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## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

### Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.  
Rhowch wybod i ni os mai Cymraeg yw eich  
dewis iaith.*

*We welcome correspondence in Welsh. Please  
let us know if your language choice is Welsh.*



Annwyl Cyngorydd,

#### **CYNGOR**

Cynhelir Cyfarfod Cyngor yn Siambr y Cyngor, Swyddfeydd Dinesig, Stryd Yr Angel, Penybont Ar Ogwr CF31 4WB ar **Dydd Mercher, 18 Rhagfyr 2019 am 15:00.**

#### **AGENDA**

1. Ymddiheuriadau am absenoldeb  
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant  
Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau/Swyddogion yn unol a darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008
3. Cymeradwyaeth Cofnodion 3 - 14  
I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 20/11/2019.
4. I dderbyn cyhoeddiadau oddi wrth:  
(i) Maer (neu berson sy'n llywyddu)  
(ii) Aelodau'r Cabinet  
(iii) Prif Weithdwr
5. I dderbyn adroddiad yr Arweinydd
6. Deddf Trwyddedu 2003 Datganiad Polisi Trwyddedu ac Asesiad o'r Effaith Gronnol 15 - 48
7. Adroddiad Gwybodaeth i'w Nodi 49 - 56
8. I Dderbyn Cwestiynau Canlynol wrth:

Ffôn/Tel: 01656 643643

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### 1. Cyngorydd T Thomas i'r Aelod Cabinet – Cymunedau

A yw'r Aelod Cabinet yn cytuno y dylai priffyrdd yr awdurdod hwn fod yn hygyrch i bawb waeth beth fo'u hoed, eu hanabledd neu unrhyw nodwedd warchoddedig arall?

### 2. Cyngorydd A Hussain i'r Aelod Cabinet – Gwasanaethau Cymdeithasol a Chymorth Cynnar

A all yr Aelod Cabinet roi gwybod i'r Cyngor ynghylch pa gamau gweithredu sydd wedi eu cymryd er mwyn lleihau lefelau Unigedd ac Arwahanrwydd a'u heffaith negyddol ar lechyd a Llesiant ein poblogaeth hŷn yn ein Bwrdeistref Sirol?

### 3. Cyngorydd MC Voisey i'r Arweinydd

A all Arweinydd y cyngor gyfiawnhau pam ei fod yn credu na ddylai fod gan aelodau etholedig y cyngor hwn yr hawl i ofyn cwestiynau yng nghyfarfodydd y cyngor a chraffu yn y siambr ar y penderfyniadau a wneir gan y weinyddiaeth hon?"

### 9. Materion Brys

I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.

Yn ddiffuant

**K Watson**

Pennaeth Gwasanaethau Cyfreithiol a Rheoleiddiol

#### **Dosbarthiad:**

#### Cynghowrwr

S Aspey  
SE Baldwin  
TH Beedle  
JPD Blundell  
NA Burnett  
MC Clarke  
N Clarke  
RJ Collins  
HJ David  
P Davies  
PA Davies  
SK Dendy  
DK Edwards  
J Gebbie  
T Giffard  
RM Granville  
CA Green  
DG Howells

#### Cynghorwyr

A Hussain  
RM James  
B Jones  
M Jones  
MJ Kearns  
DRW Lewis  
JE Lewis  
JR McCarthy  
DG Owen  
D Patel  
RL Penhale-Thomas  
AA Pucella  
JC Radcliffe  
KL Rowlands  
B Sedgebeer  
RMI Shaw  
CE Smith  
SG Smith

#### Cynghorwyr

JC Spanswick  
RME Stirman  
G Thomas  
T Thomas  
JH Tildesley MBE  
E Venables  
SR Vidal  
MC Voisey  
LM Walters  
KJ Watts  
CA Webster  
DBF White  
PJ White  
A Williams  
AJ Williams  
HM Williams  
JE Williams  
RE Young

## CYNGOR - DYDD MERCHER, 20 TACHWEDD 2019

COFNODION CYFARFOD Y CYNGOR A GYNHALIWIYD YN SIAMBR Y CYNGOR,  
SWYDDFEYDD DINESIG, STRYD YR ANGEL, PENYBONT AR OGWR CF31 4WB DYDD  
MERCHER, 20 TACHWEDD 2019, AM 15:00

### Presennol

Y Cynghorydd SE Baldwin – Cadeirydd

S Aspey	TH Beedle	JPD Blundell	NA Burnett
MC Clarke	N Clarke	RJ Collins	HJ David
PA Davies	SK Dendy	DK Edwards	J Gebbie
T Giffard	RM Granville	DG Howells	A Hussain
M Jones	MJ Kearn	DRW Lewis	JE Lewis
JR McCarthy	D Patel	RL Penhale-Thomas	AA Pucella
JC Radcliffe	KL Rowlands	B Sedgebeer	RMI Shaw
CE Smith	JC Spanswick	RME Stirman	G Thomas
T Thomas	JH Tildesley MBE	E Venables	SR Vidal
MC Voisey	LM Walters	KJ Watts	CA Webster
DBF White	PJ White	AJ Williams	HM Williams
RE Young			

### Ymddiheuriadau am Absenoldeb

P Davies, CA Green, RM James, B Jones, SG Smith, A Williams a/ac JE Williams

### Swyddogion:

Susan Cooper	Cyfarwyddwr Corfforaethol - Gwasanaethau Cymdeithasol a Lles
Lindsay Harvey	Cyfarwyddwr Corfforaethol – Addysg a Chymorth i Deuluoedd
Gill Lewis	Pennaeth Cyllid a Swyddog 151 Dros Dro
Andrew Rees	Uwch Swyddog Gwasanaethau Democrataidd - Pwyllgorau
Mark Shephard	Prif Weithredwr
Kevin Stephens	Cynorthwy-ydd Gwasanaethau Democataidd
Kelly Watson	Pennaeth Gwasanaethau Cyfreithiol a Rheoleiddiol a Swyddog Monitro

### 370. DATGANIADAU BUDDIANNAU

Dim

### 371. CADARNHAU COFNODION

PENDERFYNWYD: Bod cofnodion cyfarfod y Cyngor ar 23 Hydref 2019 yn cael eu cymeradwyo fel cofnod gwir a chywir.

### 372. DERBYN CYHOEDDIADAU GAN:

Y Maer

Rhoddodd y Maer hysbysiad i'r Cyngor ynghylch ei weithgareddau ers y cyfarfod diwethaf, gan gynnwys mynychu gwobrau gwirfoddolwyr BAVO, sy'n dathlu'r bobl leol hynny sy'n cyfrannu eu hamser er budd eraill yn y gymuned. Cafodd y fraint o gyflwyno gwobr Gwirfoddolwr Chwaraeon y Flwyddyn i Shannie Bowen, sy'n cynnal cyfarfodydd wythnosol gydag arweinyddion Pobl Ifanc Egniol Maesteg trwy gydol y flwyddyn ysgol, gan eu helpu gyda'u llyfrau gwaith, eu cefnogi â'u cynnydd, a threfnu lleoliadau gwaith.

Roedd enwebiadau ar gyfer Gwobrau Dinasyddiaeth Flynyddol y Maer bellach yn cael eu derbyn, a'r gwobrau yn agored i bobl sy'n byw yn y fwrdeistref sirol, yn ogystal â grwpiau a busnesau lleol. Gellir dod o hyd i ragor o wybodaeth ar wefan CBS Pen-y-bont ar Ogwr a gellir lawrlwytho ffurflen enwebu. Y dyddiad cau ar gyfer derbyn enwebiadau yw 24 Ionawr, a bydd yr enillwyr yn cael eu cyhoeddi mewn digwyddiad ym mis Mawrth.

Cafodd y Maer yr anrhydedd o gynrychioli'r Awdurdod yn nigwyddiad Sul y Cofio a gynhaliwyd ym Mhen-y-bont ar Ogwr, gan osod torch ar ran CBS Pen-y-bont ar Ogwr a'i thrigolion.

Cyhoeddodd y Maer fod y digwyddiad "Music with the Mayor" cyntaf, a gynhaliwyd yn Court Colman ar 10 Tachwedd, wedi bod yn llwyddiant ysgubol, gan gasglu £1,300 ar gyfer elusen y Maer.

Atgoffodd y Cynghorwyr y byddai'n casglu ar gyfer y banc bwyd yng nghyfarfod y Cyngor ym mis Rhagfyr. Gall cynghorwyr hefyd ddod â'u calendrau adfent gwrthdro fel bo modd i'r banc bwyd eu casglu, ac anogodd bawb i gymryd rhan.

Cyhoeddodd hefyd fod uned newydd-anedig Ysbyty Tywysoges Cymru wedi derbyn gwobr bwysig gan UNICEF, am y cymorth y mae'r Uned yn ei roi i famau a babanod. Dywedodd fod yr Uned ar flaen y gad yng Nghwm Taf ac yng Nghymru hefyd.

#### Dirprwy Arweinydd

Rhoddodd y Dirprwy Arweinydd hysbysiad i'r aelodau ynglŷn â'r ystod eang o ddiwyddiadau lleol a gynhelir ledled y fwrdeistref fel bo modd iddynt roi gwybod i'w hetholwyr. Bydd digwyddiadau'n dechrau ar 22 Tachwedd pan fydd grŵp Casglu Arian Marie Curie Pen-y-bont ar Ogwr a Phorthcawl yn cynnal noson o grefftiau, caneuon, a lluniaeth yn Eglwys Unedig Pen-y-bont ar Ogwr, ynghyd â pherfformiad gan y grŵp corawl Sounds Familiar. Bydd 'Nadolig Gwyn' blynyddol Pen-y-bont ar Ogwr yn cael ei gynnal ar 23 Tachwedd, pan fydd Siôn Corn yn teithio o ganol y dref i'w groto yn Carnegie House, ac yna'n cynnal goleuadau'r dref. Gall plant ymweld ag ef yn ei groto ar 30 Tachwedd, ac ar 7 a 14 Rhagfyr.

Bydd Parêd Jingle Bell Porthcawl yn cael ei gynnal ar 29 Tachwedd gyda cherddoriaeth fyw gan fand pres, stondinau bwyd, reidiau i blant, a llwyfan Bridge FM, ac yn y Grand Pavilion y Grand bydd Only Men Aloud yn cyflwyno A Merry Little Christmas. Ar 30 Tachwedd, bydd Gorymdaith Nadolig Maesteg yn cynnal arddangosfa tân gwylt a'n cynnal'r goleuadau Nadolig, a bydd yr unig Santa Gwyrdd yn Ne Cymru ym Mharc Gwledig Bryngarw, bydd yno ar 1 Rhagfyr hefyd. Ar 7 Rhagfyr, bydd llwybr y ceirw pren yn agor ym Mharc Gwledig Bryngarw a bydd gofyn i blant helpu Siôn i ddod o hyd i'r ceirw coll. Bydd y ceirw hefyd ar goll ar 7, 8, 14 a 15 Rhagfyr. Bydd Crefftiau Arfordirol Nadoligaidd yng Nghanolfan Chwaraeon Dŵr Rest Bay ar 8 Rhagfyr, a bydd digwyddiad Craceri Nadolig Porthcawl sy'n cynnwys marchnad Nadoligaidd, stondinau bwyd stryd, reidiau i blant, groto Siôn Corn, band pres, a mwy. Rhwng 14 Rhagfyr a 5 Ionawr, bydd y Grand Pavilion yn cynnal pantomeim Snow White, a bydd y nofio blynyddol yn digwydd ar Ddydd Nadolig ei hun. Cyhoeddodd y bydd y digwyddiad yn 55 oed eleni, a'i fod n cael ei gynnal er budd i Gymdeithas Alzheimer Cymru. Y thema eleni yw 'A Trip Down Memory Lane', a bydd disgwyl i'r nofwyr yn gwisgo fel atgof Nadolig.

#### Aelod Cabinet Cymunedau

Cyhoeddodd yr Aelod Cabinet dros Gymunedau y bydd yr Aelodau'n ymwybodol o'r ymdrechion parhaus i hyrwyddo Cyfamod y Lluoedd Arfog, gyda'r elfen ddiweddaraf yn cynnwys sefydlu cynllun gwarantu cyfweiliadau i gyn-filwyr. Dywedodd wrth yr Aelodau

fod y Weinyddiaeth Amddiffyn wedi cyflwyno gwobr efydd i'r Cyngor fel rhan o'u Cynllun Cydnabyddiaeth i Gyflogwyr Amddiffyn. Mae'r cynllun yn cydnabod ymrwymiad a chefnogaeth cyflogwyr y DU i bersonél amddiffyn, ac mae'n cyflwyno gwobrau efydd, arian, ac aur i gyflogwyr sy'n cefnogi'r rhai sy'n gwasanaethu neu wedi gwasanaethu yn y lluoedd arfog, ynghyd â'u teuluoedd.

Aelod Cabinet Gwasanaeth Cymdeithasol a Chymorth Cynnar

Cyhoeddodd yr Aelod Cabinet Gwasanaethau Cymdeithasol a Chymorth Cynnar fod Llywodraeth Cymru, wrth baratoi ar gyfer pwysau anochel a roddir ar ysbytai yn y gaeaf, wedi dyrannu cyfanswm o £4.3m i Fwrdd Iechyd Cwm Taf Morgannwg, bydd £2.7m o'r ffigur yn cael ei ddefnyddio mewn partneriaeth â sefydliadau yn rhanbarth Cwm Taf Morgannwg. O ganlyniad, mae'r Bwrdd Iechyd wedi gorfod cydweithio'n agos â phob un o'r awdurdodau lleol yn y rhanbarth er mwyn adnabod cynigion sydd wedi'i dylunio i ddatrys y broblem sylweddol hon. Ar ôl ystyried y ceisiadau ar draws y rhanbarth, roedd yn falch o gadarnhau bod Bwrdeistref Sirol Pen-y-bont ar Ogwr wedi cael £600,000. Caiff yr arian ei ddefnyddio i wella'r ddarpariaeth gymunedol, gan gynnwys y Tîm Amlasiantaethol Brys, ynghyd â buddsoddiad yn y trydydd sector i gynyddu eu gallu i gefnogi'r ddarpariaeth gymunedol o wasanaethau. Bydd yn cael ei ddefnyddio hefyd i gynyddu capasiti o fewn y gwasanaethau a'r timau sy'n bodoli eisoes, ac ar gyfer ffyrdd newydd o weithio gyda'n darparwyr gofal cartref.

