

11/02/2022

Dear Councillor

## LICENSING SUB COMMITTEE B - TUESDAY, 15TH FEBRUARY, 2022

Please find additional representations and a location plan in respect of

Agenda No	Item
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- |    |  |
|----|--|
| 2. | <b><u>APPLICATION FOR A PREMISES LICENCE - MC DONALD'S, TENBY ROAD, ST<br/>CLEARS, CARMARTHENSIRE, SA33 4JW (Pages 3 - 90)</u></b> |
|----|--|

Yours sincerely

*Wendy Walters*

Chief Executive

Encs

### Wendy Walters

Prif Weithredwr, Neuadd y Sir,  
Caerfyrddin, Sir Gaerfyrddin SA31 1JP  
Chief Executive, County Hall,  
Carmarthen, Carmarthenshire SA31 1JP



BUDDSODDWYR | INVESTORS  
MEWN POBL | IN PEOPLE

Mae croeso i chi gysylltu â mi yn y Gymraeg neu'r Saesneg  
You are welcome to contact me in Welsh or English



## ADDITIONAL REPRESENTATIONS

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**From:** Alison Griffiths  
**Sent:** 11 February 2022 09:05  
**To:** Andrew Rees <[RARees@carmarthenshire.gov.uk](mailto:RARees@carmarthenshire.gov.uk)>  
**Subject:** Re: Zoom Guidance - Licensing Hearing 15/02/22.

Hi Andrew,  
Apologies for the late additions to our objection to the MacDonald's 24hr licence application. The MacDonald's sign was not illuminated at the date the objection was required to be submitted. Since the sign has been illuminated we have realised how much of an impact this will have on us especially if it is allowed to be open 24hrs a day. As you will be from the photographs attached the light will shine into our bedroom window which will cause us significant issues. Also as the trees have all been cut down to allow the sign to be seen clearly we now have a view of it from our patio in the garden. Prior to the sign going up all we could see above our fence were trees, this has now been replaced by an eyesore of a macdonalds sign which is not pleasant and it does have an impact of our enjoyment of our outdoor space. This will be more noticeable in the summer months as we spent more time outside.

We are happy for this information to be shared  
Best wishes  
Mike & Alison Griffiths





Eich cyf / Your ref:	Gofynner am / Please ask for:	Aled Morgan
Fy nghyf / My ref: AWM/180197	Llinell Uniongyrchol / Direct Line:	01269 598262
Dyddiad / Date: 11/02/2022	E-bost / E-mail:	publicprotection@carmarthenshire.gov.uk

McDonald's Restaurants Limited  
11/59 High Road  
East Finchley  
London  
N2 8AW

Dear Sir/ Madam,

**Re: Premises Licence Application  
McDonalds, Tenby Road, St Clears, Carmarthenshire, SA33 4JW**

Further to my original representation, I would like to make the following amended representations on behalf of the Environmental Health Section of Carmarthenshire County Council.

Following a discussion with the applicant I acknowledge that my initial representations did contain conditions that were duplicated from the Planning Approval for the premises (see attached Planning Inspectorate Wales Appeal Ref: APP/M6825/A/19/3240281). Therefore, I agree that this would be deemed as duplication. Should there be any issues regarding noise levels emanating from the premises then there are existing options of dealing with these matters through the planning enforcement process. This is in addition to our own statutory noise nuisance legislation which can deal with specific noise issues.

Also subsequent to my initial representation the applicant has provided me with the following document "*McDonald's Antisocial Behaviour Workbook*". This document outlines the steps that need to be considered in order to manage any Anti-Social Behaviour as effectively as possible at their premises. Therefore, on considering the above I have amended my representation as follows

1. Regular checks (minimum of 1 per hour) to be carried out in the car park in order to manage any vehicles and/or customers causing nuisance, and will if necessary, report any incidents to the Police.
2. The licensee shall display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

**Jonathan Morgan**

Pennaeth Cartrefi a Chymunedau Mwy Diogel, Adran Cymunedau  
3 Heol Spilman, Caerfyrddin, SA31 1LE | Porth y Dwyrain, Llanelli, SA15 3YF  
Neuadd y Dref, Heol Iscennen, Rhydaman, SA18 3BE

Head of Homes and Safer Communities, Department for Communities  
3 Spilman Street, Carmarthen, SA31 1LE | Eastgate, Llanelli, SA15 3YF  
Town Hall, Iscennen Road, Ammanford, SA18 3BE



3. The licensee shall provide a contact number by which members of the public can contact staff working on the premises during the hours when late night refreshment is provided from the premises. The contact number which is 01994 230153 shall be displayed at all times in prominent places on the external fabric of the premises.
4. The premises shall operate in accordance with the most recent version of McDonald's Antisocial Behaviour Workbook. (attached copy of current McDonald's Antisocial Behaviour Workbook v6)
5. All shift managers shall be familiar with the content of the McDonald's Antisocial Behaviour Workbook.
6. The McDonald's Antisocial Behaviour Workbook for the premises shall be made available at all times for inspection by Officers (Local Authority and Police).
7. All shift managers shall be familiar with the McDonald's Litter Management Plan
8. Regular litter patrols (a min of 3 per day) shall be undertaken to collect litter in accordance with the McDonald's Litter Management Plan. (A copy is attached with my representations).
9. A copy of the "Litter Patrol Plan" for the premises should be made available at all times for inspection by Officers (Local Authority and Police).

