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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,

PWYLLGOR DEDDF TRWYDDEDU 2003

Cynhelir Cyfarfod Pwyllgor Deddf Trwyddedu 2003 o bell trwy Timau Microsoft ar **Dydd Mercher, 24 Mai 2023 am 10:00.**

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 â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2014.
3. Cymeradwyaeth Cofnodion 3 - 4
Derbyn cofnodion cyfarfod Pwyllgor Deddf Trwyddedu 2003 a gynhaliwyd ar 25 Mai 2022 i'w cymeradwyo.
4. Deddf Trwyddedu 2003 a Deddf Hapchwarae 2005 Dirprwyo Swyddogaethau 5 - 8
5. 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.

Nodyn: Bydd hwn o bell Trwy Timau Microsoft. Bydd y cyfarfod cael ei recordio i'w drosglwyddo drwy wefan y Cyngor. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â cabinet_committee@bridgend.gov.uk neu ffoniwch 01656 643147 / 643148.

Yn ddiffuant

K Watson

Prif Swyddog, Gwasanaethau Cyfreithiol a Rheoleiddio, AD a Pholisi Corfforaethol

Ffôn/Tel: 01656 643643

Negeseuon SMS/ SMS Messaging: 07581 157014

Facs/Fax: 01656 668126

Twitter@bridgendCBC

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Gwefan/Website: www.bridgend.gov.uk

Cyfnwyd testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

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

Dosbarthiad:

Cynghorwyr

H T Bennett
A R Berrow
S J Bletsoe
RJ Collins
S Easterbrook

Cynghorwyr

H Griffiths
RM James
P W Jenkins
MJ Kearns
M Lewis

Cynghorwyr

J Llewellyn-Hopkins
J E Pratt
R J Smith
R Williams

Presennol

Y Cyngorydd M Lewis – Cadeirydd

H T Bennett
H Griffiths
R J Smith

A R Berrow
RM James

S J Bletsoe
MJ Kearn

RJ Collins
J E Pratt

Ymddiheuriadau am Absenoldeb

I Williams a/ac R Williams

Swyddogion:

Katia Daw	Cyfreithiwr
Julie Ellams	Swyddog Gwasanaethau Democraidd – Pwyllgorau
Kirsty Evans	Uwch Swyddog Trwyddedu
Andrew Rees	Swyddog Gwasanaethau Democraidd – Pwyllgorau

1. DATGANIADAU O FUDDIANT

Dim

2. CYMERADWYO COFNODION

PENDERFYNWYD: Bod Cofnodion cyfarfod y Pwyllgor Deddf Trwyddedu 2003 a gynhaliwyd ar 09 Tachwedd 2021 yn cael eu cymeradwyo fel cofnod cywir.

3. DEDDF TRWYDDEDU 2003 A DEDDF GAMBLO 2005 DIRPRWYO SWYDDOGAETHAU

Cyflwynodd y Swyddog Polisi Trwyddedu adroddiad ar y trefniadau arfaethedig ar gyfer awdurdodi swyddogion o dan Ddeddf Trwyddedu 2003 a Deddf Gamblo 2005 a chadarnhaodd drefniadau ar gyfer ffurfio is-bwyllgorau yn dilyn Cyfarfod Blynnyddol y Cyngor 2022.