Cyhoeddodd hefyd fod £250,000 pellach wedi'i ddyrannu i gynyddu niferoedd gwelyau, i alluogi dulliau newydd o weithio integredig sy'n cynyddu capasiti, i atal unrhyw dderbyniadau diangen i Ysbyty Tywysoges Cymru, ac er mwyn gyflymu rhyddhau lle bo'n briodol.

Cyhoeddodd yr Aelod Cabinet ar gyfer Gwasanaethau Cymdeithasol a Chymorth Cynnar fod ymgyrch flynyddol y Cyngor i gael rhieni sydd â'u plant wedi gadael cartref i ystyried bod yn ofalwyr maeth. Ar yr adeg yma o'r flwyddyn, gallai rhai rhieni deimlo effaith yr hyn a elwir yn 'Syndrom Nyth Gwag', ac mae ymchwil wedi dangos y gallai arwain at iselder a cholli pwrpas. Dywedodd fod y Cyngor yn awyddus i rieni fyfyrion ar eu dyheadau hirdymor, ac i fod yn ymwybodol o ba mor werthfawr y gallent fod i blentyn maeth. Fel pobl sydd eisoes wedi magu eu plant eu hunain, maent yn meddu ar y profiad a'r sgiliau bywyd angenrheidiol. Mae rhagor o wybodaeth ar gael ar wefan Gofal Maeth Pen-y-bont ar Ogwr.

Aelod Cabinet Lles a Chenedlaethau'r Dyfodol

Cyhoeddodd yr Aelod Cabinet dros Les a Chenedlaethau'r Dyfodol fod y Gist Gymunedol, ers bron i 20 mlynedd, wedi buddsoddi mwy na miliwn o bunnoedd mewn chwaraeon ar lawr gwlad ym Mwrdeistref Sirol Pen-y-bont ar Ogwr. Menter gan Chwaraeon Cymru yw hon sy'n darparu grantiau o hyd at £1,500 i grwpiau cymunedol, clybiau chwaraeon, a chlybiau ieuenctid cymwys. Hysbysodd y Cyngor fod arian grant o'r fath yn rhan hanfodol o'r cymorth sy'n cynnal clybiau, yn enwedig o ystyried yr ymdrechion diweddar i sicrhau dyfodol chwaraeon cymunedol yn yr hir dymor drwy annog mwy o drosglwyddo asedau cymunedol, ac yn wyneb heriau cyllidebol parhaus.

Rhoddodd yr Aelod Cabinet Lles a Chenedlaethau'r Dyfodol wybod i'r Cyngor am y grwpiau a oedd wedi elwa'n ddiweddar o arian y Gist Gymunedol, gan gynnwys Every Link Counts, i sefydlu clwb Boccia ar gyfer pobl ag anawsterau dysgu, Clwb Canŵio Maesteg a Chlwb Canŵio Pen-y-bont ar Ogwr, a ddefnyddiodd eu cyllid i hyfforddi ac i brynu offer ar gyfer aelodau iau a phobl ag anabledau. Mae Clwb Pêl-rwyd Pen-y-bont ar Ogwr wedi defnyddio arian cist gymunedol i annog mwy o ferched i ymuno mewn chwaraeon ac i sicrhau eu bod yn gallu symud o lefel iau i'r lefel oedolion. Mae'r arian hefyd wedi cefnogi hyfforddi hyfforddwyr, dyfarnwyr, a swyddogion cymorth cyntaf, offer

a chostau llogi cyfleusterau a mwy. Anogodd yr Aelodau i hybu timau chwaraeon a chlybiau lleol i ddsygu mwy am sut y gall cynllun ariannu'r Gist Gymunedol eu cefnogi. Y dyddiad cau ar gyfer y rownd nesaf o geisiadau am gyllid fydd 27 Tachwedd, gyda'r manylion ar gael ar wefan Cist Gymunedol Chwaraeon Cymru neu trwy gysylltu â'r swyddog datblygu chwaraeon, Andrew Jones.

#### Aelod Cabinet Addysg ac Adfywio

Cyhoeddodd yr Aelod Cabinet dros Addysg ac Adfywio fod Cyfoeth Naturiol Cymru yn cynnal trafodaethau ag Ymddiriedolaeth Corfforaeth Cynffig ynghylch prydles reoli hirdymor ar gyfer Gwarchodfa Natur Genedlaethol Cynffig. Dywedodd fod y Cyngor wedi bod yn gweithio tuag at drosglwyddo rheolaeth y safle ers bron i ddegawd bellach, a'i fod wedi bod yn cefnogi'r Ymddiriedolaeth wrth iddi geisio penodi sefydliad newydd a all barhau â'r gwaith hwn ar ôl i'r brydles gael ei dychwelyd ar 31 Rhagfyr 2019. Hysbysodd y Cyngor fod Cyfoeth Naturiol Cymru yn ymgymryd â gwiriadau 'diwydrwydd dyladwy' ar ôl dod i'r casgliad mai hwy sydd yn y sefyllfa orau i reoli'r buddiannau cadwraeth ar y safle. Roedd yn cydnabod ac yn diolch i bawb a oedd wedi gweithio yn y Warchodfa neu sydd wedi gwirfoddoli yno tra'r oedd wedi ei reoli gan y Cyngor.

Fe wnaeth yr Aelod Cabinet Addysg ac Adfywio longyfarch disgyblion yn Ysgol Gynradd Corneli, Ysgol y Ferch o'r Sgêr, a'r Ganolfan Integredig i Blant am gynnig help llaw i fabanod yn Ysgol Gynradd Mynydd Cynffig. Dywedodd fod y babanod angen ystafell ddosbarth newydd ar ôl i bibell dorri a'u gadael heb wres ac angen atgyweiriadau helaeth. Dywedodd fod eu cyd-ddisgyblion wedi ymgyrchu i wneud lle iddynt tra bod y gwaith yn cael ei wneud.

#### Prif Weithredwr

Cyhoeddodd y Prif Weithredwr fod nifer o staff y Cyngor wedi cael eu cydnabod gan Wobrau Heddlu De Cymru ar ôl ennill Gwobr Partneriaeth Comisiynydd yr Heddlu a Throseddu am 2019. Cyflwynwyd y wobr am eu hymdrechion fel rhan o'r Grŵp Adolygiad ac Ymateb Hunanladdiad. Mae'r grŵp yn cynnwys cynrychiolwyr o'r timau Cyfathrebu, Diogelu ac Addysg, a Chymorth i Deuluoedd, ac mae'n dod â chydweithwyr o'r Cyngor, o iechyd, yr heddlu, a sefydliadau'r trydydd sector ynghyd. Mae'r grŵp yn gweithio mewn partneriaeth i ddarparu cymorth penodol sydd wedi'i gynllunio i helpu pobl i gael gafael ar wasanaethau sy'n cefnogi lles meddyliol, gan atal hunan-niwed a hunanladdiad. Llongyfarchodd y staff ar eu hymdrechion.

Cyhoeddodd y Prif Weithredwr hefyd fod y staff hefyd wedi trefnu cynllun casglu ar gyfer Banc Bwyd Nadolig i gefnogi teuluoedd lleol ac unigolion sy'n wynebu caledi. Drwy gydol yr wythnos nesaf bydd lleoliadau casglu yn cael eu sefydlu yng nghegin a mannau egwyl y staff yn y Swyddfeydd Dinesig, a bydd rhestr o eitemau bwyd a rhai eraill y mae eu hangen ar frys yn cael eu dosbarthu fel rhan o'r e-bost wythnosol i'r holl staff. Roedd hwn yn cael ei drefnu erbyn y Nadolig, yn ogystal â chasgliad Banc Bwyd parhaus y Maer.

#### 373. DERBYN ADRODDIAD YR ARWEINYDD

Cyhoeddodd yr Arweinydd fod cyfres o ddiwyddiadau Wythnos Genedlaethol Diogelu wedi'u cynnal ledled Cymru, gyda'r bwriad o godi ymwybyddiaeth o'r ffurfiau gwahanol o gam-drin, a sut y gall pobl gael gafael ar gymorth a chefnogaeth. Er mwyn dangos sut y gallai unrhyw un adnabod arwyddion o gam-drin a helpu i hyrwyddo diogelu, dywedodd fod plant ysgol lleol yn cymryd rhan drwy roi cerrig mân wedi'u paentio'n arbennig mewn parciau a mannau cyhoeddus ar draws y fwrdeistref sirol. Roedd y Cyngor wedi ymuno ag ystod o wahanol sefydliadau i helpu i nodi'r wythnos, ac i gynnal diwyddiadau

gwybodaeth ochr yn ochr â Barnardos, y Bartneriaeth Diogelwch Cymunedol, Gwasanaeth Lles Gofalwyr Pen-y-bont ar Ogwr, a Telecare.

Dyweddodd wrth y Cyngor y byddai gweithdrefnau diogelu newydd Cymru yn cael eu lansio i roi arweiniad i ymarferwyr, cynhaliwyd sesiynau hyfforddi penodol a oedd yn rhoi sylw i'r defnydd o offer megis y rhaglen 'Bright Sky', a gynlluniwyd i roi cymorth a gwybodaeth i unrhyw un a all fod yn cael eu cam-drin yn ddomestig, yn rhywiol, yn cael eu dilyn, neu'n cael eu haflonyddu, neu'n adnabod rhywun sy'n dioddef. Diolchodd i bawb a gyfrannodd ac i bawb a helpodd i drefnu hyn oll, yn enwedig Aelodau Canolfan Ddiogelu Aml-asiantaeth Pen-y-bont ar Ogwr.

Cyhoeddodd yr Arweinydd fod WEPA UK Ltd wedi cysylltu â'r Cyngor. Maent yn archwilio nifer o opsiynau ar hyn o bryd i wella eu gweithrediadau Ewropeaidd, sy'n cynnwys Melin Bapur Pen-y-bont ar Ogwr yn Llangynwyd. Byddai'r cynigion ar gyfer y safle yn cynnwys adeiladu a gweithredu ail beiriant hancesi papur, cynyddu capasiti trosi mewn estyniadau newydd i adeiladau, ardaloedd trin a danfon newydd, yn ogystal â mynedfa newydd ar ochr dde-ddwyreiniol y safle. Os caiff ei gymeradwyo, bydd yr estyniad yn diogelu'r 267 o swyddi presennol ar y safle ac yn creu hyd at 74 o swyddi newydd o ansawdd uchel yn ogystal â dod â buddsoddiad i'r economi leol. Mae WEPA yn amcangyfrif y byddai buddsoddiad mewnol o fwy na £100m yn cael ei gynhyrchu trwy ehangu'r Felin Bapur, a byddai hefyd yn arwain at effaith gadarnhaol ar y gadwyn gyflenwi. Roedd wedi derbyn cais i gyfarfod â WEPA i glywed am eu cynlluniau. Mae WEPA wedi cychwyn y cyfnod ymgynghori cyn-gais statudol o 28 diwrnod gan y bydd angen caniatâd cynllunio ar gyfer hyn. Bydd y cais cynllunio yn cael ei ystyried yn yr un modd ag y bydd unrhyw gais cynllunio yn cael ei ystyried gan yr Awdurdod, gan ddefnyddio ei gynlluniau a'i bolisiau statudol.

Cyhoeddodd yr Arweinydd hefyd ei fod yn edrych ymlaen at weld y math newydd o drenau a fydd yn gwasanaethu llinell reilffordd Maesteg o fis Rhagfyr, rhai a fydd â llawer mwy o gapasiti, mwy o ofod, systemau gwybodaeth i deithwyr, toiledau hygyrch, aerdymheru, Wi-Fi, a socedi pŵer. Bydd Trafnidiaeth Cymru hefyd yn cyflwyno'r trenau newydd ar reilffyrdd Cheltenham a Glynebwy, gan ddarparu lle i hyd at 6,500 yn fwy o bobl bob wythnos o fis Rhagfyr eleni. Bydd Trafnidiaeth Cymru hefyd yn cyflwyno gwasanaeth ar y Sul am y tro cyntaf ar linell Maesteg ac roedd yn edrych ymlaen at glywed mwy am gynlluniau i wneud y gwasanaeth yn fwy aml.

**374. SYLFAEN Y DRETH GYNGOR 2020-21**

Adroddodd y Pennaeth Cyllid Dros Dro a'r Swyddog Adran 151 ar fanylion sylfaen y dreth gyngor ac amcangyfrif o'r gyfradd gasglu ar gyfer 2020-21.

Dyweddodd mai'r amcangyfrif o sylfaen y dreth gyngor ar gyfer 2020-21 oedd 55,604.38, eiddo cyfwerth â Band D, a'r gyfradd gasglu amcangyfrifedig yw 98%. Felly, roedd sylfaen net y dreth gyngor yn 54,492.29. Dywedodd fod Sylfaen y Dreth Gyngor yn cael ei darparu i Lywodraeth Cymru ac yn cael ei defnyddio fel rhan o ddosbarthiad y Grant Cynnal Refeniw yn y Setliad Llywodraeth Leol. At ddibenion dosbarthu'r Grant Cynnal Refeniw, tybir bod cyfraddau casglu yn 100%. Cyfrifir swm y Dreth Gyngor sy'n ddyledus am annedd ym mand D drwy rannu'r gofyniad cyllideb blyneddol a gaiff ei ariannu gan drethdalwyr gyda sylfaen y dreth gyngor. Dywedodd wrth y Cyngor y bydd elfen treth gyngor cyllideb y Cyngor yn seiliedig ar sylfaen y dreth gyngor net o 54,492.29.

