MEETING OF THE LICENSING COMMITTEE
OF TORFAEN COUNTY BOROUGH COUNCIL
Held on Thursday, 26 July 2018 at 10.00am
In the Council Chamber, Civic Centre, Hanbury Road, Pontypool, NP4 6YB

MINUTES

Attendance: Members of the Committee

Councillors:

Glyn Caron
Giles Davies
Steven Evans
Janet Jones
Nicholas Jones
Raymond Mills
Norma Parrish
Dave Thomas (Chair)
Raymond Williams

Officers
Justine Cass, Solicitor and Deputy Monitoring Officer (S&DMO)
Alison Hughes, Licensing Team Leader (LTL)
Chris Slade, Senior Business Support Officer (Democratic Services) (SBSO)

Action

1 Attendance and Apologies

1.1 The Chair welcomed Members and Officers to the meeting of the Licensing Committee.

1.2 Apologies for absence were received from Councillor Kathy Evans.

2 Declarations of Interest

2.1 The S&DMO reminded Members that any interests should be verbally declared and recorded on the Declarations of Interest register.

2.2 No interests were declared.

3 Minutes of the Licensing Committee

3.1 The minutes of the previous meeting were confirmed as an accurate record.

4 Minutes of the previous Licensing Hearings

4.1 Councillor Nicholas Jones referred to the Hearing minutes of Thursday, 26 April and asked what day the license revoke came into force. The LTL confirmed that the appellant had appealed and so he was able to continue to trade.

5 Quarterly report update

5.1 The LTL read her report in detail and responded to Members' questions and comments as follows:-

- Councillor Glyn Caron stated that he was confused by the wording of 5.1.1 of the report, referring to conflicting sentences "included 1 immediate withdrawal of the DPS from the license" and "All have been resolved by means of words of advice or letters of warning". The LTL responded that the DPS was a requirement of the license and so it was in the license holders' interest to replace the DPS as soon as possible.
- Councillor Raymond Mills explained that he was aware of a recycling bank that was not being emptied and items of recycling were being dumped at the site. He explained that there seemed to be some confusion as to where the responsibility was with enforcement. The LTL responded that the responsibility was with Waste Management. Councillor Mills requested that the LTL inform Waste Management that it was within their remit as he had conflicting advice when reporting the issue. The LTL agreed.
- The Committee thanked the LTL and her team for their exemplary efforts in the work that they had carried out during the first quarter, despite shrinking resources. The LTL thanked the Committee for their comments and stated that she would pass on their kind words.

5.2 The Licensing Committee agreed to:

- **Note the activity report for the first quarter of 2018/19.**
- **Note the contents of the report.**

6 Gambling Fees

6.1 Councillors Giles Davies and Janet Jones queried as to whether they were required to declare an interest as they were members of Garndiffiath Millennium Hall and Blaenavon Workmen's Hall, respectively. The S&DMO confirmed that they did not as they would not be discussing community halls specifically. The LTL stated that some of the fees were not set by the local authority, some of which related to community halls.

6.2 The LTL read her report in detail and asked if Members had any questions. She responded as follows:-

- Councillor Glyn Caron referred to the appendices, explaining that there seemed to be some discrepancies between the figures and those in the report. The LTL responded that he was correct and clarified that the fees should have read £903 for Bingo Premises Licenses, Adult Gaming Centres and Betting Premises (Track), £750 for Family Entertainment Centres and £600 for Betting Licenses.
- Councillor Nicholas Jones referred to appendix 2 of the report and commented around the proposed costs in comparison with other local authorities. The LTL responded that local authorities had different ways

of calculating their licensing fees and stated that Torfaen calculated theirs the same way as Blaenau Gwent. The fees were made up of all expenditure incurred by the Licensing Team to be able to facilitate the licensing service, and so it included various items such as travelling and administration costs. There were other examples of how fees were set around the need for more than one visit a year in troubled areas or where complaints had been received. Prior to 2003 it was common practice to base fees on what other local authorities were charging but this was no longer deemed appropriate. As part of the animal welfare legislation introduced by DEFRA there would be guidance created around how local authorities set their fees. The S&DMO commented that there was significant case law around setting fees and that local authorities needed to justify how they set their fees around their work and so it was not likely that any two would charge the same. Councillor Nicholas Jones stated that he was asking, as if he was a license holder he would be asking why the fees differed and that the public might draw inferences from this. The LTL explained that a local authority that had double the amount of licensed premises could benefit from significant savings as the fees were shared. She believed that the Council had been very robust and fair in setting its fees.

