Act.

**Variation (to premises licence)** – Applications made under s.34 of the **Licensing Act 2003** to change the terms of a **premises licence**, for example the opening hours, the licensable activities or the conditions. The fee for a variation of **DPS** is prescribed in the Act.

**Variation (to club premises certificate)** – Applications made under s.84 of the **Licensing Act 2003** to change the terms of a **club premises certificate**, for example the qualifying club activities or the conditions.



**DRAFFT**

**Cyngor Sir y Fflint**

**Ddatganiad Polisi Trwyddedu**

**Rhagfyr 2021 – Rhagfyr 2026**

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## Rhagair gan gadeirydd Pwyllgor Trwyddedu Cyngor Sir y Fflint

Dyma'r pumed Datganiad o Bolisi Trwyddedu Sir y Fflint.

Mae Deddf Trwyddedu 2003 wedi bod mewn grym am fwy na pymtheg mlynedd, ac wedi gweld llawer o newidiadau a diwygiadau yn ystod y cyfnod hwnnw.

Mae'r profiad a fagwyd yn ystod y blynyddoedd diwethaf wedi cyfrannu at sicrhau bod gan gwsmeriaid ddewis eang o eiddo i ymweld â nhw, bod deiliaid trwyddedau wedi cael eu cefnogi drwy gyfnodau economaidd anodd, a bod trigolion sy'n byw ger eiddo trwyddedig yn cael datrysiadau os ydynt yn dioddef aflonyddu o unrhyw fath.

Mae Trwyddedu yn Sir y Fflint wedi'i leoli yn Adain Gwarchod y Gymuned a Busnesau ym Mhortffolio Cynllunio, yr Amgylchedd a'r Economi gyda Safonau Masnach a Diogelwch Cymunedol.

Mae hyn yn golygu y gall llawer o'r materion sy'n ymwneud ag alcohol, er enghraifft gwerthu i rai dan oed, ymddygiad gwrthgymdeithasol a thorri amodau'r drwydded gael eu trin gan yr un Adran a thrwy hynny'n darparu dull mwy effeithiol a chyson.

Mae cylch gwaith y Pwyllgor Trwyddedu ei hun yn cynnwys Trwyddedu Cerbydau Hacni a Hurio Preifat (Taksi) a'r Ddeddf Gamblo yn ogystal â thrwyddedu alcohol ac adloniant. Mae gan y meysydd hyn unwaith eto synergedd naturiol sy'n darparu ar gyfer dull wedi'i gydlynu'n dda.



*Y Cyngorydd Tony Sharps*

*Cadeirydd y Pwyllgor  
Trwyddedu*

## 1.0 | Cefndir

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- 1.1** Cafodd y Datganiad Polisi Trwyddedu ei gyhoeddi fel sy'n ofynnol gan Ddeddf Trwyddedu 2003 ('y Ddeddf') ac mae'n unol â'r Swyddfa Gartref a'r Adran Ddiwylliant, y Cyfryngau, a Chwaraeon (DCMS) canllawiau i awdurdodau lleol. Mae'r ddogfen hon yn nodi'r polisiau y bydd y Cyngor, fel Awdurdod Trwyddedu yn eu dilyn wrth wneud penderfyniadau ar geisiadau am:.
- ▶ Gwerthu alcohol
  - ▶ cyflenwi alcohol gan neu ar ran clwb, neu i orchymyn, i aelod o'r clwb.
  - ▶ Darparu lluniaeth hwyr y nos (cyflenwi bwyd neu ddiod boeth o adeilad rhwng 23:00 a 05:00 o'r gloch)
  - ▶ Darparu adloniant rheoleiddiedig ar gyfer y cyhoedd neu aelodau clwb neu gyda golwg ar wneud elw gan gynnwys codi arian ar gyfer elusen lle mae'r adloniant yn cynnwys:
    - a) perfformio drama;
    - b) arddangos ffilm;
    - c) digwyddiad chwaraeon dan do;
    - d) adloniant bocsi neu ymaflyd codwm;
    - e) perfformiad cerddorol byw;
    - f) chwarae unrhyw gerddoriaeth sydd wedi'i recordio;
    - g) perfformiad dawn;
    - h) adloniant tebyg i'r rhai a ddisgrifir ym mharagraff e, f neu g.
- \* Deddf Cerddoriaeth Fyw - Gweler Atodiad D

Mae'r adloniant yn dod o fewn y gofynion pan fydd yn cael ei gynnal ym mhresenoldeb cynulleidfa ac yn cael ei ddarparu ar gyfer y pwrpas neu gynnwys y diben o ddifyrru'r gynulleidfa honno.

- 1.2** Ni fydd cerddoriaeth fyw achlysurol a cherddoriaeth achlysurol wedi'i recordio yn cael ei ystyried yn adloniant rheoledig. Bydd yr Awdurdod Trwyddedu yn rhoi y gair "achlysurol" ei ystyr cyffredin a naturiol wrth wneud dyfarniadau ynghylch a yw gweithgareddau yn drwyddedadwy.
- 1.3** Nid yw cerddoriaeth ddigymell, canu a dawnio yn cael ei gynnwys yn y diffiniad o adloniant rheoledig a bydd unrhyw achos ohono yn cael ei asesu yn unol â'r Ddeddf.
- 1.4** Mae canllawiau ar y gweithdrefnau sydd i'w dilyn gan ymgeiswyr a gwrthwynebwyr yn Atodiad A y ddogfen hon.



## 2.0 | Cwmpas ac Ystent y Ddeddf Trwyddedu

**2.1** Mae'n ddyletswydd ar yr Awdurdod Trwyddedu i gyflawni ei swyddogaethau o dan y Ddeddf gyda'r bwriad o hyrwyddo'r amcanion trwyddedu, sef:

- ▶ Atal Trosedd ac Anhrefn
- ▶ Diogelwch y cyhoedd
- ▶ Atal Niwsans Cyhoeddus
- ▶ Amddiffyn plant rhag niwed

Mae'r Awdurdod Trwyddedu yn cydnabod bod pob amcan yr un mor bwysig ac nad oes unrhyw rai eraill.

Cydnabyddir na all y swyddogaeth drwyddedu weithredu ar wahân yn y gwaith o gyflawni'r amcanion uchod. Bydd yr Awdurdod Trwyddedu felly'n parhau i weithio mewn partneriaeth gyda'i chymunedau lleol, yr heddlu, busnesau lleol, y Bartneriaeth Diogelwch Cymunedol a'r holl randdeiliaid perthnasol eraill. Mae'r Awdurdod Trwyddedu yn cydnabod bod y sector preifat a thrigolion lleol a grwpiau cymunedol â rôl yr un mor hanfodol fel cyrff cyhoeddus.

**2.2** Wrth ymgymryd â'i swyddogaeth drwyddedu, mae unrhyw awdurdod trwyddedu hefyd yn cael ei rwymo gan ddeddfwriaeth arall, ac mae enghreifftiau o'r rhain wedi'u nodi isod:

- ▶ Mae Adran 17 o Ddeddf Trosedd ac Anhrefn 1998 angen i awdurdod lleol wneud popeth a all yn rhesymol i atal trosedd ac anhrefn yn ei ardal
- ▶ Mae'r Confensiwn Ewropeaidd ar Hawliau Dynol, a weithredir gan Ddeddf Hawliau Dynol 1998 yn gosod dyletswydd ar awdurdodau cyhoeddus i ddiogelu hawliau unigolion mewn amrywiaeth o amgylchiadau
- ▶ Deddf Iechyd a Diogelwch yn y Gwaith 1974
- ▶ Deddf Diogelu'r Amgylchedd 1990
- ▶ Deddf Gwahaniaethu ar Sail Anabledd 1995
- ▶ Deddf Ymddygiad Gwrthgymdeithasol 2003
- ▶ Rheoliadau Awdurdodau Lleol (Yfed Alcohol mewn Mannau Cyhoeddus dynodedig) 2007
- ▶ Deddf Iechyd 2006 a Rheoliadau Mangreoedd Di-fwg etc (Cymru) 2007
- ▶ Deddf Gostwng Troseddau Treisgar 2006
- ▶ Deddf Cydraddoldeb 2010
- ▶ Deddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011
- ▶ Deddf Cerddoriaeth Fyw 2012
- ▶ Deddf Ymddygiad Gwrthgymdeithasol, Trosedd a Phlisma 2014

Pan fydd y gyfraith eisoes yn gosod rhwymedigaethau statudol ar ymgeiswyr, ni fydd y Cyngor yn gosod yr un dyletswyddau neu ddyletswyddau tebyg, drwy amodau trwydded.

Bydd yr Awdurdod Trwyddedu hefyd yn ceisio cyflawni ei gyfrifoldebau a nodwyd yn Strategaethau eraill y Llywodraeth, i'r graddau y maent yn effeithio ar amcanion y Ddeddf Drwyddedu. Mae enghreifftiau o'r strategaethau hyn wedi'u nodi isod:

- ▶ Cynllun Gweithredu ar gyfer Mynd i'r Afael â Throseddau sy'n gysylltiedig ag alcohol, Anhrefn a Niwsans
- ▶ LGR / TSI Cod Arfer Gorau ar Brawf Prynu
- ▶ Strategaeth Lleihau Troseddau ac Anhrefn
- ▶ Taclo Ymddygiad Gwrthgymdeithasol Gyda'n Gilydd
- ▶ Polisi Gorfodaeth
- ▶ Cynllun Cludiant

**2.3** Byddai'r Awdurdod Trwyddedu hefyd yn tynnu sylw at, ac yn gefnogol o, fentrau presennol sy'n berthnasol i drwyddedu, er enghraifft:

- ▶ Cynlluniau Noswaith Ddiogel
- ▶ Cynlluniau profi oedran
- ▶ Teledu cylch cyfyng mewn canol trefi
- ▶ Gorchmynion Gwahardd o ganol trefi
- ▶ Cynlluniau 'Pubwatch'
- ▶ Cynlluniau 'Off-watch'
- ▶ Cynllun Datblygu Lleol Sir y Fflint
- ▶ Strategaeth 'Galw Amser Newid' Bwrdd Iechyd Prifysgol Betsi Cadwaladr

**2.4** Amcan y broses drwyddedu yw caniatáu cario ymlaen i adwerthu alcohol a darparu gweithgareddau trwyddedig mewn ffordd sy'n sicrhau diogelwch y cyhoedd ac sydd ddim ar draul trigolion, nac yn arwain at golli amwynder. Dymuniad yr Awdurdod Trwyddedu yw i hwyluso eiddo wedi'u rhedeg a'u rheoli'n dda gyda deiliaid trwyddedau'n dangos sensitifrwydd i effaith yr eiddo ar drigolion lleol.

**2.5** Mae'r Awdurdod Trwyddedu yn cydnabod bod y diwydiant adloniant yn Sir y Fflint yn cyfrannu'n sylweddol at yr economi leol. Mae'n denu twristiaid ac ymwelwyr, yn creu trefi a phentrefi bywiog ac yn gyflogwr mawr. Mae gan ddeiliaid masnachol eiddo ddisgwyliad dilys o amgylchedd sy'n ddeniadol a chynaliadwy ar gyfer eu busnesau. Ond rhaid cael cydbwysedd ag anghenion y boblogaeth breswyl, y mae'n ddyletswydd i'r Awdurdod Trwyddedu amddiffyn ei amwynder.

**2.6** Bydd yr Awdurdod Trwyddedu hefyd yn ystyried ystyriaethau ehangach sy'n effeithio ar amwynder unrhyw ardal. Mae'r rhain yn cynnwys taflu sbwriel a baeddu, sŵn, troseddu ar y strydoedd a chapasiti isadeiledd ac adnoddau'r Sir ac adnoddau'r heddlu i ymdopi gyda mewnlif o ymwelwyr, yn enwedig yn y nos.

**2.7** Mae'r Awdurdod Trwyddedu wedi mabwysiadu'r polisi hwn, sy'n nodi'r dull cyffredinol y bydd yn cymryd pan fydd yn gweithredu fel Awdurdod Trwyddedu o ran ystyried ceisiadau am drwyddedau eiddo. Wrth fabwysiadu'r polisi hwn, mae'r

Awdurdod Trwyddedu yn cydnabod y bydd pob cais yn cael ei ystyried yn ôl ei rinweddau.

- 2.8** Mae'r Awdurdod Trwyddedu yn cydnabod yr angen i annog a hyrwyddo cerddoriaeth fyw, dawnsio a theatr er lles diwylliannol ehangach cymunedau, ac yn arbennig, plant. Wrth benderfynu ar amodau i'w gosod ar drwyddedau a thystysgrifau bydd yr Awdurdod Trwyddedu yn osgoi mesurau sy'n atal cyfleoedd ar gyfer gweithgareddau diwylliannol trwy osod costau anuniongyrchol.
- 2.9** Efallai y bydd y Cyngor yn ceisio trwyddedau eiddo yn ei enw ei hun ar gyfer manau cyhoeddus fel sgwariau marchnad, strydoedd i gerddwyr yn unig, ac yn y blaen fel y gall gweithgareddau cymunedol gael eu cynnal yn rhwydd. Yn y fath leoedd diffiniedig, ni fyddai angen i berfformwyr a diddanwyr gael trwydded eu hunain na chyhoeddi unrhyw hysbysiadau digwyddiad dros dro. Y cyfan fyddai angen iddynt wneud fyddai gofyn am ganiatâd gan y Cyngor fel deiliad y drwydded eiddo. (Ni fyddai'r Cyngor yn gofyn am awdurdod i ganiatáu gwerthu neu gyflenwi alcohol ar gyfer yr ardaloedd hyn).
- 2.10** Diben y Datganiad Polisi Trwyddedu yw cynorthwyo Swyddogion ac Aelodau wrth ddod i benderfyniad ar gais penodol gan fanylu ar y materion hynny a fydd fel arfer yn cael eu hystyried. Yn ogystal, mae'r ddogfen Bolisi yn ceisio darparu eglurder i ymgeiswyr, trigolion a deiliaid eraill o eiddo a buddsoddwyr, gan eu galluogi i wneud cynlluniau i symud, aros neu fuddsoddi yn y Sir gyda rhywfaint o sicrwydd.
- 2.11** Mae Deddf Trwyddedu 2003 yn darparu ar gyfer y polisi hwn gael ei ymgynghori a'i adolygu o leiaf bob pum mlynedd. Yn unol â hynny, bydd y Polisi hwn yn cael ei adolygu ddim hwyrach na Rhagfyr 2026. Gellir gwneud newidiadau dros dro iddo, er enghraifft, yn dilyn adborth gan y gymuned leol ynglŷn ag a yw'r amcanion trwyddedu yn cael eu bodloni.
- 2.12** Bydd y Cyngor hefyd yn monitro effaith trwyddedu ar adloniant wedi'i reoleiddio i sicrhau nad yw digwyddiadau diwylliannol yn cael eu rhwystro gan amodau trwyddedu diangen, anghymesur neu afresymol. Bydd Swyddogion Datblygu Celfyddydau'r Cyngor yn cael eu cynnwys yn yr ymgynghoriad ar hyn.
- 2.13** Fel rheol bydd y polisi yn berthnasol i unrhyw gais am drwydded a benderfynir ar ôl y dyddiad y bydd y Cyngor yn penderfynu gwneud y polisi yn weithredol, heb ystyried y dyddiad y cafodd y cais ei wneud. Bydd yr Awdurdod Trwyddedu ond yn gwyro oddi wrth y polisi, os bydd amgylchiadau unigol yr achos yn teilyngu hynny, er budd amcanion trwyddedu. Bydd rhesymau llawn dros wriad o'r fath yn cael ei roi.

Mae'r polisi hwn yn berthnasol i'r categorïau canlynol:

- ▶ Trwyddedau eiddo
- ▶ Tystysgrif Eiddo Clwb
- ▶ Trwyddedau Personol
- ▶ Gweithgareddau Dros Dro a Ganiateir (Hysbysiadau Digwyddiadau Dros Dro)

- 2.14** Yn achos eiddo sydd angen Trwydded Eiddo neu Dystysgrif Eiddo Clwb gall yr Awdurdod Trwyddedu ddewis amodau priodol ac angenrheidiol o gronfa amodau'r DCMS neu Sefydliad Trwyddedu. Bydd yr amodau hyn yn briodol i natur y gweithgareddau a nodir yn yr atodlen weithredu, ac adlewyrchu'r pedwar amcan trwyddedu a nodwyd ym mharagraff 1.5 uchod.