Holodd aelod o'r Cyngor a yw'r gyfradd gasglu o 98% yn cael ei gyrraedd. Dywedodd Pennaeth Cyllid Dros Dro a'r Swyddog Adran 151 fod y gyfradd gasglu o 98% yn cael ei chyflawni, roedd perfformiad wedi gostwng yn gynt na'r gyfradd gasglu a gwneir pob ymdrech gan swyddogion i sicrhau'r gyfradd gasglu darged.

**PENDERFYNWYD:**

Fod y Cyngor yn:

- (1) Cymeradwyo sylfaen y dreth gyngor a'r gyfradd gasglu ar gyfer 2020-21, fel y dangosir ym mharagraff 4.1 o'r adroddiad.
- (2) Cymeradwyo'r seiliau treth ar gyfer yr ardaloedd cymunedol a nodir yn Atodiad A yr adroddiad.

**375. ADOLYGIAD O'R CYFANSODDIAD A GWELLIANNAU I'R CYFANSODDIAD**

Rhoddodd y Swyddog Monitro adroddiad ar ganfyddiadau'r Gweithgor Cyfansoddiad a'r Pwyllgor Gwasanaethau Democrataidd, gan geisio cymeradwyaeth ar gyfer gwelliannau i'r cyfansoddiad.

Eglurodd y Swyddog Monitro fod cais wedi dod i law gan Aelod Etholedig am adolygu'r Cyfansoddiad. Yn unol ag Erthygl 15 y Cyfansoddiad bydd y Swyddog Monitro yn monitro ac yn adolygu gweithrediad y Cyfansoddiad er mwyn sicrhau bod nodau ac egwyddorion y Cyfansoddiad yn cael yr effaith lawn. Bydd angen i'r Cyngor gymeradwyo unrhyw newidiadau yn seiliedig ar argymhellion y Swyddog Monitro.

Gofynnodd yr adolygiad o'r Cyfansoddiad i'r canlynol gael eu hystyried yn enwedig:

- 1) Dylai'r cyfnod amser ar gyfer cwestiynau a chynigion gael ei ail-osod ar 5 diwrnod, gan fod adnoddau addas ar gael bellach i ganiatáu cyfieithu amserol i'r Gymraeg;
- 2) Yn dilyn cyflwyniadau a chyhoeddiadau Aelodau'r Cabinet, yr Arweinydd, a'r Prif Weithredwr, am gyfnod o 15 munud y caiff Aelodau ofyn cwestiynau nad ydynt wedi'u cyflwyno o flaen llaw;
- 3) Bod y tri grŵp gwrthblaid mwyaf, yn cael 3 munud (wedi'u cymryd o Reol 3 munud y Pwyllgor Rheoli Datblygu) i wneud cyhoeddiadau neu gyflwyniadau i'r Cyngor;
- 4) Amseriad cyfarfodydd y Cyngor

Adroddodd y Swyddog Monitro fod y Pwyllgor Gwasanaethau Democrataidd wedi sefydlu Gweithgor Cyfansoddiad Trawsbleidiol i adolygu'r cyfansoddiad, a oedd wedi cyfarfod ddwywaith.

Argymhellodd y Gweithgor y dylai'r cyfnod amser ar gyfer cyflwyno cwestiynau a chynigion barhau i fod yn 10 diwrnod gwaith. Ychwanegodd y Pwyllgor Gwasanaethau Democrataidd y dylid plismona cwestiynau atodol yn gliriach er mwyn sicrhau eu bod yn berthnasol i'r cwestiwn gwreiddiol a'u bod yn fyr ac yn gryno. Argymhellodd y Gweithgor, o ystyried y cyhoeddiadau a wnaed yn y Cyngor, y dylid diwygio'r cyfansoddiad er mwyn ail-enwi Adroddiad yr Arweinydd i fod yn Gyhoeddiadau'r Arweinydd, ac y dylid byrhau'r cyhoeddiadau a wnaed gan y Cabinet ar hyn o bryd. Argymhellodd y Gweithgor y dylai pob aelod o'r Cyngor dderbyn atebion i gwestiynau ysgrifenedig 24 awr cyn cyfarfod y Cyngor lle y bo'n ymarferol. Bydd yr ateb yn cael ei gofnodi yng nghofnodion y cyfarfod hwnnw o'r Cyngor. Roedd y Gweithgor o'r farn y gallai cyhoeddiadau gan Arweinwyr Grwpiau'r Gwrthbleidiau arwain at wneud datganiadau gwleidyddol ac nad oeddent yn dymuno mynd ar ôl Cyhoeddiadau gan Arweinwyr y 3 Grŵp Gwrthblaid Mwyaf. O ran amseriad cyfarfodydd y Cyngor, cynhaliwyd pleidlais electronig ar ddiwedd cyfarfod y Cyngor ar 24 Gorffennaf 2019 i



weld a ddylid archwilio cyfarfodydd gyda'r nos ai peidio. O'r 45 o Aelodau a oedd yn bresennol, pleidleisiodd 17 o aelodau o blaid cynnal cyfarfodydd gyda'r nos. Argymhellodd y Gweithgor, yn sgil y bleidlais, na fyddai cynnal cyfarfodydd gyda'r nos yn cael ei archwilio ymhellach tan y weinyddiaeth nesaf.

Dywedodd y Swyddog Monitro wrth y Cyngor fod yr adolygiad wedi cynnwys edrych ar weithdrefn galw-yn-ôl y Cyngor, er mwyn sicrhau ei bod yn gweithio'n effeithiol o fewn y strwythur Craffu presennol. Gwnaed gwaith ymchwil gan Dîm y Gwasanaethau Democrataidd ynglŷn â'r prosesau galw-yn-ôl sydd ar waith mewn awdurdodau lleol eraill yng Nghymru. Argymhellodd y Gweithgor y dylid ymestyn y cyfnod o rybudd a geir yn sgil cyhoeddi penderfyniad, a hynny o'r 3 diwrnod gwaith clir presennol i 5 diwrnod gwaith clir, er mwyn bod yn fwy tryloyw ac i Aelodau'r meinciau cefn gael mwy o gyfle i alw penderfyniad yn ôl. Argymhellodd y Gweithgor y dylai'r cyfnod amser ar gyfer cynnal Pwyllgor Trosolwg a Chraffu aros o fewn 5 diwrnod gwaith clir. Argymhellodd y Gweithgor y dylai unrhyw Aelod, gan gynnwys Cadeirydd sy'n galw penderfyniad yn ôl, gael ei eithrio o'r penderfyniadau a wneir yn y cyfarfod hwnnw o'r Pwyllgor, ond iddynt gael eu gwahodd i roi tystiolaeth i'r Pwyllgor i gefnogi'r cais i'w alw yn ôl.

Hysbyswyd y Cyngor gan y Swyddog Monitro fod y Pwyllgor Gwasanaethau Democrataidd wedi ystyried y canfyddiadau yn eu cyfarfod ar 17 Hydref 2019, ac wedi cymeradwyo rhoi argymhellion y Gweithgor Cyfansoddiad gerbron y Cyngor i'w hystyried.

Dywedodd y Cynghorydd Voisey, a gyflwynodd y cais i'r Swyddog Monitro, wrth y Cyngor ei fod wedi gwneud hynny gan ei fod yn credu nad oedd y cyhoedd yn derbyn atebion i gwestiynau yn gyhoeddus. Roedd yr Aelod o'r farn bod y cynnydd yn y cyfnod amser ar gyfer cwestiynau a chynigion i 10 diwrnod yn un dros dro ac y dylid ei adfer i 5 diwrnod. Credai'r Aelod hefyd y gellid ymdrin â chyhoeddiadau'r Weithrediaeth a'r Prif Weithredwr drwy ddatganiadau i'r wasg. Roedd adroddiad yr Arweinydd yn rhoi cyfle i'r Aelodau ofyn cwestiynau i'r Arweinydd, ni fyddai modd rhoi'r cyfle hwn i Aelodau pe bai Adroddiad yr Arweinydd yn cael ei ailenwi'n Gyhoeddiadau'r Arweinydd. O ran y cyhoeddiadau gan Grwpiau'r Gwrthbleidiau, dywedodd yr Aelod mai siambr wleidyddol oedd hon, a bod gan yr Aelodau hawl i wneud datganiadau gwleidyddol. Credai fod y cais i gwestiynu'r Arweinydd a'r Cabinet wedi'i golli o'r adroddiad a gofynnodd am i hyn gael ei adolygu. Gofynnodd yr Aelod hefyd fod amseriad cyfarfodydd Cyngor yn dechrau ar sail gyfrannol yn ôl dewisiadau'r Aelodau.

Dywedodd y Cynghorydd Venables, a gadeiriodd y Gweithgor Cyfansoddiad ac sydd hefyd yn Gadeirydd y Pwyllgor Gwasanaethau Democrataidd, fod y Gweithgor wedi cyfarfod ar 2 achlysur a'i fod wedi craffu'n gadarn ar yr elfennau o'r Cyfansoddiad a oedd yn rhan o'r adolygiad. Dywedodd y Cynghorydd Howells, sy'n aelod o'r Gweithgor Cyfansoddiad a'r Pwyllgor Gwasanaethau Democrataidd, fod y Gweithgor wedi edrych ar ymchwil a wnaed gan y Tîm Gwasanaethau Democrataidd ac wedi ystyried yr opsiynau a oedd ar gael. Ailadroddodd fod y Grŵp yn un trawsbleidiol.

Mynegodd y Cynghorydd Giffard bryder o ran yr argymhelliad y dylai unrhyw Aelod, gan gynnwys Cadeirydd sy'n galw penderfyniad yn ôl, gael ei eithrio o'r penderfyniadau a wneir yn y cyfarfod hwnnw o'r Pwyllgor, ond iddynt gael eu gwahodd i roi tystiolaeth i'r Pwyllgor i gefnogi'r cais i'w alw yn ôl. Mynegodd bryder y byddai'r Pwyllgorau sy'n ystyried galw-yn-ôl yn anghybwys pe na bai'r Aelodau sy'n llofnodi'r alwad yn cael eu cynnwys yn y broses o wneud penderfyniadau yn y Pwyllgor. Hysbyswyd y Cyngor gan y Swyddog Monitro fod y Gweithgor Cyfansoddiad wedi ystyried y broses galw-yn-ôl yn ystod yr adolygiad gan fod galwad wedi bod yn ystod y cyfnod a theimlwyd y gellid dysgu gwersi. Ystyriwyd, er mwyn osgoi'r canfyddiad o fod yn ddiuedd a rhag-benderfynu, na ddylai Aelodau sy'n galw penderfyniad eistedd ar y Pwyllgor sy'n ystyried

y mater. Dywedodd y Swyddog Monitro wrth y Cyngor fod angen ystyried y defnydd cynyddol o gyfryngau cymdeithasol ynghyd â chanfyddiad y cyhoedd. Dywedodd y Swyddog Monitro wrth y Cyngor fod nifer fawr o Aelodau wedi llofnodi'r cais mwyaf diweddar, a allai fod wedi arwain at beidio â rhoi cworwm i'r cyfarfod pe baent i gyd wedi datgan eu bod wedi penderfynu ymlaen llaw.

Roedd y Cynghorydd Watts o'r farn y dylai'r Aelodau gael y gallu i ofyn cwestiynau nas cyflwynwyd o flaen llaw. Dywedodd y Swyddog Monitro wrth y Cyngor fod y Gweithgor Cyfansoddiadol wedi dod i'r casgliad na fyddai gan yr Aelod Cabinet y manylion o bosibl i ymateb yn llawn i gwestiynau a oedd yn cael eu rhoi yn y cyfarfod. Teimlent ei bod yn fwy priodol gofyn cwestiynau a gyflwynwyd er mwyn rhoi cyfle i baratoi ateb cynhwysfawr. Dywedodd y Cynghorydd Venables wrth y Cyngor fod pob elfen o'r adolygiad wedi'i hystyried yn gadarn gan Weithgor y Cyfansoddiad. Dywedodd y Cynghorydd Patel ei bod wedi mynychu un o gyfarfodydd y Gweithgor a'i bod wedi esbonio ei bod hi, fel Aelod Cabinet, yn hoff o dderbyn atebion cywir i'w cwestiynau. Credai na fyddai Aelodau'r Cabinet yn meddu ar y manylder hwnnw yng nghyfarfodydd y Cyngor. Roedd y Cynghorydd Watts yn credu pe na bai Aelodau'n cael cyfle i ofyn cwestiynau, y byddai'n dirymu unrhyw drafodaeth, ac na allai Aelodau leisio eu barn. Dywedodd y Maer wrth y Cyngor y gallai'r Aelod sy'n gofyn y cwestiwn ofyn cwestiwn atodol a gall yr Aelodau ofyn dau gwestiwn arall.

Roedd y Cynghorydd T Thomas yn credu y dylai pob Aelod o'r Cyngor fod wedi gallu cyfrannu at yr adolygiad o'r Cyfansoddiad. Dywedodd y Maer fod yr adolygiad wedi'i ddirprwyo i'r Gweithgor Trawsbleidiol gan y Pwyllgor Gwasanaethau Democratiaidd.

Roedd y Cynghorydd T Thomas hefyd wedi credu bod y cynnydd yn yr amserlen i gyflwyno cwestiynau a chynigion yn un dros dro o ganlyniad i weithredu Safonau'r Gymraeg.

Mynegodd y Cynghorydd N Clarke bryder hefyd y gellid eithrio Aelodau sy'n llofnodi cais i alw-yn-ôl rhag eistedd ar y Pwyllgor sy'n clywed y cais, ac roedd o'r farn y dylid cynyddu nifer yr Aelodau sy'n eistedd ar Bwyllgorau Trosolwg a Chraffu er mwyn osgoi bod heb gworwm.

Roedd y Cynghorydd Burnett yn croesawu'r ffaith y gallai Aelodau'r Cabinet wneud cyhoeddiadau a chyflwyno eitemau, ac roedd o'r farn na wnaed datganiadau gwleidyddol yn ystod y cyhoeddiadau.