Esboniodd y Swyddog Polisi Trwyddedu, er mwyn cyflawni perfformiad effeithiol, y bwriad oedd dirprwyo'r cyfrifoldeb dros awdurdodi swyddogion i weinyddu gofynion Deddf Trwyddedu 2003 a Deddf Gamblo 2005, i'r Prif Swyddog – Gwasanaethau Cyfreithiol a Rheoleiddiol, Adnoddau Dynol a Pholisi Corfforaethol ac i'r Prif Swyddog – Gwasanaethau Cyfreithiol a Rheoleiddiol, Adnoddau Dynol a Pholisi Corfforaethol i gychwyn achosion o dan y Deddfau hynny. Cynigiwyd hefyd, lle bo hynny'n briodol, y byddai'r Prif Swyddog - Gwasanaethau Cyfreithiol, Adnoddau Dynol a Rheoleiddio, y Rheolwr Tîm Trwyddedu (Pen-y-bont ar Ogwr a'r Fro), yr Uwch Swyddog Trwyddedu (Technegol), yr Uwch Swyddog Gorfodi Trwyddedu a'r Swyddog Polisi Trwyddedu yn cael eu hawdurdodi i gydnabod a chyhoeddi Hysbysiadau sy'n ymwneud â Hysbysiadau Digwyddiad Dros Dro; i roi, gwrthod, atal trwyddedau, cofrestriadau, tystysgrifau, hawlenni a hysbysiadau, i weithredu'r darpariaethau perthnasol mewn perthynas â throseddau, adolygiadau neu ofynion eraill; yn unol ag unrhyw un o'r rheolau, rheoliadau a/neu Orchmynion a wnaed o dan Ddeddf Trwyddedu 2003 a Deddf Gamblo 2005 (fel y'i diwygiwyd). Dim ond pan fyddent ar gael i Gyngor Bwrdeistref Pen-y-bont ar Ogwr yn unol ag adran 113 o Ddeddf Llywodraeth Leol 1972 y byddai'r awdurdodiad mewn perthynas â'r swyddogion trwyddedu yn dod i rym. Gofynnwyd i'r Pwyllgor hefyd

gymeradwyo'r trefniant presennol ynghylch ffurfio Is-bwyllgorau pellach sy'n cynnwys tri Aelod o Bwyllgor Deddf Trwyddedu 2003 i bennu ceisiadau o dan Ddeddf Trwyddedu 2003 a Deddf Gamblo 2005. Cynigiwyd y dylai Is-bwyllgorau Deddf Trwyddedu 2003 gael eu cadeirio gan Gadeirydd neu Is-gadeirydd Pwyllgor Deddf Trwyddedu 2003 lle bo hynny'n bosibl. Pe na bai'r Cadeirydd neu'r Is-gadeirydd yn gallu bod yn bresennol, byddai cadeirydd yn cael ei ethol..

PENDERFYNWYD: Defnyddiodd y Pwyllgor ei awdurdod dirprwyedig ac yn:

1. awdurdodi'r Prif Swyddog – Gwasanaethau Cyfreithiol a Rheoleiddiol, Adnoddau Dynol a Pholisi Corfforaethol i gychwyn achosion o dan y Deddfau a grybwyllir uchod.
2. awdurdodi'r Prif Swyddog - Gwasanaethau Cyfreithiol, Adnoddau Dynol a Rheoleiddio, y Rheolwr Tîm Trwyddedu (Pen-y-bont ar Ogwr a'r Fro), yr Uwch Swyddog Trwyddedu (Technegol), yr Uwch Swyddog Gorfodi Trwyddedu a'r Swyddog Polisi Trwyddedu i gydnabod a chyhoeddi Hysbysiadau sy'n ymwneud â Hysbysiadau Digwyddiad Dros Dro; i roi, gwrthod, atal trwyddedau, cofrestriadau, tystysgrifau, hawlenni a hysbysiadau, i weithredu'r darpariaethau perthnasol mewn perthynas â throseddau, adolygiadau neu ofynion eraill; yn unol ag unrhyw un o'r rheolau, y rheoliadau a/neu'r Gorchmynion a wnaed o dan Ddeddf Trwyddedu 2003 a Deddf Gamblo 2005 (fel y'i diwygiwyd).
3. cymeradwyo'r trefniadau ar gyfer ffurfio Is-bwyllgorau a nodir ym mharagraff 4.3 o'r adroddiad.

4. **MATERION BRYN**

Dim.