## 3.0 | Amcanion Trwyddedu

### Cyflwyniad

O fewn cyd-destun hyrwyddo'r pedwar amcan trwyddedu, mae'r Awdurdod Trwyddedu yn disgwyl i'r ymgeiswyr gynnig amodau trwyddedu i leihau effaith y gall eu safle gael ar iechyd a lles eu cwsmeriaid, y gymdogaeth a'r gymuned ehangach.

### Trosedd ac Anhrefn

*Dylai'r Datganiad o Bolisi Trwyddedu a'r gweithdrefnau a'r amodau sy'n ffurfio rhan o'r broses hyrwyddo'r Amcanion Trwyddedu*

- 3.1** Bydd yr Awdurdod Trwyddedu yn ystyried Deddf Trosedd ac Anhrefn 1998 sy'n rhoi dyletswydd arno i atal/leihau trosedd ac anhrefn yn yr ardal. Bydd amodau ynghlwm wrth drwyddedau eiddo a thystysgrifau eiddo clwb, cyn belled ag y bo modd, yn adlewyrchu strategaethau atal trosedd lleol, e.e. darparu camerâu teledu cylch cyfyng mewn rhai eiddo.
- 3.2** Un o flaenoriaethau allweddol Partneriaeth Lleihau Trosedd ac Anhrefn Sir y Fflint yw lleihau lefel y troseddu mewn ardaloedd penodol. Bydd y polisi yn rhoi sylw, felly, i effaith debygol trwyddedu ar drosedd ac anhrefn cysylltiedig yn ardal y Cyngor, yn enwedig wrth ystyried y lleoliad a'r effaith a gweithrediad a rheolaeth bob cais arfaethedig am drwydded, adnewyddu ac amrywio amodau.
- 3.3** Bydd yr Awdurdod Trwyddedu yn talu sylw dyledus i sylwadau Heddlu Gogledd Cymru sy'n un o'r Awdurdodau Cyfrifol yr ymgynghorir â nhw ynghylch trwydded eiddo a cheisiadau am tystysgrif eiddo clwb, a Hysbysiadau Digwyddiad Dros Dro.

### Cyffuriau

- 3.4** O fewn cyd-destun hyrwyddo amcanion trwyddedu ar gyfer atal trosedd ac anhrefn a sicrhau diogelwch cyhoeddus, mae'r Awdurdod Trwyddedu yn disgwyl i ymgeiswyr a dalwyr trwydded i:
  - Gymryd holl gamau rhesymol i atal cyffuriau rhag dod mewn i'r eiddo trwyddedig
  - Cymryd holl gamau rhesymol i atal cyffuriau rhag newid dwylo o fewn yr eiddo
  - Hyfforddi staff i gydnabod a deall arwyddion o gamddefnyddio cyffuriau mewn pobl fel y gellir cymryd camau ymarferol i ddelio â digwyddiadau
  - Cael staff sydd wedi'u hyfforddi'n briodol i ddelio â digwyddiadau sy'n ymwneud â chyffuriau

- Arddangos gwybodaeth priodol o ran ymwybyddiaeth o ddiogelwch cyffuriau i gwsmeriaid
- Darparu cyfarpar cymorth cyntaf ymhob lleoliad, ac ystafell cymorth cyntaf mewn lleoliadau mwy. Dylid rhoi ystyriaeth i ddarparu diffibriliwr mewn lleoliadau mwy
- Cyflogi staff sydd wedi'u hyfforddi i gynorthwyo gyda digwyddiadau meddygol
- Gweithredu polisi gwahardd priodol

## Goruchwylwyr Drysau

- 3.5** Gall yr Awdurdod Trwyddedu, ar ôl derbyn sylwadau perthnasol, ystyried bod rhai eiddo angen goruchwyliaeth er mwyn hyrwyddo gostyngiad mewn trosedd ac anhrefn, ac i gyfrannu'n gyffredinol at weithrediad diogel yr eiddo. Mewn achosion o'r fath, gall yr Awdurdod Trwyddedu roi amod bod yn rhaid cyflogi goruchwylwyr drysau trwyddedig (Awdurdod Diwydiant Diogelwch) yn yr eiddo naill ai bob amser neu ar yr adegau hynny pan fo gweithgareddau trwyddedadwy penodol yn cael eu cynnal, ac mewn nifer a'r gymhareb a bennir gan yr Awdurdod Trwyddedu.
- 3.6** Nid yw stiwardiaid a phersonau eraill â'u rôl yw darparu cyngor ynghylch diogelwch a sicrhau diogelwch y rheiny sy'n ymweld â'r eiddo yn cael eu hystyried i fod yn cyflawni gweithgaredd diogelwch ac nid oes angen iddynt fod wedi'u cofrestru gyda'r Awdurdod Diwydiant Diogelwch.

## Lluniaeth Hwyr y Nos

- 3.7** Bydd angen trwydded ar eiddo sy'n gwerthu bwyd neu ddiod poeth rhwng 11:00pm a 05:00am. Yr amcan trwyddedu allweddol mewn cysylltiad â'r gweithgaredd hwn yw atal trosedd ac anhrefn a niwsans cyhoeddus. Lle mae darparu bwyd a diod poeth yn weithgaredd eilaidd mewn eiddo trwyddedig sydd ar agor ar gyfer gweithgareddau eraill, yna bydd amodau'r drwydded sylfaenol yn cynnwys y gweithgaredd yn ddigonol. Ni fydd y gofynion fel arfer yn cael eu cymhwyso i siopau cyfleus / siopau garej ac eiddo tebyg, oni bai bo trosedd ac anhrefn neu niwsans cyhoeddus yn dod yn broblem.

## Cynlluniau Partneriaeth Diwydiant

- 3.8** Bydd yr Awdurdod Trwyddedu yn annog cyfranogiad actif mewn cynlluniau megis Pubwatch, Off-Watch, Braf Bob Nos (os yw ar gael yn yr ardal) i gyfrannu at atal amcanion trwyddedu trosedd ac anhrefn.

## Alcohol mewn Mannau Cyhoeddus

- 3.9** Mae Sir y Fflint yn 'fan cyhoeddus dynodedig' o dan y ddeddfwriaeth berthnasol. Mae hyn yn golygu os yw swyddog yr heddlu yn credu'n rhesymol bod person yn neu wedi bod yn yfed, neu'n bwriadu yfed, alcohol mewn man cyhoeddus dynodedig, mae ganddo/ ganddi'r pŵer i ofyn i'r person hwnnw beidio ag yfed

alcohol yn y lle hwnnw ac i ildio unrhyw alcohol neu gynwysyddion alcohol (gan gynnwys cynwysyddion wedi'u selio) yn eu meddiant.

- 3.10** Nid yw'n drosedd i yfed alcohol mewn man cyhoeddus dynodedig, ond mae methu â chydymffurfio â gofynion swyddog heb esgus rhesymol yn drosedd arestiol.

### Hyrwyddiadau Anghyfrifol

- 3.11** Roedd gwahardd hyrwyddo alcohol yn anghyfrifol mewn eiddo didrwydded yn un o bump mesur a gyflwynwyd gan y Llywodraeth yn 2010. Y lleill oedd gwahardd tywallt alcohol yn uniongyrchol i gegau cwsmeriaid; gwneud dŵr tap ar gael am ddim; sicrhau bod polisïau gwirio oedran yn eu lle a chynnig dogni llai o gwrw, gwin a gwirodydd.
- 3.12** Yn Sir y Fflint bydd y penderfyniad ar yr hyn sydd a'r hyn na fydd yn hyrwyddo anghyfrifol yn cael ei wneud ar sail achosion unigol trwy gymryd yr holl amgylchiadau i ystyriaeth a chan gyfeirio at Awdurdodau Cyfrifol eraill pan fo angen.

### Ardoll Hwyr y Nos

- 3.13** Darparodd newidiadau mewn deddfwriaeth sylfaenol drwy Ddeddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011 y potensial i'r Awdurdod fabwysiadu pŵer lleol ychwanegol i gynorthwyo gyda rheoli effaith Economi Hwyr y Nos ar y gymuned leol. Nid yw Cyngor Sir y Fflint ar hyn o bryd yn codi Ardoll Hwyr y Nos.

### Gorchmynion Cyfyngu Ben Bore

- 3.14** Gwelir Gorchmynion Cyfyngu Ben Bore (EMRO) fel arf y gall yr Awdurdod o bosibl ei ddefnyddio i ail-addasu ffocws yr economi gyda'r nos i ffwrdd o yfed problemus, os byddai mesurau o'r fath yn hyrwyddo'r Amcanion Trwyddedu.

### Diogelwch y Cyhoedd

- 3.13** Mae'r Awdurdod Trwyddedu yn dymuno hyrwyddo safonau uchel o ddiogelwch y cyhoedd mewn cysylltiad ag adeiladau a gweithgareddau o fewn cwmpas Deddf Trwyddedu 2003.
- 3.14** Gellir ymgynghori ag Adran y Cyngor sy'n gorfodi iechyd a diogelwch mewn eiddo perthnasol fel Awdurdod Cyfrifol, a gall hefyd weithredu fel Unigolion ag Awdurdod at ddibenion gorfodi dan Ddeddf Trwyddedu 2003.

- 3.15** Mae'r Awdurdod Trwyddedu yn cydnabod na fydd dyletswyddau iechyd a diogelwch cyffredinol bob amser yn ymdrin yn ddigonol â materion penodol sy'n codi mewn eiddo mewn cysylltiad â rhai mathau o adloniant ac felly efallai y bydd angen rhoi amodau ynghlwm wrth drwydded/ tystysgrif.
- 3.16** Lle mae gweithgareddau yn cael eu trefnu gan wirfoddolwyr neu bwyllgor clwb neu gymdeithas, mae'r Awdurdod Trwyddedu yn ystyried ei bod yn arfer da bod yr un lefel o amddiffyniad iechyd a diogelwch yn cael ei ddarparu fel pe bai perthynas cyflogwr/gweithiwr yn bodoli, heb ystyried a oes dyletswyddau cyfreithiol llym yn berthnasol o dan y ddeddfwriaeth iechyd a diogelwch.
- 3.17** Bydd yr Awdurdod Trwyddedu yn annog deiliaid trwyddedau i ddarparu cyfleusterau sy'n galluogi derbyn pobl ag anableddau. Ni fydd unrhyw amodau yn cael eu rhoi y gellid eu defnyddio i gyfiawnhau gwaharddiad ar sail diogelwch y cyhoedd. Ni fydd unrhyw amod trwyddedu a osodir i wahardd anifeiliaid anwes am resymau diogelwch y cyhoedd yn berthnasol i gŵn tywys neu gymorth.

## Diogelwch Tân

- 3.18** Bydd yr Awdurdod Trwyddedu yn talu sylw dyledus i sylwadau Gwasanaeth Tân ac Achub Gogledd Cymru sy'n un o'r Awdurdodau Cyfrifol yr ymgynghorir â nhw ynghylch trwydded/ ceisiadau, adnewyddu ac amrywio tystysgrif eiddo clwb.
- 3.19** Gall Gwasanaeth Tân ac Achub Gogledd Cymru ddewis amodau priodol ac angenrheidiol mewn perthynas â materion diogelwch tân mewn ymgynghoriad â Gwasanaeth Tân ac Achub Gogledd Cymru.
- 3.20** Bydd yr Awdurdod Trwyddedu, ar ôl derbyn sylwadau perthnasol yn cynnwys mewn tystysgrif eiddo/ tystysgrif eiddo clwb nifer o bobl a ganiateir lle bo angen er mwyn diogelwch y cyhoedd. Bydd y ffigur hwn yn cael ei gyrraedd mewn ymgynghoriad â Gwasanaeth Tân ac Achub Gogledd Cymru.
- 3.21** Os bydd ymgeiswyr yn dymuno manteisio ar y darpariaethau arbennig yn Adran 177 o'r Ddeddf (dawnsio, cherddoriaeth wedi'i chwyddo a heb ei chwyddo mewn adeiladau gyda lle i ddim mwy na 200) efallai y gofynnir i Wasanaeth Tân ac Achub Gogledd Cymru roi cadarnhad o faint o le sydd yn yr adeilad.
- 3.22** Mae Cyngor Sir y Fflint yn un o lofnodwyr y protocol rhwng Gwasanaeth Tân ac Achub Gogledd Cymru a'r chwe awdurdod lleol yng Ngogledd Cymru.

## Iechyd y Cyhoedd

- 3.23** Mae'r Bwrdd Iechyd Lleol yn gyfrifol am wneud cynrychioliadau a sylwadau ar geisiadau am drwyddedau. Bydd y Bwrdd Iechyd hefyd yn defnyddio gwybodaeth a ddarperir gan Iechyd Cyhoeddus Cymru er mwyn llywio eu penderfyniadau. Nid yw iechyd y cyhoedd yn amcan trwyddedu eto, ond mae'r awdurdod trwyddedu yn credu bod gan iechyd y cyhoedd lawer i'w ychwanegu at drwyddedu mewn



perthynas ag anghenion iechyd sy'n gysylltiedig ag alcohol y poblogaethau lleol. Mae gan gyrff iechyd megis Iechyd y Cyhoedd fynediad unigryw at ddata nad yw ar gael i awdurdodau cyfrifol eraill a all lywio penderfyniadau trwyddedu. Mae Iechyd y Cyhoedd yn ddefnyddiol o ran darparu tystiolaeth o niwed i iechyd sy'n gysylltiedig ag alcohol yn arbennig mewn perthynas â pholisïau effaith gronrus.

## Atal Niwsans Cyhoeddus

- 3.23** Wrth ystyried niwsans cyhoeddus, bydd yr Awdurdod Trwyddedu yn ystyried: -
- ▶ Sŵn o eiddo - gan gynnwys sŵn a achosir gan gwsmeriaid yn ysmegu y tu allan
  - ▶ Gwastraff
  - ▶ Sbwriel - gan gynnwys sbwriel sy'n gysylltiedig ag ysmegu
  - ▶ Parcio Ceir
  - ▶ Llygredd golau
  - ▶ Arogleuon annifyr
- Bydd yr Awdurdod Trwyddedu yn cymryd ystyr eang cyfraith gwlad o niwsans cyhoeddus wrth wneud ei ddyfarniadau ar geisiadau ac adolygiadau o drwyddedau / tystysgrifau eiddo.
- 3.24** Wrth ystyried effaith bosibl eiddo trwyddedig ar yr ardal o'i amgylch bydd yr Awdurdod Trwyddedu yn cymryd i ystyriaeth y math o weithgaredd adloniant, yr oriau gweithredu arfaethedig, faint o le sydd yn yr eiddo a chymeriad yr ardal a pha mor agos ydyw at drigolion lleol.
- 3.25** Bydd yr Awdurdod Trwyddedu ddefnyddio'r gronfa gydnabyddedig o amodau trwyddedu i reoli sŵn o eiddo presennol ac i gynghori datblygwyr ar y mesurau gwanhau sŵn gofynnol ar gyfer adeiladau newydd. Gall amodau llymach o ran rheoli sŵn gael eu gosod mewn ardaloedd lle mae'r eiddo'n agos at eiddo preswyl.
- 3.26** Bydd Adain Rheoli Llygredd Is-adran Gwarchod y Cyhoedd y Cyngor yn gweithredu fel Awdurdod Cyfrifol ac ymgynghorir â nhw o ran atal niwsans cyhoeddus ac efallai y cyfeir at y 'Good Practice Guide on the Control of Noise from Pubs and Clubs' yr Institute of Acoustics (rhifyn cyfredol). Gellir cyfeirio hefyd at adroddiad Adran yr Amgylchedd, Bwyd a Materion Gwledig (DEFRA) o'r enw "Goblygiadau Aflonyddwch Sŵn yn Deillio o Ryddfrydoli Cyfreithiau Trwyddedu".
- 3.27** Bydd yr Awdurdod Trwyddedu yn cydbwysu'r posibilrwydd o aflonyddu ar gymunedau gyda'r angen i annog a hyrwyddo cerddoriaeth fyw, dawnsio a theatr.
- 3.28** Mae'r Awdurdod Trwyddedu yn cydnabod y pwerau sydd gan yr Heddlu i gyhoeddi Gorchymyn Cau ar eiddo trwyddedig unigol sy'n achosi niwsans o ganlyniad i sŵn, a byddem yn annog yr Heddlu i ddefnyddio pwerau o'r fath lle bynnag y bo'n briodol a rhoi gwybod i'r Awdurdod Trwyddedu mewn achos o gamau o'r fath.