6.3 The Licensing Committee agreed:

- **The fees and charges detailed in Appendix 1 of the report be approved**
  and have effect from 1st August 2018 subject to the amendments identified; and
- **The fees are subsequently reviewed annually.**

7 Date of Next Meeting

7.1 The next meeting was scheduled to take place on 11 October 2018.

7.2 The meeting ended at 11.02am.

Signed …… Chair Date……

Minutes produced by Chris Slade, Senior Business Support Officer - Democratic Services

CYFARFOD Y PWYLLGOR TROSOLWG A CHRAFFU CYMUNEDAU DIOGELACHCYNGOR BWRDEISTREF SIROL TORFAEN
A gynhaliwyd ar Dydd Iau, 26 Gorffennaf 2018 am 10.00am
Yn Siambr y Cyngor, Y Ganolfan Ddinesig, Heol Hanbury, Pont-y-pŵl, NP4 6YB

COFNODION

Yn Bresennol: Aelodau'r Pwyllgor

Cynghorwyr:

Glyn Caron
Giles Davies
Steven Evans
Janet Jones
Nicholas Jones
Raymond Mills
Norma Parrish
Dave Thomas (Cadeirydd)
Raymond Williams

Swyddogion:

Justine Cass, Cyfreithiwr a Dirprwy Swyddog Monitro (S&DMO)
Alison Hughes, Arweinydd y Tîm Trwyddedu (LTL)
Chris Slade, Uwch Swyddog Cymorth Busnes (Gwasanaethau Democrataidd) (SBSO)

Action

1 Presenoldeb ac Ymddiheuriadau

1.1 Croesawodd y Cadeirydd yr Aelodau a'r Swyddogion i gyfarfod y Pwyllgor Trwyddedu.

1.2 Derbyniwyd ymddiheuriadau am absenoldeb gan y Cynghorydd Kathy Evans.

2 Datganiadau o Fudd

2.1 Fe wnaeth yr S&DMO atgoffa Aelodau y dylid datgan unrhyw fuddiannau yn llafar a'u cofnodi ar y gofrestr Datganiadau o Fuddiant.

2.2 Ni ddatganwyd unrhyw fuddiannau.

3 Cofnodion y Pwyllgor Trwyddedu Blaenorol

3.1 Cadarnhawyd cofnodion y cyfarfod blaenorol fel cofnod cywir.

4 Cofnodion y gwrandawiadau Trwyddedu Blaenorol

4.1 Cyfeiriodd y Cynghorydd Nicholas Jones at gofnodion Gwrandawiad dydd Iau, 26 Ebrill a gofynnodd ar ba ddiwrnod y daeth dirymu'r drwydded i rym. Cadarnhaodd yr LTL bod yr apelydd wedi apelio a'i fod

felly yn gallu parhau i fasnachu.

5 Diweddariad yr adroddiad chwarterol

5.1 Fe wnaeth yr LTL ddarllen ei hadroddiad yn fanwl ac ymateb i gwestiynau a sylwadau Aelodau fel a ganlyn:-

- Nododd y Cynghorydd Glyn Caron ei fod wedi'i ddrysu gan eiriad 5.1.1 yn yr adroddiad, gan gyfeirio at frawddegau sy'n gwrthdaro "yn cynnwys 1 diddymiad ar unwaith o'r DPS o'r drwydded" ac "Mae popeth wedi'i ddatrys drwy gyfrwng gair o gyngor neu lythyrau rhybudd". Ymatebodd yr LTL bod y DPS yn un o ofynion y drwydded ac felly roedd er budd deiliad y drwydded i ddisodli'r DPS cyn gynted â phosibl.
- Eglurodd y Cynghorydd Raymond Mills ei fod yn ymwybodol o fanc ailgylchu nad oedd yn cael ei wagio a bod eitemau ailgylchu yn cael eu gadael ar y safle. Eglurodd ei bod yn ymddangos bod rhywfaint o ddryswch ynglŷn â lle'r oedd y cyfrifoldeb o ran gorfodi. Ymatebodd yr LTL mai cyfrifoldeb Rheol Gwastraff oedd hyn. Gofynnodd y Cynghorydd Mills i'r LTL roi gwybod i Rheoli Gwastraff ei fod o fewn eu cylch gwaith gan iddo efo gael cyngor anghyson wrth adrodd ar y mater. Cytunodd yr LTL.
- Diolchodd y Pwyllgor i'r LTL a'i thîm am eu hymdrechion rhagorol yn y gwaith roedden nhw wedi'i gyflawni yn ystod y chwarter cyntaf, er gwaethaf gostyngiad mewn adnoddau. Diolchodd yr LTL y Pwyllgor am eu sylwadau a nodi y byddai'n pasio eu geiriau caredig ymlaen.