Daeth y cyfarfod i ben am 10:40

Agenda Item 4

Meeting of:	LICENSING ACT 2003 COMMITTEE
Date of Meeting:	24 MAY 2023
Report Title:	LICENSING ACT 2003 AND GAMBLING ACT 2005 DELEGATION OF FUNCTIONS
Report Owner / Corporate Director:	CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY
Responsible Officer:	YVONNE WITCHELL TEAM MANAGER LICENSING
Policy Framework and Procedure Rules:	The report content has no direct effect upon the policy framework and procedure rules.
Executive Summary:	<ul style="list-style-type: none">• Section 9 of the Licensing Act 2003 provides that a licensing committee may establish one or more sub-committees consisting of three members of the committee.• At their meeting on 17 May 2023 Council received a report establishing the membership of the Licensing Act 2003 Committee.• This reports seeks to set out proposed arrangements for the authorisation of officers under the Licensing Act 2003 and Gambling Act 2005 and to confirm arrangements for the formation of sub-committees following the Annual Meeting of Council 2023.

1. Purpose of Report

- 1.1 The purpose of this report is to set out proposed arrangements for the authorisation of officers under the Licensing Act 2003 and Gambling Act 2005 and to confirm arrangements for the formation of sub-committees following the Annual Meeting of Council 2023.

2. Background

- 2.1 Section 10 of the Licensing Act 2003 allows for the sub-delegation of

functions by a licensing committee to a sub-committee established by it, or subject to certain restrictions, to officers.

2.2 The delegation of functions for the Gambling Act 2005 is delegated to the Licensing Act 2003 Committee established for the purposes of the Licensing Act 2003.

2.3 The legislation and statutory guidance set out those circumstances where decisions may not be undertaken by officers and these are generally where representations or objections have been made in respect of personal or premises licence applications.

3. Current situation / proposal

3.1 In the interests of effective performance it is proposed to delegate the responsibility for authorising officers to administer the requirements of the Licensing Act 2003 and Gambling Act 2005, to the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy and for the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy to institute proceedings under those Acts.

3.2 It is also proposed that, where appropriate, the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy, the Team Manager Licensing (Bridgend County Borough Council and Vale of Glamorgan Council), the Senior Licensing Officer (Technical), Senior Licensing Enforcement Officer and Licensing Policy Officer be authorised to acknowledge and issue Notices relating to Temporary Event Notices; to issue, refuse, suspend licences, registrations, certificates, permits and notices, to implement the relevant provisions in respect of offences, reviews or other requirements; pursuant to any of the rules, regulations and/or Orders made under the Licensing Act 2003 and Gambling Act 2005 (as amended). The authorisation in respect of the licensing officers will only take effect when they are made available to Bridgend County Borough Council in accordance with section 113 of the Local Government Act 1972.

3.3 The Committee is asked to approve the existing arrangement of the formation of further Sub-Committees consisting of three Members of the Licensing Act 2003 Committee to determine applications under the Licensing Act 2003 and Gambling Act 2005. It is proposed that the Licensing Act 2003 Sub-Committees are chaired by the Chairperson or Vice Chairperson of the Licensing Act 2003 Committee where possible. In the event that the Chair or Vice Chair are not able to attend, a chair person will be elected. The Committee is asked to note that approval of both the licensing and gambling policy statements must, by statute, be determined by the Council.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 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.

6. Climate Change Implications

6.1 There are no Climate Change Implications arising from this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no Safeguarding and Corporate Parent Implications arising from this report.

8. Financial Implications

8.1 There are no Financial Implications arising from the report.

9. Recommendations

9.1 It is recommended that the Committee exercise its delegated authority to:

- authorise the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy to institute proceedings under the above-mentioned Acts.

- authorise the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy, the Team Manager Licensing (Bridgend County Borough Council and Vale of Glamorgan Council), the Senior Licensing Officer (Technical), Senior Licensing Enforcement Officer, and Licensing Policy Officer to acknowledge and issue Notices relating to Temporary Event Notices; to issue, refuse, suspend licences, registrations, certificates, permits and notices, to implement the relevant provisions in respect of offences, reviews or other requirements; pursuant to any of the rules, regulations and/or Orders made under the Licensing Act 2003 and Gambling Act 2005 (as amended).

- approve the arrangements for the formation of Sub-Committees as set out in paragraph 3.3 above.

Background documents

None

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