- 3.29** Mae'r pwerau uchod ar gael i Swyddogion Rheoli Llygredd gan Ddeddf Ymddygiad Gwrthgymdeithasol 2003. Bydd pwerau o'r fath yn cael eu defnyddio hefyd pan ystyrir bod eu hangen ac yn unol â'r ddeddfwriaeth.
- 3.30** Ni fydd yr Awdurdod Trwyddedu yn gorfodi amodau ar eiddo trwyddedig na all deiliad y drwydded eu rheoli'n uniongyrchol, nac ar faterion nad ydynt yn gysylltiedig â chyffiniau'r eiddo.
- 3.31** Wrth ystyried ceisiadau am drwyddedau neu adolygiadau o drwyddedau, bydd yr Awdurdod Trwyddedu yn cymryd safbwynt synnwyr cyffredin ar p'un a yw'r unigolyn neu fusnes sy'n gwneud sylwadau wedi ei leoli "yng nghyffiniau" yr eiddo dan sylw ac felly yn debygol o gael ei effeithio'n uniongyrchol gan anhrefn ac aflonyddwch.
- 3.32** Mater o gyfrifoldeb personol yw sŵn ac aflonyddwch sy'n deillio o ymddygiad mynychwyr sydd wedi gadael yr eiddo ac maent yn destun gorfodaeth yr Heddlu o'r gyfraith arferol sy'n ymwneud ag anhrefn ac ymddygiad gwrth-gymdeithasol.
- 3.33** Er gwaethaf y paragraff blaenorol, barn yr Awdurdod Trwyddedu yw bod cyfrifoldeb ar Oruchwyliwr yr Eiddo Dynodedig am sicrhau nad yw pobl sydd tu allan i'w heiddo at ddibenion ysmegu yn creu niwsans cyhoeddus.

## Diogelu Plant rhag Niwed

- 3.34** Mae'r Awdurdod Trwyddedu yn cydnabod yr amrywiaeth mawr o eiddo y gellir gofyn am drwyddedau ar eu cyfer. Bydd y rhain yn cynnwys, er enghraifft, theatrau, sinemâu, bwytai, tafarndai, clybiau nos, caffis, siopau cludfwyd, neuaddau cymuned ac ysgolion. Ni fydd mynediad gan blant i bob math o eiddo yn cael ei gyfyngu mewn unrhyw ffordd ar wahân i fel y nodir yn Neddf Trwyddedu 2003, oni ystyrir ei bod yn angenrheidiol gwneud hynny er mwyn eu diogelu rhag niwed mewn rhyw ffordd (hy, niwed corfforol, moesol neu seicolegol).
- 3.35** Wrth ystyried ceisiadau am drwyddedau eiddo neu dystysgrifau eiddo clwb, bydd yr Awdurdod Trwyddedu yn ystyried hanes eiddo penodol a natur y gweithgareddau y bwriedir eu darparu wrth ystyried unrhyw opsiynau priodol i atal niwed i blant, er enghraifft:
- ▶ Lle mae aelodau o'r staff presennol wedi eu canfod yn euogfarnau o weini alcohol i blant dan oed neu gydag enw drwg am yfed dan oed
  - ▶ Yn gysylltiedig â chymryd neu ddelio cyffuriau
  - ▶ Lle mae elfen gref o gamblo yn yr eiddo (nid presenoldeb syml nifer fechan o beiriannau gamblo am wobrau ariannol)
  - ▶ Lle mae adloniant neu wasanaethau i oedolion neu o natur rywiol yn cael eu darparu'n gyffredinol, e.e. bar staff heb dop, strip-bryfocio, glin-ddawnsio, bwrdd-ddawnsio neu polyn-ddawnsio, iaith neu ddelweddu cryf a sarhaus. (Gweler paragraff 20).
  - ▶ Lle mae cyflenwi alcohol i'w yfed ar yr eiddo yr unig neu brif bwrpas y gwasanaethau a ddarperir.

Mae Deddf Trwyddedu 2003 yn ei gwneud yn drosedd i ganiatáu plant o dan 16 oed nad ydynt yng nghwmni oedolyn i fod yn bresennol mewn eiddo a ddefnyddir yn unig neu'n bennaf ar gyfer cyflenwi alcohol i'w yfed yn yr eiddo hwnnw.

Bydd yr Awdurdod Trwyddedu yn rhoi y term "yn unig neu'n bennaf" ei ystyr cyffredin a naturiol yng nghyd-destun yr amgylchiadau penodol. Bydd yr Awdurdod Trwyddedu yn ystyried rhinweddau unigol pob cais.

**3.36** Lle mae'r amgylchiadau a ddisgrifir yn 6.2 yn bodoli yna gellir rhoi amodau ynghlwm wrth y drwydded i amddiffyn plant rhag niwed. Gall amodau o'r fath gynnwys:

- ▶ Yr angen i ddangos cardiau profi oedran
- ▶ Cyfyngu ar yr oriau pryd y gall plant fod yn bresennol
- ▶ Cyfyngiadau oedran (dan 18 oed)
- ▶ Cyfyngiadau neu waharddiadau pan fydd gweithgareddau penodol yn digwydd
- ▶ Cyfyngiadau neu waharddiadau mewn perthynas â rhannau o eiddo
- ▶ Gwaharddiad llawn ar bobl o dan 18 oed o'r eiddo pan fo unrhyw weithgareddau trwyddedadwy yn cael eu cynnal
- ▶ Gofynion ar gyfer goruchwyliaeth gan oedolion

Fel egwyddor gyffredinol, ni fydd yr Awdurdod Trwyddedu yn rhoi amodau ar drwyddedau eiddo neu dystysgrifau sydd angen mynediad i blant. Bydd hyn yn cael ei adael i ddisgresiwn gweithredwr y lleoliad.

**3.37** Lle caniateir arddangos ffilmiau bydd yr awdurdod yn disgwyl y cydymffurfir â chyfyngiadau oedran yn unol ag argymhellion Bwrdd Categori Ffilmiau Prydeinig. Mae hyn yn amod gorfodol yn Neddf Trwyddedu 2003 ar gyfer eiddo sy'n gadael plant i mewn i weld unrhyw ffilm.

**3.38** Mae'r Awdurdod Trwyddedu yn cydnabod y gofyniad yn y Ddeddf ar gyfer plant o dan 16 oed i fod yng nghwmni oedolyn. Mewn amgylchiadau lle mae nifer fawr o blant yn debygol o fod yn bresennol heb oedolyn mewn eiddo trwyddedig penodol, er enghraifft mewn sioe i blant neu bantomeim, yna er mwyn sicrhau diogelwch y cyhoedd a diogelu plant rhag niwed, bydd y gymhareb oedolion sydd ei hangen i oruchwyllo plant yn unol ag Atodiad H, Canllawiau Adran 182 i Ddeddf Trwyddedu 2003 neu gymhareb arall y gall awdurdod cyfrifol ei argymhell.

**3.39** Ni chaniateir arddangos ffilmiau mewn eiddo trwyddedig sy'n debygol o:

- ▶ Arwain at anhrefn
- ▶ Ennyn casineb neu ysgogi trais tuag at unrhyw ran o'r cyhoedd ar sail lliw, hil neu darddiad ethnig neu genedlaethol, iaith, anabled, credoau crefyddol, tueddfryd rhywiol neu ryw.

**3.40** Gan gyfeirio'n gyffredinol at amddiffyn plant rhag niwed, bydd yr Awdurdod Trwyddedu yn ystyried yr Adran Gwasanaethau Cymdeithasol Plant o'r Gyfarwyddiaeth Gwasanaethau Cymunedol fel yr Awdurdod Cyfrifol cymwys i ymateb ar faterion yn ymwneud â phlant a niwed.

- 3.41** Disgwylir gan yr Awdurdod Trwyddedu y bydd atodlenni gweithredu a gyflwynir fel rhan o geisiadau yn cynnwys digon o wybodaeth fanwl fel y gellir penderfynu ar y farn briodol o ran pa fesurau a allai fod yn angenrheidiol i amddiffyn plant rhag niwed.
- 3.42** Gweler paragraff 15 isod i gael gwybodaeth fanylach am reoli Lleoliadau Adloniant Rhyw

## **Iechyd y Cyhoedd**

- 3.43** Mae'r Bwrdd Iechyd Lleol yn gyfrifol am wneud sylwadau ac arsylwadau ar geisiadau am drwydded. ~~Bydd y Bwrdd Iechyd yn defnyddio gwybodaeth a ddarperir gan Iechyd Cyhoeddus Cymru hefyd er mwyn nodi eu proses o dded i benderfyniad. Nid yw Iechyd y Cyhoedd yn amcan trwyddedu ar hyn o bryd, ond mae'r awdurdod trwyddedu yn credu bod gan Iechyd y Cyhoedd lawer i'w ychwanegu i drwyddedu, mewn perthynas ag anghenion Iechyd yn ymwneud ag alcohol y boblogaeth leol. Mae gan y cyrff Iechyd megis Iechyd y Cyhoedd fynediad unigryw i ddata nad yw ar gael i awdurdodau cyfrifol eraill, a all nodi penderfyniadau trwyddedu. Mae Iechyd y Cyhoedd yn ddefnyddiol wrth ddarparu tystiolaeth o niwed i Iechyd yn sgil alcohol, yn arbennig mewn perthynas â pholisïau effaith gronol.~~

Mae data Iechyd cyhoeddus yn dangos bod -

- 21% o oedolion yn Sir y Fflint yn yfed mwy na'r uchafswm cyfartalog wythnosol o alcohol sy'n cael ei argymhell (Arolwg Cenedlaethol Cymru, 2019).
- Yn 2019-2020, cafodd 353.4 o drigolion Sir y Fflint (Iechyd Cyhoeddus Cymru, 2020) eu derbyn i'r ysbyty gyda phroblemau o ganlyniad uniongyrchol i alcohol ac roedd 1857.3 wedi'u derbyn i'r ysbyty gyda phroblemau a allai fod yn gysylltiedig ag alcohol (cyfradd Ewropeaidd wedi'i safoni yn ôl oedran fesul 100,000 o bobl).

## 4.0 | Effaith gronnus

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- 4.1** Mae hyn yn ymwneud â'r effaith bosibl ar hyrwyddo amcanion trwyddedu nifer sylweddol o eiddo trwyddedig mewn un ardal.
- 4.2** Nid yw'r Awdurdod Trwyddedu yn ystyried ar adeg cyhoeddi'r Datganiad o Bolisi Trwyddedu hwn bod ardaloedd yn Sir y Fflint lle mae effaith gronnus yn broblem sylweddol.
- 4.3** Fodd bynnag, mae'r Awdurdod Trwyddedu yn dymuno aros yn effro i'r posibilrwydd o effaith o'r fath yn digwydd.
- 4.4** Drwy gysylltu gyda thrigolion lleol ac Awdurdodau Cyfrifol gall yr Awdurdod Trwyddedu, felly, ddod i'r casgliad yn y dyfodol, bod rhan benodol o'i ardal yn cael ei ystyried i fod yn achosi effaith gronnus ar un neu fwy o'r amcanion trwyddedu.
- 4.5** Felly, bydd polisi arbennig o wrthod trwyddedau newydd yn cael ei fabwysiadu pan fo sail dystiolaethol ar ei gyfer oddi wrth Awdurdodau Cyfrifol, partïon â diddordeb neu gyrrff eraill megis Partneriaethau Lleihau Trosedd ac Anhrefn.
- 4.6** Bydd yr Awdurdod Trwyddedu yn dilyn y camau a nodir yng Nghyfarwyddyd diwygiedig y Swyddfa Gartref wrth fabwysiadu polisi arbennig.
- 4.7** Bydd hyn yn creu tybiaeth amodol bod ceisiadau am drwyddedau eiddo newydd, tystysgrifau eiddo clwb neu amrywiadau deunydd fel arfer yn cael eu gwrthod, oni bai y gellir dangos na fydd gweithrediad yr eiddo dan sylw yn ychwanegu at yr effaith gronnus a brofir eisoes.
- 4.8** Ni fydd y polisi arbennig, fodd bynnag, yn absoliwt. Bydd pob cais yn cael ei ystyried yn ôl ei haeddiant a gellir caniatáu trwyddedau neu dystysgrifau sy'n annhebygol o ychwanegu at yr effaith gronnus ar yr amcanion trwyddedu. Bydd gwahanol arddulliau a nodweddion eiddo yn cael eu hystyried.
- 4.9** Ni fydd polisiau arbennig yn cael eu defnyddio fel sail dros ddiddymu trwydded neu dystysgrif bresennol, nac dros wrthod ceisiadau i amrywio trwydded bresennol ac eithrio pan fydd yr addasiadau hynny yn uniongyrchol berthnasol i'r polisi ac yn gwbl angenrheidiol ar gyfer hyrwyddo'r amcanion trwyddedu.
- 4.10** Ni fydd polisi arbennig yn cael ei ddefnyddio i osod amseroedd cau sefydlog mewn ardal benodol, neu i osod cwtâu - yn seiliedig ar naill ai nifer yr eiddo neu faint o le sydd yn yr eiddo hynny.

- 4.11** Bydd mecanweithiau eraill hefyd yn cael eu defnyddio ar gyfer rheoli effaith gronnus, er enghraifft:
- ▶ Darparu TCC
  - ▶ gwaharddiadau ar yfed alcohol mewn mannau cyhoeddus dynodedig
  - ▶ Gorfodaeth yr heddlu o'r gyfraith gyffredinol ynghylch anhrefn ac ymddygiad gwrthgymdeithasol
  - ▶ Gorfodaeth y ddeddfwriaeth ar werthu alcohol i bobl sy'n feddw
  - ▶ cymryd alcohol oddi ar oedolion a phlant mewn ardaloedd dynodedig
  - ▶ defnydd o bwerau cau dros dro yr heddlu
  - ▶ Gallu i'r Heddlu, Awdurdodau Cyfrifol, trigolion a busnesau i geisio adolygiad o drwyddedau eiddo neu dystysgrifau eiddo clwb.

## 5.0 | Cynllunio a Rheoli Adeiladu

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- 5.1** Bydd y cyfundrefnau Cynllunio, Rheoli Adeiladu a Thrwyddedu yn Sir y Fflint wedi cael eu gwahanu yn briodol i osgoi dyblygu ac aneffeithlonrwydd.
- 5.2** Fel arfer, dylai ceisiadau am drwyddedau eiddo ar gyfer adeiladau masnachol parhaol ddod oddi wrth fusnesau sydd â chaniatâd cynllunio ar gyfer yr eiddo dan sylw. Fodd bynnag, gellir gwneud ceisiadau am drwyddedau cyn i unrhyw ganiatâd cynllunio perthnasol gael ei geisio neu ei roi gan yr awdurdod cynllunio.
- 5.3** Mae'r cyfundrefnau cynllunio a thrwyddedu yn cynnwys ystyried gwahanol faterion (er yn gysylltiedig). Er enghraifft, mae trwyddedu yn ystyried niwsans cyhoeddus tra bo cynllunio yn ystyried materion amwynder ehangach. Felly, ni ddylai ceisiadau am drwydded o'r fath fod yn ail-gyflwyniad o gais cynllunio ac na ddylid o reidrwydd eu dylanwadu gan benderfyniadau a wnaed gan bwyllgor cynllunio awdurdod lleol neu gan yr Arolygiaeth Gynllunio ar apêl, ac i'r gwrthwyneb.
- 5.4** Ni fyddai caniatáu unrhyw amrywiad i drwydded sy'n cynnwys newid materol i adeilad gan yr awdurdod trwyddedu yn rhyddhau'r ymgeisydd o'r angen i wneud cais am ganiatâd cynllunio (Caniatâd Adeilad Rhestredig pan fo hynny'n berthnasol), neu gymeradwyaeth Rheoli Adeiladu.
- 5.5** Mae amgylchiadau hefyd, fel amod o ganiatâd cynllunio, bod amser cau wedi cael ei bennu ar gyfer y defnydd o'r eiddo at ddibenion masnachol. Lle mae'r oriau hyn yn wahanol i'r oriau trwyddedig, rhaid i'r ymgeisydd gadw at yr amser cau cynharach. Byddai eiddo sy'n gweithredu yn groes i'w caniatâd cynllunio yn agored i gamau gorfodi o dan gyfraith cynllunio.
- 5.6** Yr Awdurdod Cynllunio yw'r awdurdod cyfrifol o dan y Ddeddf Trwyddedu ac o'r herwydd gall gyflwyno sylwadau ar geisiadau am drwydded cyn belled ag y bônt yn berthnasol i'r amcanion trwyddedu.
- 5.7** Mae cyfeiriad yn cael ei wneud i'r egwyddor Asiant Newid, sy'n rhoi'r cyfrifoldeb o liniaru effeithiau gweithgareddau sy'n cynhyrchu sŵn neu ddefnyddio datblygiad arfaethedig newydd sy'n sensitif i sŵn.