Teimlai'r Cynghorydd Penhale Thomas y dylid plismona cwestiynau atodol gan groesawu atebion i Gwestiynau a ddanfonir at yr Aelodau 24 awr cyn y cyfarfod. Croesawodd hefyd gyhoeddiadau byrrach gan Aelodau'r Cabinet, ond credai y dylai cyhoeddiadau gael eu hestyn i bob grŵp gwleidyddol hefyd a dywedodd hefyd mai siambr wleidyddol yw hon.

Dywedodd y Cynghorydd M Clarke mai diben galw-yn-ôl yw caniatáu i Aelodau gael golwg arall ar benderfyniad, ac na ddylai'r weinyddiaeth ofni cael golwg arall ar benderfyniadau a wneir. Roedd hefyd o'r farn y gallai'r weinyddiaeth gael rhagdueddiadau o ran penderfyniadau y maent am eu gwneud. Dywedodd fod ceisiadau i alw-yn-ôl yn brin ac y byddai Pwyllgorau'n gweithredu'n gyfrifol.

Dywedodd y Cynghorydd Voisey y dylid caniatáu cyfnod o 15 munud ar gyfer cwestiynau nas cyflwynwyd a bod aelodau'r Cabinet yn brofiadol ac yn cael eu cefnogi gan swyddogion. Mynegodd bryder nad oedd wedi cael gwahoddiad i fynychu cyfarfodydd y Gweithgor Cyfansoddiad ac nad oedd y cofnodion ar gael i'r Aelodau. Dywedodd y Swyddog Monitro fod y materion a godwyd gan y Cynghorydd Voisey wedi

cael eu cyfeirio at y Pwyllgor Gwasanaethau Democrataidd, a ddirprwyodd y mater i'r Gweithgor Cyfansoddiad a sefydlwyd ganddynt.

Roedd y Cynghorydd Spanswick o'r farn y dylai'r Aelodau ddatgan buddiant os oeddent wedi rhag-benderfynu neu â rhagduddiad mewn perthynas â phenderfyniad a alwyd-yn-ôl, ac mai'r hyn oedd ei angen oedd adolygiad o'r broses graffu.

Roedd y Cynghorydd Vidal o'r farn y dylid ystyried safbwyntiau'r 17 aelod a bleidleisiodd o blaid cyfarfodydd gyda'r nos. Dywedodd y Swyddog Monitro mai pleidlais anffurfiol oedd hon gan fod y Gweithgor Cyfansoddiadol am gael barn ddangosol yr Aelodau.

Dywedodd y Cynghorydd Webster ei bod wedi mynychu Pwyllgorau Trosolwg a Chraffu gyda meddwl agored ac wedi gadael gwleidyddiaeth wrth y drws. Nododd hefyd fod angen i Aelodau fod yn ymwybodol o'r sylwadau a wnânt ar y cyfryngau cymdeithasol. Hysbysodd Swyddog Monitro'r Cyngor fod ymholiadau wedi'u derbyn gan aelodau'r cyhoedd ynghylch a oedd Aelodau wedi rhag-benderfynu o ganlyniad i sylwadau a wnaed ar y cyfryngau cymdeithasol.

Dywedodd y Cynghorydd PA Davies fod yr argymhellion a wnaed gan Weithgor y Cyfansoddiad ar gyfer y Pwyllgor Gwasanaethau Democrataidd yn rhai trawsbleidiol. Dywedodd hefyd fod yn rhaid i gyfieithiadau fod yn gywir ac yn amserol.

Dywedodd yr Arweinydd mai grŵp trawsbleidiol oedd y Gweithgor Cyfansoddiad a bod ei Grŵp wedi derbyn adborth ar eu gwaith fel rhan o'r adolygiad. Dywedodd nad gofyn cwestiynau i'r Aelodau oedd diben y Cyngor, ond gwneud penderfyniadau a gosod polisi. Dywedodd hefyd fod y Pwyllgor Gwasanaethau Democrataidd wedi rhoi tasg i'r Gweithgor Cyfansoddiadol i lunio argymhellion, a bod y Gweithgor wedi ceisio diogelu'r Aelodau wrth alw penderfyniad yn ôl. Hysbysodd y Cynghorydd Penhale Thomas y Cyngor nad oes yr un aelod o'i grŵp yn eistedd ar y Gweithgor. Credai hefyd fod angen i Aelodau allu gofyn cwestiynau strategol yn y Cyngor.

Derbyniwyd cynnig gan y Cynghorydd Watts y dylai cynigion ar gyfer y broses o alw penderfyniadau yn ôl gael eu cyfeirio at y Pwyllgor Gwasanaethau Democrataidd. Ni chafodd ei secondio a methodd.

Derbyniwyd cynnig gan y Cynghorydd Giffard i ddileu paragraff 4.7.4 yr adroddiad. Gofynnodd am sicrwydd bod y Cyngor yn credu mai Pwyllgor cytbwys yn wleidyddol fyddai'n clywed unrhyw gais i alw penderfyniad yn ôl. Eiliwyd gan y Cynghorydd N Clarke.

Hysbyswyd y Cyngor gan y Swyddog Monitro na fyddai paragraff 4.7.4 yn cael ei weithredu ac y byddai ystyriaeth bellach yn cael ei rhoi i'r broses galw-yn-ôl.

**PENDERFYNWYD:** Fod y Cyngor yn:

- (1) Nodi'r ymchwil a'r gwaith a wnaed gan Weithgor y Cyfansoddiad ar ran y Pwyllgor Gwasanaethau Democrataidd;
- 2) Cymeradwyo'r argymhellion a wnaed gan y Gweithgor a diwygio'r Cyfansoddiad yn unol â hynny ac eithrio paragraff 4.7.4
- 3) Rhoi awdurdod dirprwyedig i'r Swyddog Monitro i wneud mân newidiadau i'r Cyfansoddiad i gynnwys diwygio gwallau teipograffyddol a drafftio, diweddarau newidiadau

deddfwriaethol, a drafftio gwelliannau er mwyn gwella eglurder a chael gwared ar fân anomaleddau.

376. DERBYN Y CWESTIWN CANLYNOL GAN Y CYNGHORYDD A HUSSAIN I'R AELOD CABINET DROS GYMUNEDAU

**Cwestiwn gan y Cynghorydd A Hussain i'r Aelod Cabinet dros Gymunedau**

Yn y Fwrdeistref Sirol ceir llawer o fylchau yn y llwybrau beicio a cherdded. Sut mae'r Aelod Cabinet yn bwriadu mynd i'r afael â hyn i annog teithio llesol?

**Ymateb yr Aelod Cabinet**

Mae map rhwydwaith teithio byw'r Cyngor mewn dwy ran: a) y map llwybr presennol (ERM) sy'n seiliedig ar y llwybrau beicio a oedd yn bodoli cyn deddfu Deddf Teithio Llesol (Cymru) 2013; b) y map rhwydwaith integredig (INM) sy'n seiliedig ar lwybrau arfaethedig. Roedd y cynlluniau arfaethedig o fewn yr INM yn cynnwys y nodau canlynol:

1. Gwella mynediad at wasanaethau a chyfleusterau allweddol gan gynnwys canol trefi, safleoedd cyflogaeth, ardaloedd manwerthu a chanolfannau trafndiaeth;
2. Gwella mynediad i gyfleusterau addysg fel ysgolion a cholegau;
3. Gwella, ac ehangu'r rhwydwaith beicio strategol presennol yn y Fwrdeistref Sirol.

Mae'r wybodaeth ategol sy'n cyd-fynd â'r INM yn rhoi cyngor pellach fod y llwybrau a nodir yn "aliniadau dangosol a allai newid wrth i lwybrau gael eu datblygu ymhellach. Bydd datblygu a chyflawni'r cynigion a ddangosir ar yr INM yn dibynnu ar faint o gyllid fydd ar gael.

Mae'r pwyntiau a nodir uchod yn ategu'r meini prawf a nodwyd yn y canllawiau darparu ar gyfer teithio llesol a gyhoeddwyd gan Lywodraeth Cymru. Ynndo, mae Atodiad B yn cynnwys 9 anheddiad lle'r oedd yn rhaid nodi llwybrau, mae dolen ato i'w gael isod.

<https://gov.wales/sites/default/files/publications/2017-09/statutory-guidance-for-the-delivery-of-the-active-travel-wales-act-2013.pdf>

Mae'r 13 anheddiad fel a ganlyn:

- Ar gyfer dalgyrch Pen-y-bont ar Ogwr: Pen-y-bont ar Ogwr, Sarn, Trelales.
- Ar gyfer dalgyrch Maesteg: Croeserw, Cymer, Maesteg.
- Ar gyfer anheddiad Bro Ogwr/Nant-y-moel: Nantymoel, Bro Ogwr.
- Ar gyfer anheddiad Hendreforgan/Gilfach Goch: Gilfach Goch.
- Y ddau ddalgyrch arall yw'r Pîl, Pencoed a Phontycymer.

Pan fydd aneddiadau'n pontio awdurdodau, y cyd-awdurdodau sy'n gyfrifol.

Er bod y teithio llesol a ddarparir gan INM yn sylfaen i'r rhwydwaith teithio llesol cynradd yn y Fwrdeistref Sirol, nid yw datblygu rhwydwaith cynhwysfawr yn rhywbeth sy'n gyfyngedig i'r INM. Mae'r INM yn darparu rhwydwaith sylfaenol a allai gysylltu â'r llwybrau teithio llesol a nodir fel rhan o'r broses datblygu defnydd tir ac i'w darparu gan ddatblygwyr. Bydd mesurau eraill fel llwybrau diogel i ysgolion a chymunedau yn cael eu harchwilio i gwmpasu ardaloedd nad ydynt yn rhan o'r INM.

Cyfeiriodd y Cynghorydd Hussain at Fap 8 yr INM a oedd yn dangos cynigion ar gyfer y dyfodol yn y Sir a'r cyffiniau, a gofynnodd gwestiwn atodol, sef a allai'r Aelod Cabinet helpu'r cyhoedd drwy osod croesfan i gerddwyr wrth Gyffordd Tondud Road a'r Eglwys Ffordd, ger yr orsaf betrol, a fyddai'n caniatáu i'r trigolion feicio a cherdded i Ben-y-bont ar Ogwr?

Addawodd yr Aelod Cabinet Cymunedau i siarad â'r Cynghorydd Hussain mewn perthynas â'r cais a wnaed yn ei gwestiwn atodol.

377. EITEMAU BRYD

Nid oedd unrhyw eitemau brys.

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO COUNCIL

18 DECEMBER 2019

#### REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

##### LICENSING ACT 2003

##### STATEMENT OF LICENSING POLICY AND CUMULATIVE IMPACT ASSESSMENT

#### 1. Purpose of report

- 1.1 To seek approval from Council to publish the Statement of Licensing Policy for the period 2019 to 2024, to include a Cumulative Impact Policy in respect of Bridgend Town Centre. This matter was reported for noting to the Licensing Act 2003 Committee on 6 November 2019 and to Cabinet on 17 December 2019.

#### 2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 There is no direct link to the Corporate Improvement Plan / Other Corporate Priority. Approval to publish the Statement of Licensing Policy and/or a Cumulative Impact Assessment is a Council function and required so that the authority may effectively discharge its functions under the Licensing Act 2003.

#### 3. Background

- 3.1 The Council is required to publish its Statement of Licensing Policy for the period 2019 to 2024. The current policy has been reviewed and took into account a request from the South Wales Police to retain the special Cumulative Impact Policy which applies to the grant and variation of licences in Bridgend Town Centre. A statutory and public consultation has been undertaken as part of the review of the Statement of Licensing Policy.
- 3.2 The consultation process took the form of an online public consultation between 17 June 2019 and 9 September 2019. In accordance with the statutory provisions, the consultation included the Responsible Authorities, elected Members, Town and Community Councils, Town Centre Manager, Public Services Board, and the British Institute for Innkeeping (BII). Notification of the consultation was also sent to two firms of solicitors who represent licensing clients, and who had previously asked to be kept informed of policy reviews.

#### 4. Current situation/proposal

- 4.1 Draft Statement of Licensing Policy

The Council, as licensing authority regulates a wide range of licensed premises including pubs, registered members' clubs, off-licences and late night takeaways.

The Policy sets out how the Council, as licensing authority intends to exercise its functions and the general approach to making licensing decisions.

4.2 There were no representations made in respect of the overarching draft Statement of Licensing Policy for 2019-2024 which is attached at Appendix A.

4.3 Request to retain a Cumulative Impact Policy for Bridgend Town Centre

Statements of Licensing policy can be tailored to address specific concerns about the impact of licensed premises. The fundamental concerns for the licensing authority will be the four licensing objectives set out in the Licensing Act 2003, and the Council must carry out its functions with a view to promoting these objectives:

- The prevention of Crime and Disorder
- The prevention of Public Nuisance
- Public Safety
- The protection of Children from Harm

In terms of preventing crime and disorder, Cumulative Impact Assessments (CIA) are a measure introduced under the Police and Crime Act 2017 to enable licensing authorities to undertake an assessment of the cumulative effect of a large number of licensed premises in a particular area. The CIA looks at crime and disorder, public nuisance, littering and other negative impacts on particular areas in order to assess whether the licensing authority should adopt a special Cumulative Impact Policy (CIP) to limit the number of new premises or variations to existing premises.

4.4 A Cumulative Impact Policy has been in place in Bridgend Town Centre since 2005. The current policy is that there is a presumption of refusal for applications for the grant and major variation of premises licences and club premises certificates (where relevant representations are received) unless the applicant can demonstrate that the premises will not add to the negative cumulative impact on the town centre.

The CIA is now a separate document which should be reviewed by the licensing authority every three years. There must be an evidential basis for completing and publishing a Cumulative Impact Assessment (CIA). The request from the South Wales Police to undertake a CIA for Bridgend Town Centre is attached at Appendix B. The draft CIA is attached at Appendix C and reflects the responses submitted during the public consultation.