Cytunodd y Pwyllgor Trwyddedu i:

- **Nodi'r adroddiad gweithgarwch ar gyfer chwarter cyntaf 2018/19.**
- **Nodi cynnwys yr adroddiad.**

6 Ffioedd Gamblo

6.1 Holodd y Cynghorwyr Giles Davies a Janet Jones p'un a oedd angen iddynt ddatgan buddiant gan eu bod yn aelodau o Neuadd Mileniwm Garndiffiath a Neuadd y Gweithwyr Blaenafon, yn y drefn honno. Cadarnhaodd yr S&DMO nad oedd angen iddynt gan na fyddent yn trafod neuaddau cymunedol yn benodol. Nododd yr LTL nad oedd rhai o'r ffioedd yn cael eu gosod gan yr awdurdod lleol, roedd rhai ohonynt yn ymwneud â neuaddau cymunedol.

6.2 Darllenodd yr LTL ei hadroddiad yn fanwl a gofyn a oedd gan Aelodau unrhyw gwestiynau. Ymatebodd fel a ganlyn:-

- Cyfeiriodd y Cynghorydd Glyn Caron at yr atodiadau, gan egluro ei bod hi'n ymddangos bod rhai anghysondebau rhwng y ffigurau a'r rhai yn yr adroddiad. Ymatebodd y LTL ei fod yn gywir ac egluro y dylai'r ffioedd ddarllen £930 ar gyfer Trwyddedau Safle Bingo, Canolfannau Gemau Oedolion a Safleoedd Betio (Trac), £750 ar gyfer Canolfannau Adloniant Teuluol a £600 ar gyfer Trwyddedau Betio.
- Cyfeiriodd y Cynghorydd Nicholas Jones at atodiad 2 yr adroddiad a

gwneud sylw yn ymwneud â'r costau arfaethedig o'u cymharu ag awdurdodau lleol eraill. Ymatebodd yr LTL bod gan awdurdodau lleol ffyrdd gwahanol o gyfrifo eu ffioedd trwyddedu a nodi fod Torfaen yn cyfrifo eu ffioedd nhw yn yr un modd â Blaenau Gwent. Roedd y ffioedd yn cynnwys yr holl wariant gan y Tîm Trwyddedu er mwyn gallu hwyluso'r gwasanaeth trwyddedu, felly roedd yn cynnwys eitemau amrywiol fel costau teithio a chostau gweinyddu. Roedd enghreifftiau eraill o sut roedd ffioedd wedi'u gosod o amgylch yr angen am fwy nag un ymweliad y flwyddyn mewn ardaloedd problemus neu lle'r oedd cwynion wedi'u derbyn. Cyn 2003 roedd hi'n arfer cyffredin i seilio ffioedd ar yr hyn roedd awdurdodau lleol eraill yn ei godi ond nid oedd hyn yn cael ei ystyried yn addas mwyach. Fel rhan o'r ddeddfwriaeth lles anifeiliaid a gyflwynwyd gan DEFRA byddai canllawiau yn cael eu creu ynghylch sut mae awdurdodau lleol yn gosod eu ffioedd. Dywedodd yr S&DMO bod cyfraith achos sylweddol yn ymwneud â gosod ffioedd a bod angen i awdurdodau lleol gyfiawnhau sut maen nhw'n gosod eu ffioedd o amgylch eu gwaith ac felly nid oedd hi'n debygol y byddai unrhyw ddau yn codi'r un fath. Dywedodd y Cynghorydd Nicholas Jones ei fod yn gofyn, fel pe bai yn ddeiliad trwydded, pam fod y ffioedd yn wahanol ac y gallai'r cyhoedd dynnu casgliadau o hyn. Eglurodd yr LTL y gallai awdurdod lleol gyda dwbl y nifer o safleoedd trwyddedig elwa ar arbedion sylweddol gan fod y ffioedd yn cael eu rhannu. Credai fod y Cyngor wedi bod yn gadarn ac yn deg iawn wrth osod ei ffioedd.

Cytunodd y Pwyllgor Trwyddedu ar y canlynol:

- **Cymeradwyo'r ffioedd a'r costau yn Atodiad 1 yr adroddiad a'u bod yn dod i rym ar 1af Awst 2018 yn amodol ar y newidiadau a nodwyd; a**
- **Bod y ffioedd yn cael eu hadolygu'n flynyddol.**

7 Dyddiad y Cyfarfod Nesaf

7.1 Trefnwyd y cyfarfod nesaf i'w gynnar ar 11 Hydref 2018.

7.2 Daeth y cyfarfod i ben am 11.02am.

Cadeirydd…….Dyddiad……

Cynhyrchwyd y Cofnodion gan Chris Slade, Uwch Swyddog Cefnogi Busnes (Gwasanaethau Democrataidd)