## 6.0 | Cais am Drwydded/ Tystysgrif Tro Cyntaf ac Amrywio Telerau ac Amodau presennol

Wrth ystyried yr holl geisiadau newydd neu amrywio amod, bydd yr Awdurdod Trwyddedu yn eu hasesu yng ngoleuni'r amcanion trwyddedu, yr atodlen weithredu ac yn benodol bydd yn ystyried y canlynol, i'r graddau eu bod o dan reolaeth yr ymgeisydd:

- 6.1** Y camau mae'r ymgeisydd wedi eu cymryd neu'n bwriadu eu cymryd er mwyn atal sŵn a dirgryniad rhag dianc o'r eiddo, gan gynnwys cerddoriaeth, sŵn o offer awyru, a lleisiau dynol. Gall mesurau o'r fath gynnwys gosod deunydd gwrthsain, cyflyru aer, cynteddau acwstig a dyfeisiadau cyfyngu sŵn.
- 6.2** Y camau mae'r ymgeisydd wedi eu cymryd neu'n bwriadu eu cymryd i atal aflonyddwch gan gwsmeriaid sy'n cyrraedd neu'n gadael yr eiddo.
- 6.3** Y camau mae'r ymgeisydd wedi eu cymryd neu'n bwriadu eu cymryd i osgoi ciwio, neu, os yw ciwio yn anochel, i symud ciwiau oddi wrth eiddo cyfagos, neu fel arall i reoli'r ciw i atal aflonyddwch neu rwystr.
- 6.4** Y camau mae'r ymgeisydd wedi eu cymryd neu'n bwriadu eu cymryd i sicrhau bod cwsmeriaid yn gadael yr adeilad yn ddistaw.
- 6.5** Y trefniadau a wnaed neu a fwriedir eu gwneud ar gyfer parcio gan ddefnyddwyr, ac effaith parcio ar drigolion lleol.
- 6.6** A oes darpariaeth ddigonol ar gyfer cludiant cyhoeddus i gwsmeriaid.
- 6.7** P'un a yw tacsis a cherbydau hurio preifat sy'n gwasanaethu'r eiddo yn debygol o aflonyddu ar drigolion lleol.
- 6.8** P'un a yw llwybrau i ac o'r eiddo ar droed neu mewn car neu gerbyd gwasanaeth / cerbydau danfon yn mynd heibio eiddo preswyl.
- 6.9** P'un a yw mesurau eraill i ostwng niwsans wedi eu hystyried, fel defnyddio TCC neu gyflogi Goruchwylwyr Drysau Trwyddedig.
- 6.10** Roedd y mesurau a gynigir i atal defnyddio neu gyflenwi cyffuriau anghyfreithlon, gan gynnwys unrhyw weithdrefnau chwilio.
- 6.11** Y tebygolrwydd o unrhyw drais, anrhefn cyhoeddus neu broblem blismona yn codi os bydd trwydded yn cael ei roi.
- 6.12** Os yw'r ymgeisydd wedi dal trwydded o fewn y Sir yn flaenorol, manylion unrhyw gamau gorfodaeth yn deillio o'r eiddo.



- 6.13** Os byddai'r eiddo yn arwain at storio mwy o wastraff neu broblemau gwaredu, neu ysbwriel ychwanegol yng nghyffiniau'r eiddo.
- 6.14** Sylwadau gan yr Awdurdodau Cyfrifol.
- 6.15** Sylwadau gan bartïon â diddordeb.
- 6.16** Mewn perthynas â cheisiadau am amrywio trwydded eiddo neu dystysgrif eiddo clwb, bydd yr Awdurdod Trwyddedu yn ystyried hanes blaenorol yr eiddo a'i reolaeth. Bydd barn yr holl Awdurdodau Cyfrifol yn cael eu hystyried.

### Mân Amrywiadau

- 6.17 Gall deiliad trwydded eiddo/ tystysgrif eiddo clwb wneud cais o dan y drefn 'mân amrywiad' ar gyfer amrywiadau bach nad fyddai'n effeithio er gwaeth ar yr amcanion trwyddedu. Nid oes unrhyw hawl i wrandawriad, fodd bynnag, os bydd y cais yn cael ei wrthod, gellir gwneud cais llawn.
- 6.18 Mae'n rhaid i'r Awdurdod Trwyddedu ystyried effaith y mân amrywiad, a phenderfynu a ddylid ymgynghori ag unrhyw un o'r Awdurdodau Cyfrifol.

### Ffi Blynyddol

- 6.19 Er bod trwyddedau eiddo a thystysgrifau eiddo clwb yn cael eu caniatáu am gyfnod amhenodol, mae'n ofynnol i ddeiliaid trwydded dalu ffi flynyddol i'r Awdurdod Trwyddedu.

Yn ystod 2012, newidiodd Deddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol Deddf Trwyddedu 2003 i roi gofyniad ar yr Awdurdodau Trwyddedu i atal trwyddedau eiddo lle nad yw'r ffioedd blynyddol wedi cael eu talu.

## 7.0 | Digwyddiadau Dros Dro

- 7.1** Bydd yr Awdurdod Trwyddedu yn rhoi cyhoeddusrwydd eglur a dealladwy ynghylch ei ymagwedd tuag at weithgareddau dros dro a ganiateir. Yn gryno, mae'r rhain yn ddigwyddiadau sy'n para am lai na 168 awr a gyda llai na 500 o bobl yn bresennol.
- 7.2** Gall yr Heddlu a lechyd yr Amgylchedd wrthwynebu Hysbysiad Digwyddiad Dros Dro o fewn tri diwrnod o'i gyflwyno
- 7.3** Bydd llawer o ddigwyddiadau lleol yn cael eu trefnu gan wirfoddolwyr neu bwyllgor clwb neu gymdeithas. Mae'r Awdurdod Trwyddedu yn ystyried ei bod yn arfer da bod yr un lefel o amddiffyniad iechyd a diogelwch yn cael ei ddarparu fel pe bai perthynas cyflogwr / gweithiwr yn bodoli, heb ystyried a oes dyletswyddau cyfreithiol dan ddeddfwriaeth iechyd a diogelwch.
- 7.4** Bydd yr Awdurdod Trwyddedu yn annog trefnwyr digwyddiadau dros dro i ofyn am gyngor / gwybodaeth gan eu Grwpiau Cynghori Diogelwch Lleol.
- 7.5** Er bod yr Awdurdod Trwyddedu yn gallu atodi unrhyw amodau neu gyfyngiadau mewn perthynas â Digwyddiadau Dros Dro mae'n disgwyl i drefnwyr roi parch priodol i drigolion lleol a'r rhai sy'n mynychu digwyddiadau, er enghraifft, ym meysydd:
- ▶ Iechyd a Diogelwch
  - ▶ Llygredd sŵn
  - ▶ defnydd o strwythurau dros dro
  - ▶ cau ffyrdd
  - ▶ defnydd o dân gwyllt
  - ▶ rheoli ymddygiad gwrthgymdeithasol
  - ▶ gwerthu alcohol

### TENs Safonol

- 7.6** Rhaid rhoi o leiaf deg diwrnod gwaith o rybudd i'r Awdurdod Trwyddedu o ddigwyddiadau dros dro, fodd bynnag, gorau oll fyddai cael y rhybudd cynharaf posibl. Mae "deg diwrnod gwaith o rybudd" yn golygu deg diwrnod gwaith heb gynnwys y dyddiad daw yr hysbysiad i law, a'r diwrnod mae'r digwyddiad yn dechrau. Nid yw 'diwrnod gwaith' yn cynnwys dydd Sadwrn, dydd Sul, dydd Nadolig, dydd Gwener y Groglith neu Wyliau Banc.
- 7.7** Lle mae'r Heddlu neu lechyd yr Amgylchedd yn gwrthwynebu'r TEN, gall yr ymgeisydd gytuno i addasu'r TEN. Os na cheir cytundeb, bydd gwrandawriad o'r Is-

bwyllgor Trwyddedu yn cael ei drefnu. Gall y panel benderfynu gosod amodau neu gyhoeddi Gwrth-Hysbysiad i atal y digwyddiad rhag mynd yn ei flaen.

## TENs hwyr

- 7.8** Gellir rhoi TEN hwyr hyd at bum diwrnod gwaith ond dim cynharach na naw diwrnod gwaith cyn y digwyddiad gael ei gynnal.
- 7.9** Os yw'r Heddlu neu Iechyd yr Amgylchedd yn gwneud cais am TEN Hwyr, nid oes darpariaeth ar gyfer gwrandawriad ac mae'n rhaid i'r Awdurdod gyflwyno Gwrth-Hysbysiad i atal y digwyddiad rhag mynd yn ei flaen.

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## 8.0 | Trwyddedau Personol

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- 8.1** Bydd yr Awdurdod Trwyddedu yn dilyn canllaw y Swyddfa Gartref yn fanwl mewn perthynas â cheisiadau am a rhoi Trwyddedau Personol.
- 8.2** Bydd yn ofynnol i ymgeiswyr gynhyrchu dogfen ddatgeliad o gofnod troseddol sylfaenol diweddar. Mae'n rhaid i ymgeiswyr o awdurdodaethau tramor wneud datganiad clir ynghylch a ydynt wedi eu cael yn euog y tu allan i Gymru a Lloegr o drosedd berthnasol neu drosedd gyfatebol.
- 8.3** Bydd yr Awdurdod Trwyddedu yn cysylltu'n agos â'r Heddlu pan canfyddir bod gan ymgeisydd euogfarn heb ddarfod am drosedd berthnasol a ddiffinnir yn y Ddeddf.
- 8.4** Bydd yr Awdurdod Trwyddedu yn atodi manylion y troseddau perthnasol i'r ffurflenni cais er gwybodaeth i'r ymgeiswyr.

## 9.0 | Tystysgrif Adeilad Clwb

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- 9.1** Mae Adran 62 y Ddeddf Trwyddedu yn nodi'r amodau cyffredinol y mae'n rhaid i sefydliad gydag o leiaf 25 o aelodau sydd wedi dod ynghyd at ddibenion cymdeithasol, chwaraeon neu wleidyddol arbennig eu diwallu i fod yn glwb cymwys. Dim ond clybiau cymwys all wneud cais am Dystysgrif Eiddo Clwb.
- 9.2** Mae Tystysgrif Eiddo Clwb yn darparu awdurdodiad ar gyfer cyflenwi alcohol a darparu adloniant rheoledig er budd aelodau a'u gwesteion yn unig. Os yw eiddo yn dymuno darparu gweithgareddau trwyddedig ar gyfer pobl nad ydynt yn aelodau neu'r cyhoedd yn gyffredinol, bydd angen iddynt wneud hynny drwy gyfrwng Hysbysiad Digwyddiad Dros Dro neu Drwydded Eiddo. Bydd yr Awdurdod Trwyddedu yn trafod yn agos â'r Heddlu os canfyddir bod gan ymgeisydd euogfarn heb ddarfod am drosedd berthnasol a ddiffinnir yn y Ddeddf.
- 9.3** Mae rhoi Tystysgrif Eiddo Clwb yn golygu bod y clwb cymwys â rhai buddion:
- ▶ Cyflenwi alcohol i aelodau heb fod angen Goruchwyliwr Eiddo Dynodedig
  - ▶ Darparu Lluniaeth Hwyr y Nos i aelodau heb fod angen awdurdodiad ychwanegol
  - ▶ Hawliau cyfyngedig i gael mynediad i'r heddlu a phobl awdurdodedig gan bydd yr adeilad yn gyffredinol yn cael ei ystyried yn breifat ac nid ar agor i'r cyhoedd
  - ▶ Eithrio rhag pwerau'r heddlu i gau yn syth ar sail anhrefn a sŵn oherwydd eu bod yn gweithredu o dan eu codau a rheolau disgyblaeth
  - ▶ Eithrio rhag gorchmynion llys ynadon i gau pob eiddo trwyddedig mewn ardal pan fo anhrefn yn digwydd neu fe'i disgwylir

## 10.0 | Atodlen Weithredu

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- 10.1** Mae'r Awdurdod Trwyddedu'n credu dylai'r holl bartion – awdurdodau trwyddedu, deiliaid trwyddedau/ tystysgrifau, personau awdurdodedig, yr heddlu ac awdurdodau cyfrifol – fod yn gweithio gyda'i gilydd mewn partneriaeth i sicrhau bod amcanion trwyddedu yn cael eu hyrwyddo ar y cyd.
- 10.2** Er mwyn lleihau anghydfodau a'r angen am wrandawiadau, mae'r Awdurdod Trwyddedu yn credu y byddai'n gall i ymgeiswyr ymgynghori â'r holl awdurdodau cyfrifol pan fo atodlenni gweithredu yn cael eu paratoi.
- 10.3** Disgwylir i Atodlenni Gweithredu gynnwys gwybodaeth ddigonol i ganiatáu unrhyw Awdurdod Cyfrifol neu barti â diddordeb i asesu a yw'r camau i'w cymryd i hyrwyddo'r amcanion trwyddedu yn foddhaol.
- 10.4** Dylai disgrifiadau o weithgareddau a gynigir yn yr eiddo gynnwys y rheiny sydd hefyd yn cwmpo tu allan i'r diffiniad o adloniant rheoledig.
- 10.5** Dylid disgrifio'r math o ddawnsio, yn ogystal â'r math o gerddoriaeth a ddarperir. Mae'r math yma o wybodaeth yn hanfodol fel bod yr Awdurdod Cyfrifol a'r bartion â diddordeb yn gallu ffurfio barn iawn ynglŷn â pha fesurau allai fod eu hangen i sicrhau bod yr amcanion trwyddedu yn cael eu diwallu.
- 10.6** Bydd y mesurau a gynigir yn yr Atodlenni Gweithredu i hyrwyddo'r amcanion trwyddedu yn dod yn amodau trwydded sydd ynghlwm i drwydded eiddo neu dystysgrif eiddo clwb.

## 11.0 | Oriau Gweithredu

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- 11.1** Mae'r Awdurdod Trwyddedu yn cydnabod y gall amseroedd cau sefydlog ac artiffisial o gynnar mewn rhai ardaloedd arwain at anhrefn ac aflonyddwch ar y strydoedd pan fydd nifer fawr o bobl yn tueddu i adael adeiladau trwyddedig ar yr un pryd.
- 11.2** Bydd yr Awdurdod Trwyddedu yn ceisio, drwy ddarpariaethau'r amcanion trwyddedu, i gyflawni gwasgariad arafach o bobl yn gadael eiddo trwyddedig trwy oriau agor hirach. Ni fydd y Cyngor yn pennu amseroedd cau ymlaen llaw ar gyfer ardaloedd penodol, na cheisio creu 'amseroedd cau cyfnodol'.
- 11.3** Bydd siopau, storfeydd ac archfarchnadoedd yn cael eu caniatáu i werthu alcohol i'w yfed oddi ar yr eiddo ar yr adegau pan fyddant fel arfer ar agor yng nghwrs eu busnes. Gall oriau gael eu cyfyngu pan dderbynnir sylwadau oddi wrth yr Heddlu mewn perthynas â siopau unigol y gwyddys eu bod yn ganolbwynt anhrefn ac aflonyddwch.
- 11.4** Wrth ystyried ceisiadau am drwyddedau / tystysgrifau eiddo, bydd yr Awdurdod Trwyddedu yn cymryd i ystyriaeth geisiadau ymgeiswyr am amser cau yng ngoleuni:
- ▶ Yr effaith bosibl ar amwynder yr ardal
  - ▶ Cymeriad neu swyddogaeth ardal benodol
  - ▶ Natur y gweithgareddau y bwriedir eu darparu yn yr eiddo
- 11.5** Fel arfer, bydd yr oriau cau yn cael eu cymeradwyo os gall yr ymgeisydd ddangos na fyddai'r cynnig yn cael effaith andwyol ar yr uchod. Gall yr Awdurdod Trwyddedu osod amser cau cynharach os yw'n ystyried hyn yn briodol.
- 11.6** Lle mae'r adeiladau yn agos i ardal breswyl gellir gosod amodau mwy caeth efallai o ran rheoli sŵn, ond ni ddylai hyn gyfyngu ar yr oriau agor cyn belled y cydymffurfir â'r amodau gofynnol.
- 11.7** Nid yw'r adegau pan fydd eiddo ar agor i'r cyhoedd o reidrwydd yn union yr un fath â'r oriau y gall gweithgareddau trwyddedadwy gael eu cynnal. Bydd yn bosibl i eiddo ganiatáu yfed alcohol a brynwyd yn flaenorol y tu allan i'r oriau a awdurdodwyd ar gyfer gwerthu neu gyflenwi alcohol.
- 11.8** Ni fydd yr Awdurdod Trwyddedu yn gorfodi i ddeilydd trwydded eiddo neu dystysgrif eiddo clwb i aros ar agor am y cyfnod cyfan a ganiateir gan ei drwydded neu dystysgrif.