4.5 The draft CIA seeks to retain the special policy in respect of future applications within Derwen Road, Market Street, Wyndham Street, and Nolton Street (from its junction with Ewenny Road, to its junction with Merthyr Mawr Road, but not the area between Merthyr Mawr Road and the junction with Court Road Bridgend).

4.6 The view of the South Wales Police is that:

“It remains that there is still a saturation of licensed premises in this relatively small geographical area, within this area there are two premises licensed until 4am and one premise licensed until 4.30am which provides a high level of footfall at this early hour.”



- 4.7 93% of respondents stated that the Council should retain the Cumulative Impact Policy for Bridgend Town Centre. The responses also highlighted a range of concerns ranging from Anti-Social Behaviour to Violent Behaviour and the concentration of drinkers.

The top issues of concern by response in the town centre:

- Anti social behaviour 92%
- Littering 92%
- On street drinking 54%
- Violent behaviour 54%
- Street fouling/lavatory provision 46%
- Concentration of drinkers 46%
- Criminal activities 23%
- Street cleansing 8%

The draft CIA includes information on the number of premises within the streets named above. No evidence was submitted that Club Premises are causing a negative impact on the Town Centre.

- 4.8 The CIA includes other tools available to agencies and premises to manage the night time economy which includes enforcement, the use of CCTV as well as the Pubwatch Scheme supported by licensees.
- 4.9 In conclusion, the draft CIA has identified that the numbers and density of premises in streets in Bridgend Town Centre is having a negative effect on the licensing objective of the Prevention of Crime and Disorder. Responses from consultees also highlighted littering, street fouling and street cleansing as issues with 69% of consultees stating that this has an impact on the day and night time economies. The South Wales Police state within their report that the Cumulative Impact Policy (CIP) has had a direct bearing on the reduction of recorded crime within the town centre and reported anti-social behaviour.
- 4.10 Having regard to the consultation responses there is evidence to support the continuation of a Cumulative Impact Policy in the named streets in Bridgend Town Centre. The policy aims to reduce incidents of alcohol related problems, crime and disorder and public nuisance and to discourage an increase in the number of late opening premises primarily concerned with the sale of alcohol and late night refreshment. The underlying intention is to ensure that Bridgend Town Centre is a safe environment to people visiting and working in the area.
- 4.11 The CIP, if approved by Council, would apply to applications received for the grant and major variation of premises licences, but not to Club Premises Certificates or Temporary Event Notices. If approved, the CIP will create a rebuttable presumption that where relevant representations have been received, the application will be refused or subject to certain limitations unless the applicant can successfully demonstrate that the premises will not add to the negative cumulative impact on one or more of the licensing objectives. The key issue is that the Responsible Authorities must make representations to trigger the policy if there are concerns that the application does not address the CIP and will add to the negative cumulative impact being experienced in the town centre.

4.12 Each decision must still be made on a case-by-case basis with a view to promoting the licensing objectives.

## **5. Effect upon policy framework and procedure rules**

5.1 None

## **6. Equality Impact Assessment**

6.1 A full Equality Impact Assessment has not been undertaken as there are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation on this matter.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

## **8. Financial implications**

8.1 There are no financial implications. Publication of the Statement of Licensing policy is a statutory function and will be met from existing budget.

## **9. Recommendation**

9.1 Council is requested to approve the publication of the Statement of Licensing Policy attached at Appendix A to this report to cover the period 2019 to 2024.

9.2 Council is requested to approve the publication of a Cumulative Impact Assessment as part of the above Statement of Licensing Policy and to approve a specific Cumulative Impact Policy set out in Section 6 of the Statement of Licensing Policy referred to above.

Kelly Watson  
Head of Legal and Regulatory Services

10 December 2019

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**Background documents: Section 182 Guidance issued by the Home Office available at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>**

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**BRIDGEND COUNTY BOROUGH COUNCIL**

**STATEMENT OF LICENSING POLICY**

**LICENSING ACT 2003**

Kelly Watson  
Head of Legal and Regulatory Services  
Bridgend County Borough Council  
Licensing and Registration Section, Legal and Regulatory Services  
Civic Offices, Angel Street  
Bridgend, CF31 4WB

**The approved policy document will be available in the Welsh Language, and in other formats on request, and at [www.bridgend.gov.uk](http://www.bridgend.gov.uk)**

**Date of Approval:**

**Effective for five years from date of approval**

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## 1. INTRODUCTION

- 1.1 Bridgend County Borough Council is the local licensing authority with responsibility for licensed premises under the Licensing Act 2003. This Statement of Licensing Policy sets out the policies the licensing authority will apply when making decisions on licensing applications and reviews. This policy has been prepared in accordance with the Licensing Act 2003 having regard to the Statutory Guidance issued under section 182 of the Act. The Statutory Guidance document is available at: <http://www.homeoffice.gov.uk/publications/alcohol>
- 1.2 This Statement of Licensing Policy will be kept under review and published in line with Section 5 of the Licensing Act 2003. Further consideration and review may be required in response to changes in demographics and operating models they may develop in response to increasing financial pressures on local government.
- 1.3 To avoid duplication and to ensure that information is up to date, applicants, residents and other persons, members of the public and responsible authorities will be directed to [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) for information on the licensing processes.

## 2. PROFILE OF BRIDGEND COUNTY BOROUGH

- 2.1. The Council area contains a mix of urban and rural communities, and has a population of approximately 139,178. (Source data: ONS website Table KSI01UK 2011 Census).

The main towns are Bridgend, Maesteg and Porthcawl.

The Corporate Plan for 2018-2022 identifies the following priorities:

- Supporting a successful economy
- Helping people to become more self-reliant
- Making smarter use of resources

Source: [www.bridgend.gov.uk](http://www.bridgend.gov.uk) Council priorities and performance pages.

- 2.2 This policy links to many of the corporate themes and strategies of the Council but the ultimate duty of the Council, as the licensing authority is to promote the following licensing objectives.
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and,
  - The protection of children from harm.
- 2.3 To encourage more performances of live music, the Live Music Act 2012 amended the Licensing Act 2003 by deregulating aspects of the performance of live music so that in certain circumstances live music is not a licensable activity. However, event organisers and authorisation holders should visit [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) for further information before staging an event.

- 2.4 New businesses or businesses contemplating major refurbishments are also invited to discuss the proposals with the responsible authorities and other Council departments prior to submitting an application.
- 2.5 Whenever possible, the Council will enter partnership arrangements, working closely with the South Wales Police, South Wales Fire and Rescue Service, local businesses, community representatives and local people in developing future Statements of Licensing of Policy and meeting the licensing objectives. The authority has adopted a Memorandum of Understanding and enforcement protocol with partner responsible authorities. The licensing authority also holds responsible authority meetings to discuss best practice, share information and to promote the licensing objectives through a risk based and targeted approach to compliance. The group also supports measures to assist and work with the local licensed trade and key partner agencies. Copies of protocols can be accessed at [www.bridgend.gov.uk](http://www.bridgend.gov.uk)
- 2.6 Organisers of local community events must be aware that the licensing authority must have respect and regard for the concerns of local residents, and organisers must be aware of their legal responsibilities with regard to health and safety, noise pollution, temporary structures, pyrotechnics etc., and the sale of alcohol. Organisers are strongly advised to contact the Council's Events Safety Advisory Group for advice on planning and running an event.

### **3. SCOPE AND LIMITATION**

- 3.1 Bridgend County Borough Council (hereinafter referred to as "the Council") is the licensing authority as defined in the Licensing Act 2003 (hereinafter referred to as "the Act").
- 3.2 In discharging its licensing functions, the licensing authority will promote the licensing objectives which are as follows:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and,
  - The protection of children from harm.

Each of the above objectives has equal importance.

- 3.3 The scope of the Statement of Licensing Policy covers the following licensable activities and any that are defined in the Licensing Act 2003.
- Retail sale of alcohol (including via the internet or mail order).
  - The wholesale of alcohol to members of the public.
  - The supply of alcohol to members of registered clubs.
  - The provision of regulated entertainment when it is performed in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience, including performance of a play; film exhibitions; indoor sporting events; boxing or wrestling events; live music; any playing of recorded music; a performance of dance; entertainment of a similar



description; provision of facilities for dancing and provision of facilities for making music.

This Statement of Licensing Policy applies to all applications in respect of:

- Personal licences;
- Premises licences;
- Club premises certificates; and
- Temporary Event Notices.

- 3.4 The Statement of Licensing Policy sets out a general approach to the making of licensing decisions by the licensing authority but does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.
- 3.5 The Statement of Licensing Policy does not seek to override the right of any person to make representations in relation to an application or seek a review of a licence or certificate where there is provision in the Act to do so.
- 3.6 Nothing in this policy should be taken as indicating that any requirement of licensing law or any other law may be overridden by the terms of this policy.

#### **4.0 APPLICATIONS**

- 4.1 An application or notice for licensing purposes will be accepted as being lawfully made only where it contains all of the required details specified by the Act and/or regulations. The licensing authority will, however, exercise appropriate discretion and not reject applications where they contain minor or factual errors which can easily be rectified.
- 4.2 To avoid unnecessary representations being made in respect of an application, applicants are advised to complete all relevant parts of an application form. Some parts of the form are mandatory and where matters have been considered, but are deemed not to be relevant to the application, it is suggested that, for the avoidance of doubt, the particular section is marked “not applicable”.
- 4.3 The grant of an application does not obviate the need for the applicant to satisfy the requirements of any other regulatory regime or statutory requirement.
- 4.4 All persons preparing operating schedules, including those for temporary events, should note that a number of publications are available to assist in the planning of an event. Applicants are advised to contact the bodies shown at Appendix A for further information.

#### **5. DECISION MAKING - GENERAL POLICY**

- 5.1 In determining a licensing application, the overriding principle adopted by the licensing authority will be that any individual has a right to apply under the terms of the 2003 Act for a variety of permissions and has a right to have any such application considered on its individual merits. In discharging its functions the

licensing authority will have regard to this policy and the guidance issued under Section 182 of the Licensing Act but may depart from it when there are compelling reasons to do so and following receipt of relevant representations.

- 5.2 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority will grant the application, subject only to conditions that are consistent with the operating schedule and the relevant mandatory conditions.
- 5.3 This policy does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made to do so in the 2003 Act. Nothing within this policy will override the right of an individual to a right of appeal to the Bridgend Magistrates' Court against the decisions of the licensing authority.
- 5.4 The licensing authority will not impose any conditions unless its discretion has been engaged following the making of relevant representations, and it has been satisfied at a hearing, of the necessity to impose conditions due to the representations raised. It will then only impose conditions as are necessary to promote the licensing objectives and will not impose standard conditions or those which duplicate other regulatory regimes as far as possible. Conditions will be tailored to individual premises but the authority may draw on pools of conditions where deemed appropriate to do so.
- 5.5 Wherever practical, officers of the licensing authority will endeavour to forward any representations to the applicant as soon as they are received and not at the end of the period given for making representations. The licensing authority would expect responsible authorities to commence discussions with applicants at an early stage of the consultation process in order to seek clarification on any points and prior to submitting representations to the licensing authority. The authority has agreed with responsible authorities that it will accept electronic submission of representations.
- 5.6. In the interests of transparency and fairness, the licensing authority will normally make personal details of persons available as part of the hearing process unless the person withholds permission or there are exceptional and compelling reasons why this is necessary. Each case will be determined on its merits in consultation with the party concerned.
- 5.7 Representations must be in written format and may be amplified at the subsequent hearing or may stand in their own right. Representations may be submitted electronically to the licensing authority via [licensing@bridgend.gov.uk](mailto:licensing@bridgend.gov.uk) to include the name and postal address of the person or persons making representations. In the interests of transparency and fairness, the licensing authority will normally make personal details of residents and other parties available as part of the hearing process unless the person withholds permission or there are exceptional and compelling reasons why this is necessary. Each case will be determined on its merits in consultation with the person concerned.
- 5.8 The licensing authority maintains a register of applications received at [www.bridgend.gov.uk](http://www.bridgend.gov.uk). The licensing authority and its officers have not adopted any

measures for notifying persons of applications received beyond the statutory requirements.

- 5.9 Prior to the determination of an application, the licensing authority will determine whether any representation or objection is irrelevant, frivolous or vexatious. The licensing authority may delegate this function to a Sub-Committee or officer.
- 5.10 The decisions taken by the licensing authority will be focused on matters within the control of individual licensees and others granted relevant permissions. These matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. In addressing this matter, the authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The authority does not seek to define the term “vicinity” and will examine each case on its merits.
- 5.11 When carrying out its functions as a licensing authority under the 2003 Act the licensing authority will have regard to its obligations under Section 17 of the Crime and Disorder Act 1998.
- 5.12 The licensing authority is under a duty to protect the rights of residents to privacy and family life under Article 8 of the European Convention on Human Rights in accordance with the Human Rights Act 1998. At the same time, it respects the rights of commercial organisations to operate their premises without unnecessary restraint.
- 5.13 The licensing authority is mindful that, once away from the licensed premises, a minority of consumers will behave badly and unlawfully. As outlined in the Home Office Guidance, this policy recognises that there are other mechanisms both within and outside the licensing regime that are available for addressing such issues. These are listed within the Home Office guidance. Applicants are advised that Designated Public Places Orders apply to certain parts of the County Borough and should contact the Licensing Section for further information.
- 5.14 Policy in respect of determining variations of licences:

The licensing authority may not vary a licence so as to vary substantially the premises to which it relates. The authority considers that any physical addition to the footprint of the premises, including outside areas, where additional licensable activities could take place would constitute a substantial variation of the premises. Each case, however, must be examined on its merits and applicants are therefore encouraged to discuss the proposals with the licensing authority and fire authority prior to commissioning any works. Applicants are invited to consider whether the application falls within the definition of Minor Variation set out in the Licensing Act 2003. When assessing applications in this category, the licensing authority will assess each case on its merits having regard to the latest guidance issued by the Home Office under Section 182 of the Act.