## 12.0 | Gorfodaeth, Adolygiadau a Phwerau

- 12.1** Mae protocol ar weithredu rôl orfodaeth ar y cyd rhwng yr Awdurdod Trwyddedu a Heddlu Gogledd Cymru wedi cael ei sefydlu.
- 12.2** Yn gyffredinol, bydd camau ddim ond yn cael eu cymryd yn unol ag egwyddorion gorfodaeth a gytunwyd ac yn unol â Pholisi Gorfodaeth yr Is-adran Gwarchod y Cyhoedd sy'n ddyddiedig Gorffennaf 2009 ac sydd ar gael yn [www.flintshire.gov.uk](http://www.flintshire.gov.uk)
- 12.3** Mae'r gallu i fynnu adolygiadau o drwyddedau eiddo neu dystysgrifau eiddo clwb yn caniatáu i awdurdodau trwyddedu i ddefnyddio biwrocratiaeth 'cyffyrddiad ysgafn' o ran rhoi ac amrywio trwyddedau eiddo / tystysgrifau eiddo clwb.
- 12.4** Gall yr Awdurdodau Cyfrifol gychwyn adolygiad, e.e. Heddlu Gogledd Cymru, Gwasanaeth Tân ac Achub Gogledd Cymru, Adran Iechyd yr Amgylchedd Cyngor Sir y Fflint neu gan breswlydd neu fusnes yng nghyffiniau'r eiddo.
- 12.5** Ym mhob achos bydd angen cyflwyno digon o dystiolaeth i'r Awdurdod Trwyddedu i gefnogi'r honiadau a wnaed.
- 12.6** Bydd disgwyl i Unigolion ag Awdurdod ac Awdurdodau Cyfrifol i roi rhybudd cynnar o'u pryderon i ddeiliaid trwydded / tystysgrif am broblemau a nodwyd yn yr eiddo dan sylw a'r angen i wella. Mae methu ymateb i rybuddion o'r fath yn debygol o arwain at benderfyniad i ofyn am adolygiad.
- 12.7** Bydd yr Awdurdod Trwyddedu yn cyfeirio at ganllawiau'r Swyddfa Gartref wrth ystyried a yw cwynion gan bartïon â diddordeb yn amherthnasol, blinderus, gwamal neu ailadroddus.
- 12.8** Mae diwygiadau i'r Ddeddf Trwyddedu gan y Ddeddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2010 yn rhoi'r pŵer i Gynghorau atal trwyddedau eiddo a thystysgrifau eiddo clwb lle nad yw'r ffi flynyddol ofynnol wedi ei thalu.
- 12.9** Pan na fydd ffi flynyddol wedi cael ei thalu erbyn y dyddiad priodol, fel arfer pen-blwydd y dyddiad rhoddwyd y drwydded gyntaf, bydd yr Awdurdod Trwyddedu yn rhoi gwybod i ddeiliad y drwydded neu'r dystysgrif yn ysgrifenedig:
- ▶ Bydd y drwydded neu'r dystysgrif yn cael ei hatal mewn 7 diwrnod o ddyddiad y rhybudd
  - ▶ Ni fydd yr ataliad yn dod i rym pe bai'r ffi yn cael ei thalu cyn y dyddiad atal



## 13.0 | Y Broses Drwyddedu

### Amodau'r Drwydded

- 13.1** Bydd yr Awdurdod Trwyddedu yn osgoi gosod amodau anghymesur o feichus a thrwm ar drwyddedau eiddo / tystysgrifau eiddo clwb.
- 13.2** Bydd yr Awdurdod Trwyddedu yn ystyried cronfeydd o amodau enghreifftiol a bydd yn gosod amodau fel sy'n briodol o ystyried amgylchiadau pob achos unigol. Bydd yr amodau enghreifftiol yn delio â materion sy'n ymwneud â -
- ▶ Trosedd ac Anhrefn
  - ▶ Diogelwch y Cyhoedd
  - ▶ Niwsans Cyhoeddus
  - ▶ Diogelu Plant rhag Niwed
- 13.3** Bydd yr Awdurdod Trwyddedu hefyd yn ystyried dogfennau cyfeirio a restrir yn yr Atodiadau i Ganllaw y Swyddfa Gartref, er na fyddant yn cael eu defnyddio fel amodau safonol.
- 13.4** Wrth osod amodau, bydd yr Awdurdod Trwyddedu hefyd yn ymwybodol o'r angen i osgoi mesurau a allai rwystro cerddoriaeth fyw, dawnsio neu theatr trwy osod costau anuniongyrchol o natur sylweddol.
- 13.5** Wrth benderfynu ar geisiadau, bydd yr Awdurdod Trwyddedu yn rhoi sylw i ganllawiau a gyhoeddwyd gan y Swyddfa Gartref. Yn benodol, rhoddir ystyriaeth i'r angen i annog a hyrwyddo cerddoriaeth fyw, dawnsio a theatr er lles diwylliannol ehangach y gymuned yn ei chyfanrwydd. Os cyflwynir sylwadau ynghylch y posibilrwydd o anrhefn mewn cymdogaeth benodol, bydd ystyriaeth yr Awdurdod Trwyddedu wedi'i chydbwysu yn erbyn y manteision ehangach i'r gymuned.

### Gweinyddu - Y Broses Ymgeisio

- 13.6** Mae'r Awdurdod Trwyddedu yn derbyn na ddylai ymyrryd yn y penderfyniad o bwy yw'r person mwyaf priodol i wneud cais am drwydded eiddo/ tystysgrif eiddo clwb, neu feddu ar un. Bydd, fodd bynnag, ond yn derbyn ceisiadau a wneir yn y ffurf a ragnodir.
- 13.7** Bydd yr Awdurdod Trwyddedu yn disgwyl i ymgeiswyr unigol i fynd i'r afael â'r amcanion trwyddedu yn eu Hatodlen Weithredu gan roi sylw i'r math o eiddo, y gweithgareddau trwyddedadwy sydd i'w darparu, y trefnau gweithredol, natur y lleoliad ac anghenion y gymuned leol.
- 13.8** Bydd ymgeiswyr yn cael eu hannog i wneud eu hunain yn ymwybodol o unrhyw bolisiâu cynllunio a chcludiant perthnasol, strategaethau twristiaeth a diwylliannol a

mentrau atal trais lleol a rhoi sylw i'r rhain os yn briodol wrth lunio eu hatodlen weithredu.

- 13.9** Mae'r Awdurdod Trwyddedu yn cydnabod y cyngor a gafwyd gan y Swyddfa Gartref na ddylid caniatáu i farn lleiafrifoedd lleisiol gymryd blaenoriaeth dros les cyffredinol y gymuned.
- 13.10** Efallai y bydd pwerau'r Awdurdod Trwyddedu o dan y Ddeddf yn cael ei wneud gan y Pwyllgor Trwyddedu, neu Is-Bwyllgor, neu gan un neu fwy o swyddogion sy'n gweithredu o dan awdurdod dirprwyedig. Bydd dirprwyo swyddogaethau yn unol ag argymhellion y Swyddfa Gartref.
- 13.11** Yng nghyd-destun ceisiadau, arolygiadau, gorfodaeth ac adolygiadau o drwyddedau/ tystysgrifau eiddo, mae'r grwpiau canlynol wedi'u nodi yn Sir y Fflint

**Personau a Swyddogion Awdurdodedig (rolau arolygu a gorfodaeth):**

- ▶ Heddlu Gogledd Cymru
- ▶ Gwasanaeth Tân ac Achub Gogledd Cymru
- ▶ Cyngor Sir y Fflint
  - ▶ Iechyd a Diogelwch
  - ▶ Rheoli Llygredd
  - ▶ Diogelwch Bwyd
  - ▶ Rheolaeth Amgylcheddol
  - ▶ Trwyddedu
- ▶ Awdurdod Gweithredol Iechyd a Diogelwch
  - ▶ yn unol â Rheoliadau Iechyd a Diogelwch (Awdurdod Gorfodi) 1998

**Awdurdodau Cyfrifol (i'w hysbysu o geisiadau a hawl i gyflwyno sylwadau): -**

- ▶ Heddlu Gogledd Cymru
  - ▶ Gwasanaeth Tân ac Achub Gogledd Cymru
  - ▶ Cyngor Sir y Fflint - Is-adran Gwarchod y Cyhoedd
  - ▶ Awdurdod Gweithredol Iechyd a Diogelwch (Ile bo'n berthnasol)
  - ▶ Cyngor Sir y Fflint - Yr Is-adran Gynllunio
  - ▶ Cyngor Sir y Fflint - Gwasanaethau Cymdeithasol i Blant
  - ▶ Yr Awdurdod Trwyddedu
  - ▶ Bwrdd Iechyd Lleol
- 13.12** Gall unrhyw berson gyflwyno sylwadau i'r Cyngor ynghylch ceisiadau am drwyddedau newydd, amrywiadau neu adolygiadau.

Gall sylwadau fod yn gadarnhaol neu'n negyddol, ond byddant ddim ond yn cael eu hystyried yn berthnasol gan y Cyngor os ydynt yn ymwneud yn glir â'r amcanion trwyddedu.

- 13.13** Lle mae eiddo yn cael eu hadeiladu neu eu hymestyn neu newid yn sylweddol yn strwythurol, bydd cais am Drwydded Eiddo neu Dystysgrif Eiddo Clwb yn cael ei dderbyn cyn belled bod cynlluniau clir yn bodoli, bod atodlen weithredu yn cael ei chyflwyno ynghyd ag enw goruchwylydd penodedig yr eiddo. Os nad oes digon o fanylion ar gael, yna dylid gwneud cais am "Ddatganiad Dros Dro" yn lle hynny.
- 13.14** Mae Sir y Fflint yn gysylltiedig â system Gov.uk y Llywodraeth, sy'n golygu ein bod yn gallu derbyn ceisiadau (gan gynnwys taliad) yn electronig.

## 14.0 | Y Pwyllgor Trwyddedu

Dirprwyo Swyddogaethau a Argymhellir

Y Mater i ymdrin ag ef	Pwyllgor Llawn	Is-bwyllgor	Swyddogion
Cais am drwydded bersonol		Os oes gwrthwynebiad gan yr Heddlu	Os nad oes gwrthwynebiad
Cais am drwydded bersonol gyda cholffarnau heb ddarhod		Pob Achos	
Cais am drwydded eiddo / tystysgrif eiddo clwb		Os cyflwynir sylwadau perthnasol	Os na chyflwynir sylwadau perthnasol
Cais am ddatganiad dros dro		Os cyflwynir sylwadau perthnasol	Os na chyflwynir sylwadau perthnasol
Cais i amrywio trwydded eiddo/ tystysgrif eiddo clwb		Os cyflwynir sylwadau perthnasol	Os na chyflwynir sylwadau perthnasol
Cais i amrywio goruchwyliwr eiddo dynodedig		Os oes gwrthwynebiad gan yr Heddlu	Pob achos arall
Cais i gael ei ddileu fel goruchwyliwr eiddo dynodedig			Pob Achos
Cais i drosglwyddo trwydded eiddo		Os oes gwrthwynebiad gan yr Heddlu	Pob achos arall
Ceisiadau am awdurdodau dros dro		Os oes gwrthwynebiad gan yr Heddlu	Pob achos arall
Cais i adolygu trwydded eiddo / tystysgrif eiddo clwb		Pob Achos	
Penderfyniad ynghylch a yw cwyn yn amherthnasol, yn wamal, yn flinderus, ac ati.			Pob Achos

Y Mater i ymdrin ag ef	Pwyllgor Llawn	Is-bwyllgor	Swyddogion
Penderfyniad i wrthwynebu pan mae'r awdurdod lleol yn ymgynghorai ac ddim yr awdurdod perthnasol yn ystyried y cais		Pob Achos	
Penderfynu ar wrthwynebiad yr Heddlu i hysbysiad digwyddiad dros dro		Pob Achos	

Rhaid i apelïadau yn erbyn penderfyniadau'r Awdurdod Trwyddedu gael eu gwneud i lys ynadon o fewn 21 diwrnod gan ddechrau ar y diwrnod y mae'r apelydd yn cael ei hysbysu gan yr awdurdod trwyddedu am y penderfyniad yr apelir yn ei erbyn.

## 15.0 | Ystyriaethau Arbennig

### Adloniant Oedolion

- 15.1** Mae Cyngor Sir y Fflint wedi mabwysiadu rheolaethau yn ffurfiol ar Leoliadau Adloniant Rhyw.
- 15.2** Effaith y penderfyniad hwn yw y bydd lleoliadau adloniant rhywiol yn cael ei gynnwys yn y gyfundrefn drwyddedu bresennol sy'n rheoli sefydliadau rhyw eraill, sef siopau rhyw a sinemâu rhyw.
- 15.3** Bydd yn drosedd i weithredu eiddo o'r fath heb y Drwydded Sefydliad Rhyw angenrheidiol mewn grym, neu i fethu â gweithredu yn unol â'r telerau ac amodau y mae trwydded o'r fath wedi cael ei rhoi.
- 15.4** Mae lleoliad adloniant rhyw yn cael ei ddiffinio fel 'unrhyw eiddo lle mae adloniant perthnasol yn cael ei ddarparu o flaen cynulleidfa fyw ar gyfer elw ariannol y trefnydd neu'r difyrrwr' ac mae'n cynnwys gweithgareddau megis glin-ddawnsio; polyn-ddawnsio; bwrdd-dawnsio; sioe stripio; sioe sbecian a sioeau rhyw byw.
- 15.5** Os yw Trwydded Eiddo Deddf Trwyddedu 2003 mewn grym sy'n caniatáu adloniant rheoledig ar ffurf cerddoriaeth neu ddawnsio neu adloniant o fath tebyg, bydd yn bosibl ar gyfer adloniant o'r math a amlinellir yn y paragraff uchod gael ei gynnal ddim mwy na 11 o weithiau o fewn cyfnod o 12 mis. Rhaid bod o leiaf mis rhwng pob achlysur ac ni all achlysur o'r fath bara mwy na 24 awr.
- 15.6** Mae'r Awdurdod Trwyddedu o'r farn bod 'stripograms' a gweithgareddau tebyg yn dod o dan y diffiniad o adloniant rhywiol os yw'r trwyddedai yn trefnu neu'n eu darparu ac yn yr amgylchiadau hyn, felly, ni ddylent ddigwydd oni bai bod Trwydded Sefydliad Rhyw mewn grym. Fodd bynnag, gall eiddo fanteisio ar y ddarpariaeth defnydd achlysurol a nodir yn y paragraff uchod.

- 15.7** Gofynnir i drwyddedai ddarparu hysbysiad i'r Awdurdod Trwyddedu pan maent yn darparu neu'n caniatáu adloniant rhywiol o dan y ddarpariaeth defnydd achlysurol a nodir ym mharagraff 20.5 uchod, neu pan fod 'stripograms' wedi perfformio yn eu heiddo. Cysylltwch â [licensing@flintshire.gov.uk](mailto:licensing@flintshire.gov.uk) neu ar 01352 703 030

## 16.0 | Deddf Lles Cenedlaethau'r Dyfodol 2015

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**16.1** Mae'r Ddeddf hon yn gofyn i Awdurdodau Lleol yng Nghymru ystyried effaith hirdymor eu penderfyniadau, i weithio'n well gyda phobl, cymunedau a'i gilydd, ac i atal problemau parhaus, megis tlodi, anghydraddoldebau iechyd a newid hinsawdd. Mae'r Ddeddf yn cefnogi ac yn hyrwyddo amcanion trwyddedu. Mae'r Ddeddf yn cysylltu'n benodol i atal trosedd ac anrhefn a niwsans cyhoeddus. Mae'n cydnabod bod angen creu lleoliadau sain priodol – yr amgylchedd acwstig iawn yn y lle a'r amser iawn. Bydd yr Awdurdod Lleol yn ystyried rheolaeth sŵn a'r lleoliadau ac yn benodol y pum ffordd o weithio a gynhwysir o dan y ddeddf hon, sef, i) Hirdymor – pwysigrwydd cydbwysu anghenion tymor byr gydag anghenion i ddiogelu'r gallu i fodloni anghenion hirdymor, ii) Intregreiddio, iii) Cysylltu iv) Cydweithio ac v) Atal. Mae Llywodraeth Cymru wedi cynhyrchu 'Cynllun Gweithredu Ynghylch Sŵn a Seinwedd 2018-2023' <https://gov.wales/sites/default/files/publications/2019-04/noise-and-soundscape-action-plan.pdf>

Bydd gan yr Awdurdod Lleol ymwybyddiaeth hefyd o'r ddeddfwriaeth canlynol wrth benderfynu rhyddhau ei gyfrifoldebau o dan y Ddeddf Trwyddedu. Nid yw'r rhestr hon yn un gyflawn:-

- Deddf Diogelu'r Amgylchedd 1990 sy'n delio â sain ac aflonyddwch
- Gorchymyn Diwygio Rheoleiddio 2005 sy'n delio â diogelwch tân
- Deddf Priffyrdd 1980 sy'n delio â thrwyddedau caffï ar balmart.

## 17.0 | Y Gofrestr Drwyddedu

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**17.1** Mae'r Awdurdod Trwyddedu yn cadw cofrestr drwyddedu ar-lein y gellir ei gweld yn [www.flintshire.gov.uk](http://www.flintshire.gov.uk).

**17.2** Ni fydd y taliadau a godir am gopiâu o geisiadau yn fwy na'r gost o baratoi copiâu o'r fath.

## Manylion Cyswilt:

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Gellir cysylltu â Chyngor Sir y Fflint ynghylch y Ddeddf Trwyddedu 2003 a materion cysylltiedig yn:

Rhif Ffôn: 01352 703030

~~Ffacs: 01352 703341~~

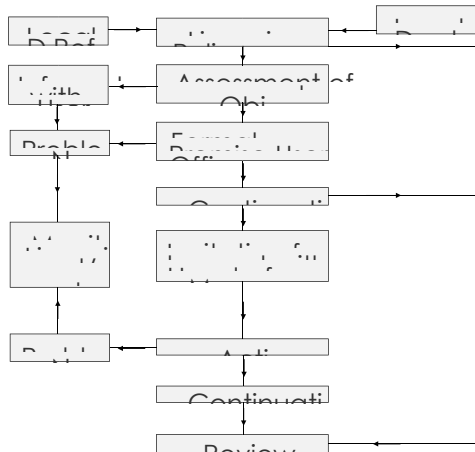
E-bost: [licensing@flintshire.gov.uk](mailto:licensing@flintshire.gov.uk)

Gwefan: [www.flintshire.gov.uk](http://www.flintshire.gov.uk)



## Atodiad A

### GWEITHDREFN ADOLYGU EIDDO TRWYDDEDIG YN CYNWYS DULL DATRYS PROBLEMAU FEL GRŴP



Ar unrhyw lefel, gan ddibynnu ar rinweddau'r achos, gellir penderfynu gwneud cais am adolygiad o drwydded eiddo. Mae symud ymlaen i bob lefel yn broses ddewisol ac mae'r siart lif hwn wedi'i gynllunio fel templed ar gyfer symud ymlaen a monitro penllanw trwydded Eiddo Trwyddedig trafferthus.

## Atodiad B

### ALCOHOL AC IECHYD YNG NGHYMRU

Mae'r defnydd o alcohol a'i ganlyniadau yn parhau i fod yn her iechyd cyhoeddus arwyddocaol yng Nghymru, y DU ac yn ehangach. Mae'r defnydd niweidiol o alcohol ymysg y pum prif ffactor sy'n peri risg o salwch, anabledd a marwolaeth ledled y byd.

- Mae cyfran yr oedolion sy'n yfed mwy o alcohol na'r canllawiau wythnosol (yn yfed mwy nag 14 uned o alcohol ar gyfartaledd bob wythnos) wedi aros ar lefel debyg ers 2016. Datgelodd data a gyhoeddwyd gan Arsyllfa Iechyd Cyhoeddus Cymru yn 2019 bod 19% o oedolion (16 oed a throsodd) yn yfed dros y canllawiau wythnosol o gymharu â 20% yn 2016..
- Mae cyfraddau yfed alcohol yn ôl rhyw yn dangos bod 25.8% o ddynion yn yfed mwy na'r canllawiau wythnosol o gymharu â 12.7% o ferched a bod pobl rhwng 45 a 65 yn yfed yn fwy aml nag unrhyw grŵp oedran arall (Arsyllfa Iechyd Cyhoeddus, 2019).
- Ers 2009-10 mae cyfran y derbyniadau i'r ysbyty o ganlyniad uniongyrchol i alcohol ymysg pobl dros 50 wedi codi bron 23% (Iechyd Cyhoeddus Cymru, 2020).
- Mae cysylltiad cryf rhwng amddifadedd â derbyniadau i'r ysbyty o ganlyniad i alcohol. Roedd cyfran yr holl gleifion a dderbyniwyd i'r ysbyty yn dioddef o gyflyrau cysylltiedig ag alcohol a oedd yn byw yn yr ardaloedd mwyaf difreintiedig 2.7 gwaith yn uwch na derbyniadau pobl o'r ardaloedd lleiaf difreintiedig (Iechyd Cyhoeddus Cymru 2020).
- Mae marwolaethau o ganlyniad i gyflyrau sy'n benodol gysylltiedig ag alcohol wedi bod yn cynyddu'n raddol ers 2013. Fodd bynnag, disgynnodd nifer y derbyniadau i'r ysbyty 7% yn 2019 o gymharu â'r flwyddyn flaenorol (Iechyd Cyhoeddus Cymru 2020).

Mae alcohol yn chwarae rhan bwysig a chadarnhaol mewn bywyd teuluol a chymdeithasol ac yn cyfrannu at gyflogaeth a datblygiad economaidd yn lleol. Fodd bynnag ni ddylai traddodiadau cymdeithasol a manteision economaidd gelu'r ffaith fod alcohol yn sylwedd gwenwynig sy'n gallu cael effaith niweidiol ar iechyd a lles corfforol a meddyliol.

### LEFELAU A PHATRYMAU YFED

Nid oes unrhyw lefel warantedig ddiogel o yfed ond mae yfed llai na'r terfynau dyddiol a argymhellir yn golygu bod y risgiau o niwed i iechyd yn isel. Nid yw hyd yn oed yfed llai na'r lefelau risg is yn ddoeth mewn rhai amgylchiadau chwaith. Ond nid faint o alcohol mae rhywun y ei yfed yn unig sy'n cynyddu'r perygl o niwed.

Mae goryfed mewn pyliau, sy'n cyfeirio at batrwm o yfed lle mae unigolyn yn yfed o leiaf ddwywaith yn fwy o alcohol na'r terfyn dyddiol a argymhellir mewn un sesiwn, yn gallu achosi meddwdod difrifol gan arwain at broblemau fel damweiniau, anaf a thrais. Yn fwyaf cyffredin ymysg grwpiau oedran iau, mae yfed mewn pyliau yn aml yn gysylltiedig ag yfed llawer o alcohol yn y cartref cyn mynd allan i dafarn neu glwb. . Mae hyn wedi'i gysylltu ag yfed lefelau uwch o alcohol yn gyffredinol a mwy o debygolrwydd o fod yn rhan o ddigwyddiad treisgar. Mae pobl yn yfed alcohol cyn mynd allan oherwydd ei fod yn llawer rhatach i'w brynu yn yr archfarchnad nag mewn siop ddioddydd drwyddedig, tafarn neu far.

Gall yr Awdurdod Trwyddedu ystyried sylwadau gan gyrff iechyd sy'n gweithredu fel awdurdodau cyfrifol. Gall y gyrff iechyd ddarparu gwybodaeth sy'n berthnasol o ran hyrwyddo diogelwch y cyhoedd, sydd yn un o'r amcanion trwyddedu, sy'n cynnwys atal damweiniau ac anafiadau a niwed arall a all ddigwydd o ganlyniad uniongyrchol i yfed alcohol, er enghraifft mynd yn anymwybodol neu wenwyn alcohol. Er enghraifft gall meddwdod achosi damweiniau ac anafiadau o ganlyniad i drais gan arwain at bresenoldeb mewn adrannau damweiniau ac argyfwng a'r defnydd o'r gwasanaeth ambiwlans. Mewn rhai achosion bydd hyn hefyd yn cynnwys toriadau o'r amcan drwyddedu trosedd ac anhrefn. O ran diogelu plant rhag niwed mae dyletswydd i'w diogelu rhag niwed moesegol, corfforol a seicolegol felly mae llawer o botensial i gyrff iechyd ychwanegu gwerth. Gall presenoldeb pobl dan 18 mewn adrannau Damweiniau ac Argyfwng fod yn berthnasol i'r amcan o ddiogelu plant rhag niwed a bydd i werthiant alcohol dan oed neu werthiannau procsi oblygiadau o ran yr amcanion trosedd ac anhrefn a diogelu plant rhag niwed. Gall timau iechyd helpu i ddarparu tystiolaeth ategol, er enghraifft cysylltiedig â'r effeithiau y gall yfed alcohol eu cael ar y corff adolescent. Mewn rhai ardaloedd y prif beth sy'n rhwystro gyrff iechyd rhag gweithredu'n effeithiol fel awdurdod cyfrifol yw'r ffaith nad yw'r dystiolaeth y maent ei hangen i gefnogi eu sylwadau'n cael ei chasglu fel mater o drefn neu ddim ar gael yn eu hardal.

Mae Cyngor Wrecsam a'i bartneriaid, Ysbyty Maelor Wrecsam, Heddlu Gogledd Cymru, Gwasanaeth Ambiwllans Cymru a Bwrdd Iechyd Prifysgol Betsi Cadwaladr ar hyn o bryd i wella casglu a rhannu data. Mae bwriad i weithredu hyn ar draws Gogledd Cymru i gyd. Dylai'r data a gesglir gynorthwyo'n fawr i dargedu gorfodaeth i'r manau lle mae ei angen, hysbysu polisi trwyddedu a chyfrannu at y broses o wneud penderfyniadau trwyddedu.

## Atodiad C

### Amodau Gorfodol

#### 1. Goruchwylwyr Drysau

Dim ond unigolion wedi'u trwyddedu gan yr Awdurdod Diwydiant Diogelwch fydd yn cael eu defnyddio yn yr eiddo i ymgymryd â gweithgareddau diogelwch, sy'n cynnwys gwarchod yn erbyn:

- a) Mynediad neu bresenoldeb heb awdurdod (ee. trwy oruchwylio drysau)
- b) Achosion o anhrefn
- c) Difrod

#### 2. Amod gorfodol amgen eiddo cymunedol

Rhaid i bob cyflenwad o alcohol o dan y Drwydded Eiddo gael ei wneud neu ei awdurdodi gan y pwyllgor rheoli.

#### 3. Arddangos ffilmiau

Bydd rhoi mynediad i blant o dan 18 oed i arddangosfeydd ffilmiau a ganiateir o dan amodau'r dystysgrif hon yn cael ei gyfyngu yn unol ag unrhyw argymhellion a wneir:

- a) Gan Fwrdd Categori Ffilmiau Prydain (BBFC) pan fydd y ffilm wedi cael ei chategori gan y Bwrdd, neu
- b) Gan yr awdurdod trwyddedu lle nad oes dystysgrif categori wedi ei roi gan y BBFC neu
- c) lle mae'r awdurdod trwyddedu wedi hysbysu'r clwb sy'n dal y dystysgrif fod adran 20(3) (b) (74(3) (b) ar gyfer clybiau) Deddf Trwyddedu 2003 yn gymwys i'r ffilm.

#### 4. Cyflenwi alcohol

1 Ni chaniateir cyflenwi alcohol o dan y Drwydded Eiddo hon:

- Ar adeg pan nad oes unrhyw Oruchwyliwr Eiddo Dynodedig mewn perthynas â'r Drwydded Eiddo; neu
- Ar adeg pan nad oes gan y Goruchwyliwr Eiddo Dynodedig Drwydded Bersonol neu mae ei Drwydded Bersonol wedi'i hatal.

2 Rhaid i bob gwerthiant neu gyflenwad o alcohol a wneir o dan y drwydded hon gael ei wneud neu ei awdurdodi gan berson sy'n dal Trwydded Bersonol.

3 Bydd yr unigolyn â chyfrifoldeb yn cymryd pob cam rhesymol i sicrhau nad yw staff ar yr eiddo perthnasol yn cynnal, trefnu na chymryd rhan mewn unrhyw hyrwyddiadau anghyfrifol mewn perthynas â'r eiddo. Yn y paragraff hwn, mae hyrwyddiad anghyfrifol yn golygu unrhyw un neu ragor o'r gweithgareddau canlynol, neu weithgareddau sy'n sylweddol debyg, a gynhaliwyd at y diben o annog gwerthu neu gyflenwi alcohol i'w yfed yn yr eiddo mewn ffordd sy'n cario risg sylweddol o arwain at neu gyfrannu at drosedd ac anhrefn, peryglu diogelwch y cyhoedd, niwsans cyhoeddus, neu niwed i blant:

- Gemau neu weithgareddau eraill sy'n ei gwneud yn ofynnol, yn annog neu sydd wedi'u cynllunio i'w gwneud yn ofynnol, neu annog, unigolion i -

- Yfed swm o alcohol o fewn cyfyngiad amser (ac eithrio yfed alcohol a werthwyd neu a gyflenwyd yn yr eiddo cyn diwedd y cyfnod yr awdurdodwyd yr unigolyn â chyfrifoldeb i werthu neu gyflenwi alcohol), neu
  - Yfed cymaint o alcohol â phosibl (o fewn cyfyngiad amser, neu fel arall);
  - Darparu symiau digyfyngiad neu symiau amhenodol o alcohol am ddim neu am ffi benodol neu ostyngedig i'r cyhoedd neu i grŵp a ddiffiniwyd gan nodweddion penodol (ac eithrio hyrwyddiad neu ostyngiad sydd ar gael i unigolyn mewn perthynas ag alcohol i'w werthu gyda phryd o fwyd, fel y diffiniwyd yn adran 159 y Ddeddf);
  - Darparu alcohol am ddim neu am bris gostyngedig neu unrhyw beth arall fel gwobr i annog neu wobrwyo prynu ac yfed alcohol dros gyfnod o 24 awr neu lai;
  - Darparu alcohol am ddim neu am bris gostyngedig mewn perthynas â gwylio digwyddiad chwaraeon yn yr eiddo, os yw'r ddarpariaeth alcohol yn ddibynnol ar:
    - Ganlyniad ras, cystadleuaeth neu ddigwyddiad neu broses arall; neu
    - Y tebygrwydd y bydd unrhyw beth yn digwydd neu ddim yn digwydd;
  - Gwerthu neu gyflenwi alcohol mewn cysylltiad â phosteri neu daflenni hyrwyddo yn, neu ger, yr eiddo y gellir ystyried sy'n goddef, annog neu'n glamoreiddio ymddygiad gwrthgymdeithasol neu'n cyfeirio at effaith meddwdod mewn unrhyw fodd ffafriol.
- 4 Bydd yr unigolyn â chyfrifoldeb yn sicrhau nad oes unrhyw alcohol yn cael ei dywallt gan un unigolyn yn uniongyrchol i mewn i geg unigolyn arall (ac eithrio os nad yw'r unigolyn arall yn gallu yfed heb gymorth oherwydd anabledd).
- 5 Bydd yr unigolyn â chyfrifoldeb yn gwneud yn siŵr bod dŵr tap am ddim yn cael ei ddarparu ar gais i gwsmeriaid os yw ar gael.
- 6 (1) Dylai'r deilydd Trwydded Eiddo neu'r deilydd Tystysgrif Eiddo Clwb sicrhau bod polisi gwirio oed yn berthnasol i'r eiddo mewn perthynas â gwerthu neu gyflenwi alcohol.
- (2) Mae'n rhaid i'r polisi ei wneud yn ofynnol i unigolion y mae'r unigolyn â chyfrifoldeb yn credu sy'n ymddangos dan 18 oed (neu unrhyw oedran hŷn a nodwyd yn y polisi) gynhyrchu ar gais, cyn cael alcohol, gerdyn adnabod sy'n dangos eu llun, dyddiad geni a marc holograffig.
- 7 Bydd yr unigolyn â chyfrifoldeb yn sicrhau:
  - Os yw unrhyw un o'r diodydd alcoholig a ganlyn yn cael eu gwerthu neu eu cyflenwi i'w hyfed yn yr eiddo (ac eithrio diodydd alcoholig sy'n cael eu gwerthu neu eu cyflenwi wedi'u paratoi eisoes i'w gwerthu neu eu cyflenwi mewn cynhwysydd sydd wedi cau) eu bod ar gael i gwsmeriaid yn y mesurau a ganlyn:
    - cwrw neu seidr: ½ pint;
    - jin, rym, fodca neu wisgi: 25ml neu 35ml; a
    - gwin llonydd mewn gwydr: 125ml;
  - bydd cwsmeriaid yn cael gwybod am argaeledd y mesurau hyn.