- 5.15 General policy in respect of licensing hours:

In line with Home Office Guidance, shops, stores and supermarkets will normally be free to provide sales of alcohol for consumption off the premises at any times when

the retail outlet is open for shopping unless there are good reasons. There are no local policies in place and each case will be determined on its merits.

5.16 Policy in respect of assessing applications to prevent public nuisance:

The following criteria will be considered when assessing applications within the context of preventing public nuisance:

- Environmental quality;
- Residential amenity;
- Character of function of a particular area; and
- Nature of the proposed activities to be provided at the premises.

The licensing authority will normally consider favouring applicants wishing premises in noise sensitive areas to remain open after the regular closing time on a specified number of occasions (such as on Bank Holidays and weekends preceding Bank Holidays or special occasions) providing that:

The number of extensions has been included in their operating schedule and steps to address public nuisance have been considered;

AND

The authority is given prior notice of each proposed later opening.

In the absence of relevant representations, however, the authority will grant the application.

Applicants may also consider using the Temporary Event Notice procedure for special occasions or Bank or special Holidays.

Where relevant representations are received, the licensing authority will consider stricter conditions with regard to noise control in noise sensitive locations such as residential areas.

5.17 Policy in respect of the protection of children from harm:

Decision making will not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm to them. It is not possible for this licensing policy to anticipate every issue of concern that could arise in respect of children in relation to individual premises and therefore each case will be dealt with on its merits. However, this authority believes that it is completely unacceptable to sell alcohol to children or by proxy to children. Conditions relating to the access of children where alcohol is sold, and which are appropriate to protect them from harm, will be carefully considered on receipt of relevant representations. More detailed provisions are shown in Section 7.

## 6. SPECIAL POLICY: CUMULATIVE IMPACT

6.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

6.2 The licensing authority has published a cumulative impact assessment (CIA) to help limit the number of types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

6.3 The licensing authority has had regard to the guidance published by the Home Office before determining whether to publish a CIA and has undertaken a statutory consultation.

6.4 Summary of Cumulative Impact Assessment (CIA):

6.4.1 The CIA applies to Bridgend Town Centre in respect of Derwen Road, Market Street, Wyndham Street, and Nolton Street (from its junction with Ewenny Road, to its junction with Merthyr Mawr Road, but not the area between Merthyr Mawr Road and the junction with Court Road Bridgend).

6.4.2 The South Wales Police advised the Licensing Authority that:

*“It remains that there is still a saturation of licensed premises in this relatively small geographical area, within this area there are two premises licensed until 4am and one premise licensed until 4.30am which provides a high level of footfall at this early hour.”*

6.4.3 Although a small sample size, 93% of public respondents stated that the Council should retain the Cumulative Impact Policy for Bridgend town centre. The responses also highlighted a range of concerns from consultees of ranging from Anti-Social Behaviour to Violent Behaviour and the concentration of drinkers. No evidence was submitted that Club Premises are causing a negative impact on the Town Centre.

6.4.4 The CIA identified that the numbers and density of premises in streets in Bridgend Town Centre is having a negative effect on the licensing objective of the Prevention of Crime and Disorder. Responses from consultees also highlighted littering, street fouling and street cleansing as issues with 69% of consultees stating that this an impact on the day and night time economies. The South Wales Police stated within their report that the Cumulative Impact Policy has had a direct bearing on the reduction of recorded crime within the town centre and reported anti-social behaviour.

6.4.5 Having regard to the consultation responses there is evidence to support the continuation of a Cumulative Impact Policy (CIP) in the named streets in Bridgend Town Centre. The policy aims to reduce incidents of alcohol related problems, crime and disorder and public nuisance and to discourage an increase in the number of late opening premises primarily concerned with the sale of alcohol and late night refreshment. The underlying intention is to ensure that Bridgend Town Centre is a safe environment to people visiting and working in the area.

- 6.4.6 The policy applies to applications received for the grant and major variation of premises licences, but not to Club Premises Certificates or Temporary Event Notices. When the Policy applies it creates a rebuttable presumption that where relevant representations have been received the application will be refused or subject to certain limitations unless the applicant can successfully demonstrate that the premises will not add to the negative cumulative impact on one or more of the licensing objectives.
- 6.4.7 Where relevant representations are received for a premises adjoining or in close proximity to the Cumulative Impact Policy area, and where those representations raise a material impact on the area then the policy will be applied if the Licensing Authority reasonably judges that to grant the particular application would add to the cumulative impact being suffered in the defined area.
- 6.4.8 The publication of a CIP does not relieve responsible authorities or other persons of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. In addition the publication of a CIP does not change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the negative cumulative impact.
- 6.4.9 The licensing authority will expect that applicants in areas covered by a CIP give consideration to cumulative impact issues within the operating schedule submitted.
- 6.4.10 The licensing authority will proper regard to the different types of premises and the differing impact they will have on the local community. However, if no relevant representation is received, the licensing authority will grant the application in terms which are consistent with the operating schedule.

## **7. PROVISIONS IN RESPECT OF THE PROTECTION OF CHILDREN FROM HARM**

- 7.1 The body designated to advise on the protection of children from harm is The Children's Directorate, Bridgend County Borough Council.
- 7.2 Where relevant representations are received, the licensing authority will consider imposing conditions restricting the access to children to premises in circumstances where:
- Entertainment or services of an adult nature are provided;
  - A member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing under-age drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - It is known that unaccompanied children have been allowed access;
  - There is a known association with drug taking or dealing;
  - Premises where there is a strong element of gambling;
  - The supply of alcohol is the exclusive or primary purpose of the premises; and

- Premises where children’s entertainment is provided and there is insufficient evidence that proper supervision of the access, egress, safety and welfare of children is provided.
- 7.3 The licensing authority is also mindful that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants and the responsible authorities are expected to consider this point carefully. The licensing authority considers this issue to broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 7.4 The licensing authority expects applicants to be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 7.5 The licensing authority will expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 7.6 Conditions whether offered, or imposed following the receipt of relevant representations, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, the licensing authority may consider other conditions relating to the protection of children from harm, for example:
- Restrictions on the hours when children may be present;
  - Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - Restrictions on the parts of the premises to which children may have access;
  - Age restrictions (below 18);
  - Restrictions or exclusions when certain activities are taking place;
  - Requirements for an accompanying adult (including for example, a combination of;
  - Requirements which provide that children under a particular age must be accompanied by an adult); and
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 7.7 On receipt of relevant representations, the licensing authority will consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency in a theatre offering entertainment aimed primarily for children.

## **8. INTEGRATING STRATEGIES**

- 8.1 The Council will, as appropriate, take account of any relevant information in relation to community safety, substance misuse, disability, equality, transport, tourism, economic development and cultural issues. The Council will monitor these areas and where it is shown that licensing activities are impacting adversely on these areas it will be reported to the committee having responsibility for these areas.
- 8.2 The authority's planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing Committees will not be bound by decisions made by a Planning Committee and vice versa. The granting by a Licensing Committee of any variation of a licence which involves a material alteration of a building does not relieve an applicant of the need to apply for planning permission or building control where appropriate. The licensing authority also recognises that terminal hours for planning consents may differ from licensing hours and therefore the operator must observe the earlier closing time.
- 8.3 Applicants are reminded that the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups. Applicants are referred to the Council's Race Equality Scheme published at [www.bridgend.gov.uk](http://www.bridgend.gov.uk).
- 8.4 Licence conditions will not be imposed where they would duplicate other regulatory regimes or legislation; this includes health and safety at work, fire safety, disability or equalities legislation.
- 8.5 The licensing authority will have regard to cultural strategies which relate to the wider cultural and economic benefits to the community of the promotion of live music, dance and theatre. In coming to a decision, the potential for disturbance in neighbourhoods will be carefully balanced with these wider benefits and focus on the licensing objectives and the individual merits of the application.
- 8.6 Copies of Council policies are available on [www.bridgend.gov.uk](http://www.bridgend.gov.uk) or from individual Council Departments. The licensing authority webpages can be found under Licensing in the A-Z of Services.

## **9. STEPS TO PROMOTE THE LICENSING OBJECTIVES**

- 9.1 These sections will be of relevance to all sectors within the licensed trade, including Club Premises, the retail sector and events to which Temporary Event Notices apply. However, the licensing authority recognises that applicants, existing licensees and premises users should consider only those matters which are relevant to the individual style and characteristics of their premises and/or events. The licensing authority encourages liaison between applicants and responsible authorities when drafting operating schedules and risk assessments.
- 9.2 When drawing up an operating schedule applicants must comply with the regulations in respect of completing applications. They may also wish to consider the following points but are under no statutory obligation to do so. Applicants and responsible



authorities are reminded that they should not offer conditions which duplicate offences set out in the Licensing Act 2003 or in existing legislation.

9.3 The responsibility for ensuring compliance with non-licensing legislation rests with the applicant. The authority considers the most up to date information to be available on the Home Office website.

9.4 The following licensing objectives have equal importance. Applicants should note that the licensing authority may also develop pools of conditions based on the Home Office Guidance from which necessary and proportionate conditions may be drawn should relevant representations be received.

9.5 The Prevention of Crime and Disorder

Section 17 of the Crime and Disorder Act 1998 imposes a duty on the Council and licensing authority to consider crime and disorder reduction in the exercise of their duties. When addressing crime and disorder, applicants should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these issues should be included within the operating schedule. Conditions should be targeted on deterrence and preventing crime and disorder.

- a) The installation and maintenance of CCTV inside and outside the premises, to include the precise location of cameras on plans to ensure that areas are properly covered.
- b) A written drugs policy covering searches of patrons, seizures, and storage of seized drugs at the premises.
- c) The use of SIA registered Door Staff and an agreed per capita rate of door persons to customers.
- d) A training policy relating to the prevention of crime and disorder at the premises.
- e) Information on and/or the provision of transport for customers.
- f) The adoption of Nitenet or similar direct radio link.
- g) Membership of schemes with other licensees to prevent crime and disorder.
- h) Maintenance of incident books to record crime and disorder.
- i) Adherence to the best practice issued in relation to nightclubs, dance venues, outdoor dance events and the like.
- j) The use of plastic containers and toughened glass at all times or at specific times, or for specific events or periods during the year.
- k) A policy with regard to the management of patrons drinking outside the premises in order to minimise the potential for crime, disorder anti-social behaviour and

nuisance to the public, which may include measures to prevent glasses and bottles being taken outside.

- l) A written policy to advise staff on protection of young persons and vulnerable adults.
- m) The use of clickers or other measures to prevent overcrowding.
- n) A last admission or re-admission policy at the premises including measures to manage customers who smoke where there is no suitable area within the premises curtilage for such customers.
- o) Measures to prevent crime and disorder arising if entertainment of an adult or sexual nature is provided and/or involves strong or offensive language.
- p) Measures to prevent under age sales, for example till prompts and refusals registers.
- q) Crime prevention/Get Home safely posters.
- r) A prohibition on the admittance of customers carrying open or sealed bottles into the premises.
- s) A prohibition on customers taking alcoholic and other drinks from the premises in glasses and open bottles to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.
- t) Queue management systems inside and outside the premises.
- u) Internal patrols by management.

#### 9.6 Public Safety

Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, he or she should identify in their operating schedule the steps which will be taken to ensure public safety.

- a) The number of people attending the premises.
- b) Customer profile (age, disability etc).
- c) Fire safety and fire prevention measures not covered by other regulatory regimes.
- d) Measures of management control within the premises.
- e) Design, construction and operation of premises, including toilets, lighting, strobe lighting etc.
- f) Staff training in disability awareness and evacuation procedures.
- g) The use of special effects such as pyrotechnics, lasers, smoke machines, foam machines.

- h) Regular testing of electrical systems and the provision of RCD protection.
- i) Awareness of the effect of alcohol and other substance misuse.

## 9.7 Public Nuisance

Licensed premises have the potential to have an adverse impact on the local community. The licensing authority recognises that a balance should be struck between local businesses, cultural diversity and the need to protect the local residents from nuisance.

The licensing authority understands public nuisance to include the following: noise and disturbance, odour, litter and anti-social behaviour.

The licensing authority recognises that where there are gardens or tables and chairs placed outside the premises, users of these can cause nuisance. If residential premises overlook tables and chairs on the frontage of the licensed premise or in beer gardens and relevant representations are received, the licensing authority will be likely to adopt the standards contained in the Institute of Acoustics “Good Practice Guide on the Control of Noise from Pubs and Clubs” and not permit the use of these areas before the start of normal trading hours, and after dusk or 9.00 pm whichever is the earlier.

When addressing public nuisance, the applicant should identify any particular issues (having regard to the vicinity of the premises, the type of premises and the type of entertainment or activity) which are likely to adversely affect the promotion of the objective to prevent public nuisance. The licensing authority will expect the operating schedule to indicate that, in respect of those premises which are located in primarily residential areas; steps will be taken to reduce the impact of noise from patrons congregating outside. Other measures could include:

- a) Measures to control amplified and non amplified sound, music and speech within and outside the premises.
- b) Sound proofing measures to contain sound and vibration.
- c) Reducing sound levels and installing a sound limiting device to prevent amplified music exceeding the level agreed by the Council.
- d) Keeping doors and windows closed and providing adequate alternative mechanical ventilation (and ensuring the mechanical ventilation itself does not cause a noise problem).
- e) The management of gardens, play and other outside areas to ensure minimal disruption to the neighbourhood – this may include restricting areas where alcoholic drinks may be consumed or the times they may be consumed.
- f) Providing quieter areas for patrons.
- g) Where there are beer gardens or similar outdoor areas, ensuring the amplified music is not relayed to such areas and that these areas are properly screened.