## Atodiad D

### Newidiadau Deddfwriaethol Diweddar

#### Deddf Cerddoriaeth Fyw

Mae Gorchymyn Deddf Cerddoriaeth Fyw 2012 a Deddf Trwyddedu 2003 (Disgrifiad o Adloniant) (Diwygio) yn cael gwared ar yr angen am y canlynol:

- Arddangosfeydd ffilm at ddibenion hysbysebu, gwybodaeth, addysg ac ati
- Arddangosfeydd ffilm sy'n ffurfio rhan o arddangosfa a roddwyd ar gyfer unrhyw ddibenion amgueddfa neu oriel gelf
- Cerddoriaeth boed yn fyw neu wedi'i recordio, sy'n gysylltiedig â gweithgareddau eraill nad ydynt angen trwydded
- Cerddoriaeth fyw fel a ganlyn:
  - Cerddoriaeth fyw wedi'i chwyddo rhwng 8am ac 11pm o flaen cynulleidfaoedd o ddim mwy na 200 o bobl mewn eiddo a awdurdodwyd i werthu alcohol i'w yfed yn yr eiddo
  - Cerddoriaeth fyw wedi'i chwyddo rhwng 8am ac 11pm o flaen cynulleidfaoedd o ddim mwy na 200 o bobl mewn gweithleoedd na fyddent fel arall wedi'u trwyddedu fel arall o dan Ddeddf 2003 (neu wedi'u trwyddedu yn unig ar gyfer darparu lluniaeth hwyr y nos)
  - Cerddoriaeth heb ei chwyddo rhwng 8am ac 11pm ym mhob lleoliad
- Defnyddio derbynwyr teledu neu radio ar gyfer derbyn a chwarae rhaglen ar y pryd
- Unrhyw gyfleusterau adloniant mewn man addoli crefyddol cyhoeddus
- Adloniant mewn ffeiriau gardd neu swyddogaethau tebyg oni bai bod elfen o elw preifat.
- Dawnsio Morris neu ddawnsio o natur debyg neu berfformiad o gerddoriaeth fyw heb ei chwyddo fel rhan o berfformiad o'r fath
- Adloniant ar gerbydau ffordd sy'n symud
- Perfformio neu chwarae o flaen cynulleidfa o 500 o bobl neu lai rhwng 8am ac 11pm
- Perfformio dawns o flaen cynulleidfa o 500 o bobl neu lai (oni bai ei fod yn adloniant perthnasol o fewn ystyr Atodlen 3 para 2a Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982 h.y. rhai mathau o adloniant rhywiol) rhwng 8am ac 11pm.
- Digwyddiadau chwaraeon dan do o flaen cynulleidfa o 1000 o bobl neu lai rhwng 8am ac 11pm

#### Y Mesur Mewnfudo

Mae'r Mesur Mewnfudo yn rhoi cyfrifoldebau ychwanegol ar awdurdodau trwyddedu i weithredu lle canfyddir nad oes gan ddeiliaid trwydded hawl i weithio yn y Deyrnas Unedig.

## Deddf Dadreoleiddio

### Eithriadau Lluniaeth Hwyr y Nos

Mae paragraff 2A o Atodlen 2 i Ddeddf 2003 (fel y'i mewnosodwyd gan Ddeddf Dadreoleiddio 2015) yn rhoi pwerau i awdurdodau trwyddedu i eithrio eiddo, mewn rhai amgylchiadau, rhag y gofyniad i gael trwydded i ddarparu lluniaeth hwyr y nos. Mae'n well gwneud penderfyniadau i eithrio cyflenwadau lluniaeth hwyr y nos gyda gwybodaeth leol. Mae'r pwerau felly yn caniatáu i awdurdodau trwyddedu i ddewis gwneud eithriad penodol lle maent yn meddwl y bydd yn ddefnyddiol i fusnesau a lle nad oes unrhyw broblemau gydag ymddygiad gwrthgymdeithasol neu anhrefn sy'n gysylltiedig â'r economi gyda'r nos. Yn ogystal â rhyddhau'r busnesau o dan sylw o gostau diangen, gall hyn hefyd ddarparu mwy o hyblygrwydd i awdurdodau trwyddedu i dargedu eu hadnoddau yn fwy effeithiol.

Mae'r pwerau hyn yn caniatáu i awdurdod trwyddedu perthnasol i eithrio cyflenwad o luniaeth os yw'n digwydd:

- ar neu o eiddo sydd wedi'u lleoli yn gyfan gwbl mewn ardal ddynodedig;
- ar neu o eiddo sydd o ddisgrifiad dynodedig; neu
- yn ystod cyfnod dynodedig (gan ddechrau dim cynharach na 11:00pm ac yn gorffen heb fod yn hwyrach na 5:00am).

Wrth ddewis i ddynodi ardal benodol eithriedig, mae'n rhaid i'r awdurdod trwyddedu perthnasol ddiffinio'r lleoliad, a all fod o unrhyw faint.

Wrth ddewis i ddynodi categorïau penodol o eiddo fel rhai eithriedig, gall awdurdod trwyddedu ddim ond eithrio'r mathau o eiddo a nodir yn y rheoliadau. Sef:

- ardaloedd gwasanaeth traffyrdd;
- Gorsafoedd Petrol;
- eiddo awdurdodau lleol (ac eithrio eiddo domestig) oni bai fod digwyddiad yn cael ei gynnal lle mae mwy na 500 o bobl yn bresennol;
- ysgolion (ac eithrio eiddo domestig) oni bai fod digwyddiad yn cael ei gynnal lle mae mwy na 500 o bobl yn bresennol;
- ysbytai (ac eithrio eiddo domestig);
- eiddo cymunedol (eglwys, capel, neuadd bentref, plwyf neu gymunedol neu adeilad tebyg) oni bai fod digwyddiad yn cael ei gynnal lle mae mwy na 500 o bobl yn bresennol;
- eiddo trwyddedig a awdurdodir i werthu alcohol i'w yfed yn yr eiddo rhwng 11pm a 5am.

*Nid oes rhaid i awdurdodau trwyddedu ddefnyddio'r eithriadau o gwbl a gall barhau i ofyn i'r holl ddarparwyr lluniaeth hwyr y nos gael eu trwyddedu. Fodd bynnag, dylai awdurdodau trwyddedu ystyried dadreoleiddio lle bo'n briodol.*

## Hysbysiad Gwerthwyr Cymunedol ac Ategol



Nid yw'r ddeddfwriaeth ddrafft a/ neu eilaidd wedi cael ei chwblhau eto ar gyfer CAN (Hysbysiad Gwerthwyr Ategol yn y Gymuned) ond rhagwelir y bydd y gallu i grwpiau cymunedol a darparwyr llety busnesau bach i ddarparu/ gwerthu symiau cyfyngedig o alcohol i wneud cais am CAN. Byddai'r CAN yn para am gyfnod o dair blynedd gyda'r posibilrwydd y gallai gwasanaeth Diogelu'r Amgylchedd a'r Heddlu wrthwynebu o'r cychwyn cyntaf.

Gallai opsiynau wedi'u cynnwys o bosibl yn y ddeddfwriaeth gynnwys y canlynol

- Gellir gwerthu alcohol rhwng 7am a 11pm
- Bydd rhybudd yn cael ei roi i'r awdurdod trwyddedu
- Bydd y ffi a ragnodwyd yn cael ei dalu
- Gall yr Heddlu, yr Awdurdod Iechyd yr Amgylchedd a'r awdurdod trwyddedu wrthwynebu os bydd CAN yn tanseilio'r amcanion trwyddedu. Os bydd problemau'n codi, gall yr heddlu a'r awdurdod iechyd yr amgylchedd wrthwynebu, ac o ganlyniad gellir dirymu'r CAN.
- Bydd gan yr Heddlu a swyddogion yr awdurdod trwyddedu hawliau mynediad i ymchwilio lle mae defnyddwyr yn torri amodau CAN.
- Dim hawl i wrandawriad neu apêl os yw caiff CAN ei ddirymu
- Rhaid i werthu alcohol fod yn atodol i ddarparu nwyddau neu wasanaethau gan y busnes.
- Gwerthu alcohol o eiddo unigol a enwir.
- Gwerthu Alcohol i'w yfed yn yr eiddo a enwyd
- Rhaid i'r gwerthu alcohol fod gan neu ar ran grŵp cymunedol nad yw'n masnachu er mwyn gwneud elw.
- Rhaid i'r gwerthu alcohol fod yn atodol i ddigwyddiad cymunedol wedi'i drefnu.
- Gall y gwerthiant o alcohol gael ei wneud o hyd at dri eiddo a enwir.
- Gwerthu alcohol i'w yfed mewn digwyddiadau a drefnwyd o hyd at 300 o bobl

## Atodiad E

### Rhestr Termau

**Personau Awdurdodedig** - personau awdurdodedig yw cyrff â grym i wneud gwaith arolygu a gorfodi o dan Ddeddf Trwyddedu 2003.

**Tystysgrif eiddo clwb** – Yn awdurdodi **clwb cymwys** i gynnal 'gweithgareddau clwb cymwys' o dan Ddeddf Trwyddedu 2003. Mae hyn yn cynnwys tystysgrifau â chyfyngiad amser.

**Amodau** - mae tri math o amodau

1. **Amodau Arfaethedig** - amodau a gynigir gan yr ymgeisydd yn yr atodlen weithredu.
2. **Amodau a osodir** - yn amodau a osodwyd gan yr awdurdod trwyddedu ar ôl gofyn am ei ddisgresiwn yn dilyn derbyn sylwadau perthnasol.
3. **Amodau Gorfodol** - amodau a ragnodir gan y Ddeddf ac yn cael eu cynnwys ym mhob trwydded eiddo neu dystysgrif eiddo clwb pan fo gweithgareddau trwyddedadwy penodol yn cael eu cynnal.

**Ardal Effaith gronnu** – Ardal mae'r **awdurdod trwyddedu** wedi nodi yn eu datganiad polisi trwyddedu fel un sydd â dirlawnder o eiddo trwyddedig a gallai'r 'effaith gronnu' o unrhyw eiddo trwyddedig ychwanegol gael effaith andwyol ar yr amcanion trwyddedu statudol.

**Goruchwyliwr Eiddo Dynodedig (DPS)** – Fel arfer bydd hwn y person sydd wedi cael y cyfrifoldeb am redeg yr eiddo o ddydd i ddydd gan y **deiliad trwydded eiddo**. Mae'n ofynnol i bob trwydded eiddo sy'n awdurdodi gwerthu alcohol o dan Ddeddf 2003 i nodi DPS. Rhaid i'r DPS fod yn ddeiliad **trwydded bersonol**. Yr unig eithriad yw ar gyfer eiddo cymunedol sydd wedi gwneud cais llwyddiannus i'r ALI i gael eu heithrio o'r gofyniad.

**Gorchymyn cyfyngu alcohol bore cynnar** - Pŵer o dan adran 119 **Deddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011** i wahardd gwerthu alcohol am gyfnod penodol o amser rhwng yr oriau o 12am a 6am, os ystyrir yn briodol ar gyfer hyrwyddo'r amcanion trwyddedu .

**Adolygiad Brys/ Cryno** - Gall prif swyddog yr heddlu wneud cais am adolygiad brys/ cryno o **drwydded eiddo** oherwydd troseddau difrifol a / neu anhrefn difrifol o dan s.53A Deddf Trwyddedu 2003.

**Bandiau Ffi** - Wrth benderfynu ar y swm ffi'r drwydded ar gyfer ceisiadau am **drwyddedau eiddo a thystysgrifau eiddo clwb** newydd, ac amrywiadau llawn i drwyddedau neu dystysgrifau, mae pob eiddo yn disgyn i fand yn seiliedig ar ei werth ardrethol annomestig. Ers cyflwyno Deddf 2003 tan 2012/13, mae'r ffioedd ceisiadau sy'n gysylltiedig â phob band am drwydded neu dystysgrif newydd wedi bod fel a ganlyn: Band A (£100); Band B (£190); Band C (£315); Band D [dim **lluosydd**] (£450); Band D trwydded

eiddo gyda **lluosydd** (£900); Band E [dim lluosydd] (£635); Band E trwydded eiddo gyda lluosydd (£1905). Mae'r ffioedd blynyddol dilynol sy'n gysylltiedig â phob trwydded neu dystysgrif fel a ganlyn: Band A (£70); Band B (£180); Band C (£295); Band D [dim lluosydd] (£320); Band D trwydded eiddo gyda lluosydd (£640); Band E [dim lluosydd] (£350); Band E trwydded eiddo gyda lluosydd (£1050).

**Fforffedu (trwydded bersonol)** - Atal yn dilyn gorchymyn llys o dan a.129 Deddf Trwyddedu 2003 penodedig (a lle nad yw'r gorchymyn hwnnw wedi cael ei atal dros dro, hyd nes apêl o dan a.129(4) neu 130 o'r Ddeddf).

**Gwrandawriad** - A ddefnyddir yng nghyd-destun ceisiadau am **drwydded eiddo** neu **dystysgrif eiddo clwb** sy'n mynd i wrandawriad ar gyfer penderfynu ar geisiadau am drwydded eiddo, ar gyfer datganiadau dros dro, i amrywio trwydded eiddo, am dystysgrifau eiddo clwb, ac i amrywio tystysgrifau eiddo clwb .

**Adolygiad barnwrol** - Yn cynnwys dim ond y rheiny lle hysbysodd yr Uchel Lys bartïon o'i benderfyniad yn y cyfnod amser penodedig.

**Darfod (tystysgrif clwb)** – Pan mae **tystysgrif eiddo clwb** wedi dod i ben oherwydd ei fod wedi bod mewn grym am gyfnod cyfyngedig, ond bod y cyfnod wedi dod i ben ers hynny.

**Darfod (trwydded eiddo)** - Pan mae **trwydded eiddo** wedi dod i ben oherwydd marwolaeth, analluogrwydd, ansolfedd ac ati deiliad y drwydded, fel y nodir o dan adran 27 **Deddf Trwyddedu 2003**. Nid yw'n cynnwys achosion lle'r oedd trwydded eiddo mewn grym am gyfnod cyfyngedig, ond bod y cyfnod wedi dod i ben ers hynny (e.e. digwyddiadau un-tro).

**Gorchymyn ardoll hwyr y nos** - Pŵer dewisol i awdurdodau trwyddedu o dan adran 125 **Deddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011**. Mae'r ardoll hwyr y nos yn cael ei dalu gan yr eiddo trwyddedig hynny i werthu alcohol yn hwyr yn y nos i godi cyfraniad tuag at gostau plismona'r economi hwyr y nos.

**Lluniaeth gyda'r hwyr** - Darparu bwyd poeth neu ddioid i'r cyhoedd, i'w yfed ar neu oddi ar yr eiddo, rhwng 11pm a 5am neu gyflenwi bwyd poeth neu ddioid boeth i unrhyw un rhwng yr oriau hynny ar neu o eiddo lle mae mynediad i'r cyhoedd.

**Awdurdod trwyddedu** - yr awdurdod trwyddedu sy'n gyfrifol am drwyddedu alcohol, adloniant rheoledig a lluniaeth hwyr y nos.

**Mân amrywiad (i drwyddedu neu dystysgrif)** - Ceisiadau a wneir o dan a.41A neu a.86A **Deddf Trwyddedu 2003** i wneud newidiadau risg isel i delerau **trwydded eiddo** neu **dystysgrif eiddo clwb**. Mae'r ffi ar gyfer mân amrywiad wedi'i ragnodi yn y Ddeddf.

**Lluosydd** – Caiff lluosyddion eu defnyddio mewn perthynas ag eiddo a ddefnyddir yn unig neu'n bennaf ar gyfer cyflenwi alcohol i'w yfed yn yr eiddo o dan awdurdodiad **trwydded eiddo (bandiau ffioedd D ac E yn unig)**.

**Gwerthu Alcohol i'w yfed oddi ar yr eiddo** – Gwerthu alcohol trwy fanwerthu i'w yfed oddi ar yr eiddo.

**Gwerthu Alcohol i'w yfed ar yr eiddo** - Gwerthu alcohol trwy fanwerthu a'i gyflenwi (gan glybiau) i'w yfed ar yr eiddo.

**Pobl eraill** - Unrhyw unigolyn, corff neu fusnes sy'n debygol o gael eu heffeithio gan ganiatáu ceisiadau am **drwydded eiddo** neu **dystysgrif eiddo clwb**. Gall personau eraill gyflwyno sylwadau perthnasol i'r awdurdod trwyddedu perthnasol, a gallant ofyn am adolygiad o'r trwydded eiddo neu dystysgrif eiddo clwb.

**Trwydded bersonol** – Yn awdurdodi unigolyn i gyflenwi neu awdurdodi cyflenwi alcohol yn unol â **thrwydded eiddo** o dan **Ddeddf Trwyddedu 2003**. Mae ffi'r cais am drwydded bersonol yn cael ei ragnodi yn y Ddeddf.

**Trwydded Eiddo** - Awdurdodi eiddo i gael ei ddefnyddio ar gyfer gwerthu neu gyflenwi alcohol, darparu adloniant rheoledig neu ddarparu **lluniaeth hwyr y nos**, dan **Ddeddf Trwyddedu 2003**. Mae hyn yn cynnwys trwyddedau eiddo â therfyn amser. Mae ffi trwydded eiddo yn seiliedig ar ei werth ardrethol annomestig. Mae ffioedd cais yn amrywio o £100 (Band A) i £1,905 (Band E gyda lluosydd); mae ffioedd blynyddol yn amrywio o £70 i £1,050.

**Clwb cymwys** - Mae'n rhaid i nifer o feini prawf gael eu bodloni cyn cael ei ystyried yn glwb cymwys am **dystysgrif eiddo clwb**. Sef:

- o dan reolau'r clwb, na fydd pobl yn cael eu derbyn am aelodaeth neu gael eu derbyn fel ymgeiswyr ar gyfer aelodaeth, neu i unrhyw un o freintiau aelodaeth heb gyfnod o ddau ddiwrnod o leiaf rhwng eu henwebiad ar gyfer aelodaeth a'u derbyn;
- bod y clwb wedi'i sefydlu a'i gynnal mewn ewyllys da fel clwb;
- bod gan y clwb o leiaf 25 aelod; a
- nad yw alcohol yn cael ei gyflenwi i aelodau ar yr eiddo ac eithrio gan neu ar ran y clwb.

**Sylwadau perthnasol** - Sylwadau sydd am effaith debygol caniatáu ceisiadau am **drwydded eiddo** neu **dystysgrif eiddo clwb** ar hyrwyddo'r amcanion trwyddedu, sy'n cael eu gwneud gan awdurdod cyfrifol neu berson arall o fewn y cyfnod a ragnodir o dan adran 17(5)(c) o'r Ddeddf, sydd heb gael eu tynnu'n ôl, ac yn achos y sylwadau a wnaed gan bobl eraill, nad ydynt, ym marn yr awdurdod trwyddedu perthnasol yn wamal neu'n flinderus.

**Awdurdod cyfrifol** - cyrff cyhoeddus y mae'n rhaid eu hysbysu am geisiadau **trwydded eiddo** penodol neu **dystysgrif eiddo clwb** ac mae ganddynt hawl i gyflwyno sylwadau i'r awdurdod trwyddedu. Maent yn cynnwys

- yr awdurdod trwyddedu ac unrhyw awdurdod trwyddedu arall dros yr ardal mae'r eiddo wedi'i leoli,
- y prif swyddog yr heddlu sy'n gyfrifol am yr ardal lle y mae'r eiddo wedi'i leoli,
- yr awdurdod tân ac achub ar gyfer unrhyw ardal lle mae'r eiddo wedi'i leoli,
- y Bwrdd Iechyd Lleol ar gyfer unrhyw ardal lle mae'r eiddo wedi'i leoli,
- yr awdurdod gorfodaeth ar gyfer Deddf Iechyd a Diogelwch yn y Gwaith ac ati 1974 ar gyfer unrhyw ardal lle mae'r eiddo wedi'i leoli,
- yr awdurdod cynllunio lleol ar gyfer unrhyw ardal lle mae'r eiddo wedi'i leoli,
- yr awdurdod lleol sy'n gyfrifol am leihau neu atal y risg o lygru'r amgylchedd neu o niwed i iechyd pobl mewn unrhyw ardal lle mae'r eiddo wedi'i leoli mewn perthynas â,

- corff sy'n cynrychioli rhai sydd, mewn perthynas ag unrhyw ardal o'r fath, yn gyfrifol am, neu â diddordeb mewn, materion sy'n ymwneud ag amddiffyn plant rhag niwed, ac maent yn gymwys i roi cyngor ar faterion o'r fath,
- mewn perthynas â llong, awdurdod mordwyo sydd â swyddogaethau mewn perthynas â dyfroedd lle mae'r llong wedi ei hangori neu ei docio, neu unrhyw ddyfroedd lle mae, neu y bwriedir iddo, fordwyo ar adeg pan mae'n cael ei ddefnyddio ar gyfer gweithgareddau trwyddedadwy,
- yr awdurdod lleol sy'n gyfrifol am bwysau a mesurau mewn unrhyw ardal lle mae'r eiddo wedi'i leoli.

**Adolygiad** - Yn dilyn caniatáu **trwydded eiddo** neu **dystysgrif eiddo clwb** gall **awdurdod cyfrifol** neu **berson arall** ofyn i'r awdurdod trwyddedu adolygu'r drwydded neu'r dystysgrif oherwydd mater sy'n codi yn yr eiddo mewn cysylltiad ag unrhyw un o'r pedwar amcan trwyddedu.

**Dirymu (trwydded bersonol)** - Os yw'r deiliad **trwydded bersonol** yn cael ei ddyfarnu'n euog o drosedd yn ystod y cyfnod ymgeisio am y drwydded, gall y drwydded gael ei dirymu o dan a.124 **Deddf Trwyddedu 2003**.

**Ildio (trwydded)** - Os yw'r deiliad trwydded yn dymuno ei hildio, mae'n cael ei wneud yn unol â darpariaethau o dan adran 28 (am **drwydded eiddo**), adran 81 (am **dystysgrif clwb**) ac adran 116 (ar gyfer **trwydded bersonol**).

**Hysbysiad o ddigwyddiad dros dro (TEN)** - Hysbysiad o dan adran 100 **Deddf Trwyddedu 2003**, a ddefnyddir i awdurdodi gweithgareddau trwyddedadwy ar raddfa fach yn gymharol, yn amodol ar feini prawf a'r terfynau penodol. Mae'n cynnwys yn unig hysbysiadau sydd wedi cael eu rhoi yn gywir ac yn briodol yn y cyfnod amser penodol h.y. mae'n eithrio hysbysiadau a gafodd eu hanfon yn ôl oherwydd camgymeriadau ar y ffurflen. Mae hyn hefyd yn cynnwys hysbysiadau a gafodd eu tynnu'n ôl ar ôl hynny. Mae'r ffi ar gyfer TEN wedi'i ragnodi yn y Ddeddf.

**Amrywiad (i drwydded eiddo)** - Ceisiadau a wneir o dan adran 34 **Deddf Trwyddedu 2003** i newid telerau'r **drwydded eiddo**, er enghraifft yr oriau agor, mae'r gweithgareddau trwyddedadwy neu'r amodau. Mae'r ffi ar gyfer amrywio **DPS** wedi'i ragnodi yn y Ddeddf.

**Amrywiad (i drwydded eiddo clwb)** - Ceisiadau a wneir o dan adran 84 **Deddf Trwyddedu 2003** i newid telerau'r **drwydded eiddo clwb**, er enghraifft gweithgareddau trwyddedadwy neu'r amodau.

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Ref No	Source of Response	Summary of Respondent's Comments	Authority's Appraisal	Authority's Response
01	Public Health Wales	<p><b>1:</b> Paragraph 3.43 'Public Health' Should include the following wording:</p> <p>Public health data reveals that -</p> <ul style="list-style-type: none"> <li>- 21 percent of adults in Flintshire drink above the recommended average weekly consumption of alcohol (National Survey for Wales, 2019).</li> <li>- In 2019 - 2020, there was 353.4 alcohol-specific hospital admissions and 1857.3 alcohol-attributable hospital admissions (European Age Standardised Rate per 100,000 population) for individuals resident in Flintshire (Public Health Wales, 2020).</li> </ul> <p><b>2:</b> That the following information should be included after paragraph 3.43:</p> <p>Calling Time for Change In March 2020, following a major consultation with professional stakeholders and individuals and families affected by alcohol harm, the first alcohol harm reduction strategy for North Wales was launched. 'Calling time for Change' was produced on behalf of the North Wales Area Planning Board and in collaboration with partners across the region. It demonstrates a commitment to reducing harm from alcohol through collaborative working over the next five years. An Alcohol Strategy Group, chaired by Betsi Cadwaladr University Health Board Public Health Team and involving</p>	<p><b>1:</b> The Licensing Authority is in agreement that the additional information would provide value.</p> <p><b>2:</b> The information is valid, but the policy does not currently contain detailed information about other strategies and initiatives it supports.</p>	<p><b>1:</b> Wording has been added to paragraph 3.43</p> <p><b>2:</b> The 'Calling Time for Change' strategy has been included in paragraph 2.3 in relation to the Licensing Authority's support of existing schemes.</p>

		<p>key partners from across the region was established to develop and implement a supporting action plan focusing on the six priorities of the Calling Time for Change strategy –</p> <ul style="list-style-type: none"> <li>- Safe and supporting environments</li> <li>- Changed attitudes and social norms</li> <li>- Reduced affordability</li> <li>- Reduced availability</li> <li>- Behaviour change</li> <li>- Children, young people and families</li> </ul> <p>The North Wales Alcohol Strategy Group will work in partnership with Licensing and Community Safety Teams to promote responsible retailing, reduce anti-social behaviour and crime and support a safe, vibrant and diverse night time economy that can be enjoyed by all parts of society.</p> <p>Calling Time for Change Strategy (2020) :  <a href="http://www.bcuhb.nhs.wales/health-advice/north-wales-alcohol-harm-reduction-strategy">www.bcuhb.nhs.wales/health-advice/north-wales-alcohol-harm-reduction-strategy</a></p> <p><b>3:</b> Updated information provided to replace Appendix B</p>		
02	Representative of Premises Licence Holders	<p><b>1: Para 2.2</b></p> <p>Including links to the other policies would be helpful for parties looking at either coming into the area or making substantial changes to existing licensed premises.</p> <p><b>2:</b> Concern that reference to 'mitigate the impact their</p>	<p><b>1:</b> The Licensing Authority will make reference to the Local Development Plan in the Policy</p> <p><b>2:</b> The Licensing</p>	<p><b>1:</b> The Local Development Plan has been included in paragraph 2.3</p> <p><b>2:</b> No change</p>



		<p>premise may have on the health and wellbeing of their customers, the neighbourhood and wider community' is a very broad requirement that goes past the promotion of the licensing objective and could be seen to be introducing a public health licensing objective by the 'back door.'</p> <p><b>3:</b> Concerns raised that licensed premises are sometimes being unfairly held to a higher standard when it comes to prevention of crime and disorder than other public premises. For instance, when Police present evidence of crime and disorder in relation to licensed premises, they will often include references to any crime that is associated not just with the premises in terms of its operation as licensed premises but generally. For instance, the Police will often include reference to all calls where those calls have referenced the premises as a local landmark which can include anything from criminal activity from people who have not been customers of the premises, offences in relation to taxis, or general disturbance and noise nuisance in a town centre where it cannot be said to be relevant to the premises. Premises licence holders will also often find reference to offences that are not relevant to the licensing objectives themselves. So, for instance, robberies at residential premises above a licensed premises are sometimes included. We feel it is important that the council recognise in their policy that these are matters that are not relevant to the prevention of crime and disorder licensing objective and that the licensing authority's expectation is that they will only be presented with evidence where it directly relates to the</p>	<p>Authority feel that the inclusion of public health information is relevant to the Policy.</p> <p><b>3:</b> The Licensing Authority considers that the Police are named within the Act as a responsible authority and the Policy should not stop them from making relevant representations, or providing information based on any information available to them.</p>	<p><b>3:</b> No change</p>
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		<p>licensable activities being provided within the premises themselves.</p> <p><b>4:</b> General comments in relation to CCTV and GDPR, and a request that CCTV in particular is not being universally required where there is no real and pressing need for it.</p>	<p><b>4:</b> The Licensing Authority feel that this is a more general comment, rather than specific to this policy. Crime and Disorder is a licensing objective, and the responsible authorities are able to suggest relevant conditions to be added to a licence during the consultation period. This sometimes includes the requirement for CCTV if it is deemed relevant. The conditions are either accepted by the applicant or added following a hearing where the reason for the requirement would be discussed.</p>	<p><b>4:</b> No change</p>
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		<p><b>5: Para 3.4</b>          this is a very broad expectation that does not distinguish between types of premises where drugs might be more of an issue, such as nightclubs in comparison with local community pubs or restaurants. We feel that the paragraph would benefit from such as distinction being made to ensure that any expectation set out thereafter is proportionate and appropriate for the type of premises.</p> <p><b>6: Suggestion that the policy reflects the need for public nuisance to be demonstrated and for conditions relating to nuisance to relate to public nuisance rather than any wider definition. In particular, it's suggested that expressly stating that private nuisance is not a licensing objective would assist in all parties understanding what is and is not the remit of licensing legislation.</b></p> <p><b>7: Paragraph 3.43:</b>          Concern expressed that the policy refers to public health 'not yet' being a licensing objective. It has been rejected by government following consultation and by the House of Lords in its review of the Licensing Act 2003. As such presenting an</p>	<p><b>5: The licensing Authority feels that the information contained in this paragraph in relation to drugs is relevant, whatever the venue, other than the reference to a first aid room and defibrillator, which may be more appropriate for larger venues.</b></p> <p><b>6: Public Nuisance is a Licensing Objective, and the Licensing Authority consider that the information provided within the policy is sufficient</b></p> <p><b>7: The Licensing Authority agree that Public Health is not a licensing objective, but that the</b></p>	<p><b>5: The wording of the 6<sup>th</sup> bullet point in paragraph 3.2 has been changed to reflect requirements for different venues.</b></p> <p><b>6: No change</b></p> <p><b>7: The word 'yet' has been removed from paragraph 3.43</b></p>
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		<p>inference that it might yet be is misleading.  The Public Health Wales Data cannot inform a committee in its decision making on individual premises applications unless a direct link can be shown between the premises, one of the four licensing objectives and the data being presented.</p> <p><b>8:</b> Paragraph 4.2:  The introduction of Cumulative Impact Policies need careful insight</p> <p><b>9:</b> To include information in relation to Agent of Change.</p> <p><b>10:</b> Paragraph 6.17  Further clarification of what would be considered a minor variation</p>	<p>information in relation to Public Health is relevant.</p> <p><b>8:</b> The licensing Authority agrees that any consideration of a future Cumulative Impact Police would need to be robust, but there are no plans to introduce such a policy at this time.</p> <p><b>9:</b> The Licensing Authority agrees that the Agent for Change principle is relevant.</p> <p><b>10:</b>The Licensing Authority considers the information provided in relation to Minor Variation to be sufficient, and</p>	<p><b>8:</b> As there is no Cumulative Impact Policy in place, these are taken as general comments</p> <p><b>9:</b> Paragraph 5.7 has been added to the policy to make reference to Agent for Change</p> <p><b>10:</b> No change</p>
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		<p><b>11:</b> Suggestion to include links to the Regulator’s Compliance code and the Council’s Enforcement Policy</p> <p><b>12:</b> Up to date list of responsible authorities to be included in the policy</p> <p><b>13:</b> Reference to tables and chairs outside the premises including garden areas, and clarification of on and off sales.</p>	<p>does not wish to duplicate legislation and guidance.</p> <p><b>11:</b> Our own enforcement policy is referenced in paragraph 2.2. No further amendment is deemed necessary.</p> <p><b>12:</b> These details are provided alongside any application. As these details are subject to change, the Licensing Authority feels their inclusion within the body of the policy would not be beneficial</p> <p><b>13:</b> Tables and chairs on the highway would be dealt with by Streetscene and should not be</p>	<p><b>11:</b> No change</p> <p><b>12:</b> No change</p> <p><b>13:</b> No change</p>
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			<p>included in this policy. Each premises has different requirements in relation to external tables and chairs, dependent on the licensable area of their premises. Therefore inclusion of further information may become confusing or misleading. The Licensing Authority do not wish to duplicate legislation and guidance by clarifying on and off sales.</p>	
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