- h) The operation of plant and machinery so as to minimise disruption to the neighbourhood.
- i) The impact of car parks at the premises and access roads on the local community.
- j) The impact of deliveries on the local community.
- k) The location of premises in relation to residential properties, hospitals, places of worship etc.
- l) The adoption of a “last admission” policy.
- m) Erecting prominent notices at the exists to premises asking customers to leave quietly and not to slam car doors and at appropriate times making announcements to the same effect.
- n) Instructing door staff or other staff to ask customers leaving the premises to leave the area quietly.
- o) Regular assessments by staff or managers to assess whether there are problems and how best to deal with them.
- p) Reducing the volume of music towards the end of the evening and, where appropriate, playing quieter more soothing music as the evening winds down.
- q) Considering excluding people from the premises who often leave in a noisy fashion.
- r) Increasing outside lighting levels (but in such a manner that does not cause a nuisance to the local residents).
- s) Vacating smoking shelters, patios or any other such areas where customers smoke, by no later than 2300 hours.
- t) encouraging patrons to return indoors as quickly as possible e.g. preventing drinks from being taken outdoors, restricting the number of tables and chairs, refraining from erecting smoking shelters and from using patio heaters.
- u) Provision of door staff or other staff to supervise the smoking areas and to ensure that doors are kept closed when amplified music is being played.

## 9.8 The Protection of Children from Harm

Such steps as are required to address this licensing objective may include:

- a) Types of entertainment provided, especially if aimed primarily at children.
- b) Applicants should specify whether entertainment of an adult or sexual nature is involved or involves strong or offensive language to enable the Council to consider

the risk to the promotion of the licensing objectives, particularly the protection of children from harm.

- c) Staff training for awareness of offences.
- d) Staff training for the protection of children, young persons and vulnerable adults at the premises including proof of age measures and awareness of proxy sales of alcohol.
- e) Active support and enforcement of a Proof of age Scheme (e.g. Validate Scheme).
- f) Age limitations.
- g) Exclusion of children from certain areas.
- h) Requirements for adult supervision.
- i) Risk assessment of hazards.
- j) The location of cigarette machines in areas that can be easily seen by staff.

The Council's Trading Standards Department can give advice on Proof of Age Schemes.

## **10. COMPLIANCE**

- 10.1 Where necessary, enforcement action will be taken in accordance with the principles of the Enforcement Concordat issued by the Government and the Hampton Principles.
- 10.2 The Council is developing a strategy with responsible authorities which provides for the targeting of agreed problem and/or high risk premises which require greater attention, while employing a "light touch" approach to low risk premises or those which are well run. The licensing authority and responsible authorities will give licence holders and businesses early warning of problems, clear explanations of what needs to be done, action plans, and timescales in order to resolve problems. Formal action will be taken if this is deemed essential to promote the licensing objectives.
- 10.3. The licensing authority will carry out inspections to determine if licence conditions are being complied with. These visits may be carried out as joint inspections with other statutory bodies or responsible authorities.
- 10.4 Although the review process is a key protection for the local community, local residents or businesses who have concerns about premises should contact the relevant agency in the first instance. The Council can also act as the point of contact for concerns via [licensing@bridgend.gov.uk](mailto:licensing@bridgend.gov.uk)

## **11. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS**

- 11.1 In determining applications, the licensing authority will adopt the principle of delegation as laid down in the Act and Guidance in the interests of speed, efficiency

and cost effectiveness. The Council's Constitution, Scheme of Delegation to Officers and Member Code of Conduct can be accessed at [www.bridgend.gov.uk](http://www.bridgend.gov.uk)

## **12. REVIEWS OF LICENCE**

- 12.1 Reviews of premises licences represent a key protection for the local community in respect of problems which may arise during the term of a premises licence. Any person and responsible authority has the right to make representations in respect of an application or seek a review of a licence or certificate within the provisions of the Act. Each case will be dealt with on its merits.
- 12.2 The licensing authority considers that it is good practice for responsible authorities to give licence holder's early warning of problems and of the need to improve.
- 12.3 Individuals or groups may request a representative to make representations on their behalf, for example a legal representative, friend, Member of Parliament, Member of the National Assembly for Wales. Licensing authority Members are bound by the Member Code of Conduct when participating in the licensing process.
- 12.4 Where the licensing authority makes a decision on an application it will provide reasons in writing and in other formats on request.
- 12.5 In the interests of transparency and fairness, the licensing authority will normally make personal details of residents and other parties available as part of the hearing process unless the person withholds permission or there are exceptional and compelling reasons why this is necessary. Each case will be determined on its merits in consultation with the person concerned.
- 12.6 Any person may submit representations electronically to the licensing authority via [licensing@bridgend.gov.uk](mailto:licensing@bridgend.gov.uk) to include the name of the person or persons making the representations and a postal address. Accessibility enquiries should be addressed to the Licensing Section in the first instance.

## **13. TEMPORARY EVENT NOTICES**

- 13.1 There are no special policies applicable to Temporary Event Notices. Full details of the process can be found at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). Event organisers should take particular notice of the references and meaning of the term "working days" when calculating when to serve a Temporary Event Notice.
- 13.2 Whilst not a mandatory requirement, early engagement and discussion with the South Wales Police and Council Public Protection team around proposed TENS may reduce the likelihood of an objection notice on the grounds of crime and disorder or public nuisance. The Council would strongly urge all persons to give the Council at least 28 days notice of an event (and at least two to three months notice or longer for larger outdoor events) in order that the organiser can access Events Safety Information, contact points and advice through the Council.
- 13.3 The South Wales Police request that in order that the crime prevention objectives are not undermined, Temporary Event Notices are served at South Wales Police, F Division, Bridgend, Bridgend Police Station, Brackla Street, Bridgend, CF31 1BZ and that the envelope is marked for the Chief Officer of Police. Although not a

mandatory requirement, the envelope should also be marked "Temporary Event Notice".

#### **14. SPECIAL NOTES**

- 14.1 Where extracts from the Licensing Act 2003 are reproduced, they are provided as an information guide only. They are not a full and authoritative statement of the new licensing law. In particular, it must be noted that, although the Council has made every effort to ensure that the information in these pages is correct, changes to the law and the implementation of specific regulations for licensing mean that the supporting information in these pages may be subject to change.

#### **15. CONSULTATION**

- 15.1 The draft policy statement, including the information provided by the South Wales Police at Appendix Two, was published via the Bridgend County Borough Council website between\*\*\*\*\*. Consultation also took place with the Responsible Authorities, partner agencies, Members of Bridgend County Borough Council and Town and Community Councils.
- 15.2 This Statement of Licensing Policy was prepared by the Licensing Section, Bridgend County Borough Council and approved by the Bridgend County Borough Council at their meeting held on \*\*\*\*\*

#### **16. APPEALS**

- 16.1 In the case of a premises licence, an appeal should be made to the magistrates' court for the petty session's area in which the premises are situated. (Bridgend Magistrates' Court).
- 16.2 In the case of a personal licence, an appeal should be made to the magistrates' court for the petty session's area where the personal licence was granted.
- 16.3 Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Schedule 5 to the Licensing Act 2003.

**RESPONSIBLE AUTHORITIES**

The Chief Officer of Police	The Chief Constable South Wales Police Bridgend Police Station, 'F' Bridgend Division Brackla Street Bridgend CF31 1BZ
The Fire Authority	The Chief Fire Officer South Wales Fire and Rescue Service Fire Safety Department Forest View Business Park Llantrisant CF72 8LX
The enforcing authority for Section 18 of the Health and Safety of Work etc Act 1974	Health and Safety Executive Government Buildings Ty Glas Llanishen Cardiff CF14 5SH
The Local Planning Authority	Bridgend County Borough Council Development Control Communities Directorate Civic Offices, Angel Street Bridgend CF31 4WB
The local authority by which statutory functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health	Bridgend County Borough Council Public Protection Department Legal and Regulatory Services Address as above (01656) 643260 <a href="mailto:publicprotection@bridgend.gov.uk">publicprotection@bridgend.gov.uk</a>
The body which represents those who are responsible for, or interested in, matters relating to the protection of children from harm	Bridgend County Borough Council Children's Directorate Safeguarding and Family Support Address as above
The Local Health Board Abertawe Bro Morgannwg University Health Board	Judith Tomlinson (Public Health Consultant) ABM Public Health Team Public Health Wales Floor 1, Oldway Centre 36 Orchard Street Swansea SA1 5AW
Home Office's Alcohol Licensing Team	Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CF9 2BY



These details may change from time to time and applicants are advised to contact the Licensing Section for up to date contact details.

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PC 2322 MORRIS  
Licensing Department  
Central West Division  
Police Station  
Brackla Street  
Bridgend  
CF31 1BZ

Thursday 13<sup>th</sup> June, 2019

Legal Services Department  
Corporate Services  
**Bridgend County Borough Council**  
Angel Street  
Bridgend  
CF31 4WB

### Review of the Cumulative impact policy

#### **What is Cumulative Impact?**

“Cumulative impact” is not mentioned specifically in the 2003 Act. It means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

Problems occurring as a result of cumulative impact are described as large numbers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

Large concentrations of people are of concern in Cumulative Impact Area (CIA) because they may also increase the incidence of disorder or criminal activities in the street. Local services such as public transport services, public toilet provision and street cleaning may not be able to meet the demand posed by such concentrations of people leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

These are the reasons for implementing Cumulative Impact Policies (CIP's) and these, therefore are the types of impacts that should be examined when considering new applications within CIP areas.

The s182 Guidance also makes it clear that there should be an evidential basis for the decision to include a 'special policy' within the statement of licensing policy.

#### **HEDDLU DE CYMRU**

Pencadlys Heddlu De Cymru, Heol y Bont-faen, Penybont CF31 3SU  
Mewn argyfwng ffoniwch 999, fel arall, ffoniwch 101  
Gwefan: [www.heddlu-de-cymru.police.uk](http://www.heddlu-de-cymru.police.uk)

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg.  
Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

#### **SOUTH WALES POLICE**

South Wales Police Headquarters, Cowbridge Road, Bridgend CF31 3SU  
In an emergency always dial 999, for non-emergencies dial 101  
Website: [www.south-wales.police.uk](http://www.south-wales.police.uk)

South Wales Police welcomes receiving correspondence in Welsh and English.  
Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

### Key findings

The report has been commissioned to review crime and incident levels within the following streets which form part of the Cumulative Impact Area within Bridgend Town Centre and identify whether there has been an increase since the opening of new premises on 31st July 2015 in Market Street.

- Market Street
- Derwen Road
- Wyndham Street
- Nolton Street

The total number of occurrences reported has been in decline in the analysis period, however we have to factor in that there have been three licensed premises which have now closed which would impact the analysis.

Although there have been declines in many areas of the findings South Wales Police still support the (CIA) as the removing of such a policy would have a negative impact upon the Licensing objectives.

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm

It remains that there is still a saturation of licensed premises in this relatively small geographical area, within this area there are two premises licensed until 4am and one premise licensed until 4.30am which provides a high level of footfall at this early hour.

### Conclusion

South Wales Police supports the continual use of a Cumulative Impact Area (CIA) policy in Bridgend town centre.

This has in effect created a rebuttable presumption that applications for new premises licences or variations are likely to impact on the four licensing objectives.

The implications of the CIA policy are essential when South Wales Police has made representations against new or varied licence applications.

Taking this into account, this has had a direct bearing on the reduction of recorded crime within the town centre and reported anti-social behaviour.

This report is submitted with the authorisation by the officer submitting, to include within the document for a public consultation on the review of the Council Licensing Policy.

Yours sincerely

PC 2322 Darren MORRIS

Licensing  
Bridgend

## Bridgend Town Centre Cumulative Impact Assessment

### Background

The Council area contains a mix of urban and rural communities, and has a population of approximately 139,178. (Source data: ONS website Table KSI01UK 2011 Census).

The main towns are Bridgend, Maesteg and Porthcawl. The population of Bridgend is approximately 15,000 living within a two mile distance of the town (source: Bridgend Town Council).

Some town centre streets are pedestrianised. Since the inception of the Licensing Act 2003 in November 2005, Derwen Road, Market Street, Wyndham Street and Nolton Street have been the subject of a special policy to mitigate the cumulative impact of licensed premises.

### Reasons for the Policy

The cumulative impact of large numbers of licensed premises undermines the licensing objectives of:

- The prevention of crime and disorder
- Prevention of Public Nuisance
- Public Safety

### Evidence

The main factor in formulating the assessment is the evidence submitted by the South Wales Police. The SWP report identifies that

*“It remains that there is still a saturation of licensed premises in this relatively small geographical area, within this area there are two premises licensed until 4am and one premise licensed until 4.30am which provides a high level of footfall at this early hour.”*

For information only, the following is a list of premises in the four streets mentioned, showing the latest time for the licensable activity shown (late night refreshment or sale of alcohol). It is a summary only and the premises are not all open or able to trade as indicated in the SWP report. The two premises mentioned in the report are highlighted:

Latest time for licensable activity (source Council Licensing database) in named town centre streets

Late Night Refreshment	Nolton Street	0300
Sale of alcohol (tables and chairs) small venue	Nolton Street	0200

Late Night Refreshment	Wyndham Street	0100
Late Night Refreshment and alcohol (restaurant)	Market Street	0100
Nightclub (closed)	Wyndham Street	0200
Nightclub	Market Street	0400
Late Night Refreshment	Wyndham Street	0400
Night Club	Market Street	0300
Takeaway	Wyndham Street	0230
Bar	Nolton Street	0130
Pub	Nolton Street	0200
Late Night Refreshment (restaurant)	Wyndham Street	0200
Music Venue	Queen Street	0400
Late Night Refreshment (Restaurant)	Nolton Street	0100
Late Night Refreshment	Derwen Road	0300
Late Night Refreshment and alcohol (restaurant)	Nolton Street	0200
Late Night Refreshment	Nolton Street	0100
Bar	Dunraven Place	0100
Pub	Nolton Street	0100
Nightclub	Derwen Road	0430
Pub	Dunraven Place	0100
Pub	Market Street	0100
Nightclub	Market Street	0400
Pub	Nolton Street	0100
Pub	Queen Street	0200

The South Wales Police state within the report that the Cumulative Impact Policy has had a direct bearing on the reduction of recorded crime within the town centre and reported anti-social behaviour.

### **Other evidence considered**

The statutory consultation also included a questionnaire to help identify additional issues which could impact on the retention of the Cumulative Impact Policy.

Regard should be given to the very small sample replies – fifteen but the summary of responses is as follows:

#### Who replied

Members of the public – 50%

Other interested parties – 43% (Includes elected representatives at County, town and community level)

Licence holders – 7%

#### Issues identified

93 % of respondents stated that the Council should retain the Cumulative Impact Policy for Bridgend town centre.

The top issues of concern by response in the town centre:

- Anti social behaviour (12)/92%
- Littering (12)/92%
- On street drinking (7)/54%
- Violent behaviour (7)/54%
- Street fouling/lavatory provision (6)/46%
- Concentration of drinkers (6)/46%
- Criminal activities (3)/23%
- Street cleansing (1)/8%

69% said that this affected them in the day and night time economies whilst 31% said that it applied to the night time economy only.

Takeaways were said to be the most problematic premises followed by pubs and clubs, whilst off licences and restaurants were said to be causing the least problem.

Narrative responses on the negative impact of licensed premises included the following:

- The licensed hours are too late into the evening which adds risks to public due to lower police numbers and more time to drink
- No physical evidence however it was heard recently that it is safer to go to Cardiff on a night out than Bridgend. About 2 years ago a friend was attacked when trying to get into a taxi.
- Congregations of drunks and drug takers near the \*\*\*\*\* especially during the daytime.
- Take aways in town have always a problem with revellers late at night buying food and disposing of empty wrappers and containers after eating contents. Another problem has been people leaving licensed premises carrying either full or half full beer glasses. You often see a number of empty glasses left on the pavement, walls etc. these are a hazard and could be fatal for anyone who may come into contact them.
- littering outside of the pubs and clubs. On street drinking during the day with cans bought from the off licence.

#### **Other measures considered**

- Pubwatch Scheme
- Public Space Protection Order under the Anti-Social Behaviour, Crime and Policing Act 2014 which provides the Police with the power to require a person in the designated area not to drink alcohol or to surrender any alcohol or alcohol containers (other than sealed containers) in their possession.
- Provision of CCTV in public areas
- Enforcement powers available to the Police, Licensing Officers and Trading Standards Officers under the Licensing Act 2003

## **Conclusion**

The Licensing Authority is satisfied that in the Cumulative Impact Area there is evidence to support the continuation of the Cumulative Impact Policy and, after taking into consideration other existing initiatives, that it is proportionate and the most effective measure to address the problems identified.

## **Application of the policy**

Having regard to the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, Bridgend Council has consulted upon the issue of cumulative impact in Bridgend Town Centre. It has taken into account the views of the South Wales Police and other respondents and has adopted a Cumulative Impact Policy in respect of Derwen Road, Market Street, Wyndham Street, and Nolton Street (from its junction with Ewenny Road, to its junction with Merthyr Mawr Road, but not the area between Merthyr Mawr Road and the junction with Court Road Bridgend).

Regard will also be given that where relevant representations are received for a premises adjoining or in close proximity to the Cumulative Impact Policy area, and where those representations raise a material impact on the area then the policy will be applied if the Licensing Authority reasonably judges that to grant the particular application would add to the cumulative impact being suffered in the defined area.

This document should be read in conjunction with Bridgend County Borough Council's Statement of Licensing Policy 2019-2024.

The Cumulative Impact Policy applies to applications for the grant and full variation of Premises Licences. It does not apply to Club Premises Certificates or Temporary Event Notices.

When the policy applies it creates a rebuttable presumption that where relevant representations have been received the application will be refused or subject to certain limitations unless the applicant can successfully demonstrate that the premises will not add to the negative cumulative impact on one or more of the licensing objectives.

Applicants are expected to address the effects of the Cumulative Impact Policy within the Operating Schedule. They are expected to clearly demonstrate how the operation of the premises would not add to the negative cumulative impact being experienced in the area.

The Cumulative Impact Policy is not absolute. The circumstances of each application will be considered on its merits and the Licensing Authority will grant licences that are unlikely to add to the negative cumulative impact on the licensing objectives.



## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO COUNCIL

18 DECEMBER 2019

#### REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

##### INFORMATION REPORT FOR NOTING

##### 1. Purpose of Report .

- 1.1 The purpose of this report is to inform Council of the Information Report for noting which has been published since its last scheduled meeting.

##### 2. Connection to Corporate Improvement Objectives/Other Corporate Priorities.

- 2.1 This report assists in the achievement of the following corporate priority/priorities:

- Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

##### 3. Background.

- 3.1 At a previous meeting of Council, it was resolved to approve a revised procedure for the presentation to Council of Information Reports for noting.

##### 4. Current situation / proposal.

##### 4.1 Information Report

The following information report has been published since the last meeting of Council:-

<u>Title</u>	<u>Date Published</u>
Urgent Delegated Decision	12 December 2019

##### 4.2 Availability of Documents

This document has been circulated to Elected Members electronically via Email and placed on the BCBC website, and is also available from the date of publication.

##### 5. Effect upon Policy Framework and Procedure Rules.

- 5.1 This procedure has been adopted within the procedure rules of the Constitution.

##### 6. Equality Impact Assessment

- 6.1 There are no negative equality implications arising from this report.

## **7. Wellbeing of Future Generations (Wales) Act 2015 Implications**

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

## **8. Financial Implications.**

8.1 There are no financial implications regarding this report.

## **9. Recommendation.**

9.1 That Council acknowledges the publication of the document listed in this report.

**K Watson**

**Head of Legal and Regulatory Services and Monitoring Officer  
December 2019**

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**Postal address: Democratic Services**  
**Legal and Regulatory Services**  
**Civic Offices**  
**Angel Street**  
**Bridgend**  
**CF31 4WB**

**Background documents:** Attachment to report referred to in Paragraph 4.1 of this report.

**BRIDGEND COUNTY BOROUGH COUNCIL**

**INFORMATION REPORT TO COUNCIL**

**18 DECEMBER 2019**

**REPORT OF THE MONITORING OFFICER**

**URGENT DELEGATED DECISIONS**

**1. Purpose of Report.**

1.1 To report to Council a delegated decision taken as a matter of urgency under the Scheme of Delegation of Functions.

**2. Connection to Corporate Improvement Objectives / Other Corporate Priorities.**

2.1 The ability of Members and Officers to make decisions directly impacts upon the Authority's ability to implement the Corporate Improvement Objectives and Other Corporate Priorities.

**3. Background.**

3.1 These decisions are required to be reported to Council under Paragraph 18 of the Overview & Scrutiny Procedure Rules which are to be found at Part 4 of the Constitution.

**4. Current situation / proposal.**

4.1 The above decision was taken under Scheme A paragraph 1.1 and therefore bypasses the call-in procedure (as set out in paragraph 19 of Part 4 Rules of Procedure within the Constitution). This decision is referenced below:-

4.2 WEL-19-ASC-060 – See Appendix A to this report

**5. Effect upon Policy Framework & Procedure Rules.**

5.1 This report has no effect on the Council's Policy Framework and Procedure Rules.

**6. Equality Impact Assessment**

6.1 There are no negative equality implications arising from this report.

**7. Wellbeing of Future Generations (Wales) Act 2015 implications**

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

**8. Financial Implications.**

8.1 There are no financial implications relating to the report.

## **9. Recommendation.**

9.1 It is recommended that Council notes the report.

**K Watson**

**Head of Legal and Regulatory Services & Monitoring Officer**

**December 2019**

**Contact Officer:** **Mark Galvin**  
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4WB

### **Background documents**

Scheme of Delegation of Functions.

# Bridgend County Borough Council

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

www.bridgend.gov.uk



### SCHEMES OF DELEGATION OF FUNCTIONS RECORD OF DECISION

<b>1. Scheme Information:</b>	
a. Decision Reference Number:	WEL-19-ASC-060
b. Decision Type (Proposed or Actual):	Actual
c. Scheme under which decision is to be made	Scheme A
d. Paragraph Number:	1.1
e. Does this Decision contain Exempt Information? If so, provide details with reference to paragraph(s) 12 to 18, Part 4 and paragraphs 19 to 21, Part 5 Schedule 12A, Local Government Act 1972.	No
f. Does this Decision contain "Confidential information:	No
<b>2. Details of Decision (including: Any public interest test undertaken in relation to Part 1(e) above; equalities implications and details of any assessment undertaken)</b>	
<p>Request authorisation to enter into a Service Level Agreement with Linc Cymru Housing Association Ltd for a duration of (up to) 5 years, to occupy and manage Glyn Cynffig where BCBC will be acting as the care &amp; support provider for domiciliary care services delivered at Glyn Cynffig, and Linc Cymru Housing Association Ltd will be acting as landlord.</p> <p>Alongside this Service Level Agreement, a separate Delegated Power (CMM-PS-19173) has been approved, for BCBC Corporate Landlord to enter into (up to) a 5 year Lease Agreement with Linc Cymru Housing Association Ltd.</p>	
<b>3. Reason for Decision (including any reasons for urgency which led to the implementation of the decision before the preparation of this record or before the expiry of 3 working days after the publication of the decision to which call-in provisions apply):</b>	
<p>Taking this decision will ensure BCBC's continued compliance with regulatory (Care Inspectorate Wales) requirements, as this will ensure that there is a sufficient</p>	

segregation of functions and responsibilities between the care & support and landlord functions for the services provided at Glyn Cynffig.

This will ensure that BCBC's continues to be compliant with the Regulation and Inspection of Social Care (Wales) Act 2016.

There will be no impact to the service being provided within Glyn Cynffig, as the fundamental difference will be in respect of the landlord functions – which is the reason that BCBC as the care & support provider will need to enter into a Service Level Agreement with the new landlord, and the new arrangement with Linc Cymru Housing Association Ltd will replace the agreement currently in place with BCBC corporate landlord.

For individuals in receipt of services within Glyn Cynffig, new Licence Agreements will be entered into – which are arrangements in place between each individual in the scheme, and Linc Cymru Housing Association Ltd as landlord of the scheme. BCBC have ensured that new Licence Agreements mirror the existing ones in place, ensuring there will be no detrimental impact for service users. A joint engagement session has been arranged – involving BCBC Care & Support and Linc – where the new Licence Agreements will be introduced. This follows regular communications and updates that have been given to service users throughout the process.

From a financial perspective, there will be no detrimental impact nor financial gain for either party, as the service-related costs (linked to the landlord and premises elements of the service – such as maintenance and utilities costs) will transfer from BCBC corporate landlord to Linc Cymru Housing Association Ltd – and the rental component(s) linked to the Lease Agreement, will have a zero balance. All other property-related costs historically paid for by individuals, will continue to be paid to Linc Cymru Housing Association Ltd as landlord, which will be assisted by the service provider, as is the current practice.

Safeguarding the service and individual tenants in moving forward, there is a requirement for the landlord (Linc Cymru Housing Association Ltd) to keep the property open and up to current standards for as long as the service is being delivered during the term of the agreement(s). If there are any issues in relation to the property component that may impact on the Service Level Agreement, the agreements are co-terminus, and termination clauses may be enacted, as required.

There is a time urgency linked to this decision following feedback received from CIW. In order to keep in line with regulatory requirements, BCBC will need to enter into the new arrangements from 1<sup>st</sup> November 2019, and the Lease Agreement, Service Level Agreement and Licence Agreements have been drafted to commence from this date. Due to the CIW-imposed deadline of 1<sup>st</sup> November 2019, this means that this decision cannot be taken to Cabinet, as it falls outside of Cabinet dates.

The Chairpersons of the Overview and Scrutiny Committees have agreed that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and not subject to call-in.

**4. Details of Consultation undertaken prior to the decision or, if none reasons why none undertaken:**

Consultation has been undertaken with:

- Head of Service and pertinent Group Manager and Team Manager within Adult Social Care
- Corporate Landlord colleagues
- Legal Services
- Finance Officers

In accordance with Part 4 Rules of Procedure of the Constitution, consultation has been sought of all three chair persons to agree the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and not subject to Scrutiny call-in. There was no response from Cllr John Spanswick as he is currently on leave but both Cllr Cheryl Green and Cllr Tom Giffard confirmed their agreement.

**5. Details of any interest declared in relation to the decision:**

a. by any Cabinet Member consulted in relation to the Decision:

None

b. by any Cabinet Member who would have been the Decision maker except for the declaration of such an interest:

None

c. details of any dispensation granted by the Standards Committee in respect of interest declared:

None

**6. Contact Details:**

**Case Officer**

**Decision-Maker**

a. Name:	<input type="text" value="Pete Tyson"/>	<input type="text" value="Councillor Philip White"/>
b. Job Title/Role:	<input type="text" value="Group Manger&lt;br/&gt;Commissioning"/>	<input type="text" value="Cabinet Member – Social&lt;br/&gt;Services &amp; Early Help"/>
c. Telephone Number:	<input type="text" value="(01656) 642667"/>	<input type="text" value="(01656) 643685"/>
d. E-mail Address:	<input type="text" value="Peter.Tyson@bridgend.gov.uk"/>	<input type="text" value="cllr.phil.white@bridgend.gov.uk"/>
e. Date Decision made:		<input type="text" value="30/10/19"/>
f. Signature:		<input type="text" value="Councillor Philip White"/>

Notes:

1. Electronic copies of this form must be sent to Democratic Services - Committees (cabinet\_committee)

**7. Decision Administration Information (Cabinet & Committee Services use only)**

- |   |                                       |
|---|---------------------------------------|
| a. Date received                                | <input type="text" value="30/10/19"/> |
| b. Confirmation of Urgency                      | <input type="text" value="-"/>        |
| c. Date published                               | <input type="text" value="04/11/19"/> |
| d. End of Call - In period (Scheme A & B1 only) | <input type="text" value="-"/>        |
| e. Decision Called in.                          | <input type="text" value="-"/>        |
| f. Effective date of Decision.                  | <input type="text" value="30/10/19"/> |