I have received confirmation from the applicant and their representative that they agree to all of the above conditions. This will ensure that should the application be approved all of the above conditions will be attached onto the above Premise Licence. Therefore based on the above agreement I will not be attending the Committee Hearing on the 15.02.2022.

If you wish to discuss the matter further, please do not hesitate to contact me.

Yours Faithfully

Mr Aled Morgan  
**Environmental Health Practitioner**  
**Department for Communities**





# Anti-Social Behaviour Workbook

Version 6  
January 2020

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## Introduction

Dear Franchisee/Business Manager

Welcome to the Managing Anti-Social Behaviour workbook, which outlines a strategic approach to managing the increasing challenge of Anti-Social Behaviour experienced by our restaurants. This workbook has been specifically designed to take Franchisees and Business Managers through the steps that need to be considered in order to manage Anti-Social Behaviour as effectively as possible.

Our experience in law enforcement, retail security and McDonald's makes us confident that any restaurant currently experiencing Anti-Social Behaviour will see tangible benefits if they systematically apply the guidance that follows.

Tackling Anti-Social Behaviour is a key part of delivering the best possible customer experience and helping McDonald's to be the UK's best-loved restaurant company. Tackling Anti-Social Behaviour is also key in delivering our duty of care obligations to our people, and delivering on our Roadmap to Best Loved of providing a great place to work where employees feel energised, safe and valued. This is also an important part of protecting your Premises Licence in connection with the 4 licensing objectives.

When seeking to manage Anti-Social Behaviour there is no magic wand. There is no single thing that is guaranteed to yield immediate results every time. Effectively managing Anti-Social Behaviour is a structured and long-term commitment to doing the right things in the right way.

As you work through this guide you will see that it builds from foundation principles to more advanced and specific options. The guide works through five sections, from getting the foundations right, to taking local ownership, raising awareness, building external partnerships, and concludes with tools that should be considered only if issues persist.

You will need to work through each section and complete the checklist before moving to the next section. Further detailed information can be found in the supporting "Toolbox Resources" at the end of the document.

Systematically completing the contents of this workbook, following the guidance and taking local ownership will yield positive results for your people and for your business. The RSG Team are also available for support as you work through this workbook.



## SECTION ONE The Foundations

### Section 1 – The Foundations

Defining and understanding what is meant by Anti-Social Behaviour is key to managing Anti-Social Behaviour. In terms of this workbook, Anti-Social Behaviour means behaviour likely to cause harassment, alarm or distress to one or more persons. Examples that can be experienced in McDonald's Restaurants include rowdy or inconsiderate behaviour by individuals who are under the influence of drink or drugs, groups of young people or people begging.

This workbook outlines advice and best practice when approaching the individuals or groups identified above. However, before any employee attempts to manage individuals demonstrating Anti-Social behaviours, it is important to ensure that they can do so safely and effectively.

There is a minimum expectation that any business will maintain order on its premises. Good management training and practices, in combination with appropriate physical security equipment, will reduce the risk of crime and disorder.

The prevention of crime and disorder is a pillar of the Licensing Act 2003, and in many cases a certain level of security equipment is stipulated within the Conditions or Operating Schedule attached to a Premise Licence. Similar security equipment will help maintain order and manage Anti-Social Behaviour across all dayparts.

Consequently, it is recommended that the following physical security equipment is in place to help prevent an Anti-Social Behaviour problem developing initially, and to support and reduce risks to employees managing a more established Anti-Social Behaviour problem.

Every restaurant should have in place a comprehensive CCTV system and a monitored 'panic' or 'assistance' system. Company owned restaurants use Dallmeier CCTV and it is recommended that Franchisees also use these products. In addition to being certified and approved for use in court proceedings, Dallmeier products are the only CCTV products that are secure enough to sit on the McDonald's network and the only CCTV product that communicates to external monitoring stations at a rate that makes the images viable.

Whichever CCTV system is in place, details on the minimum expected specification is available [here](#).

Those individuals or groups that display anti-social behaviour often congregate in areas immediately outside the restaurant or in car parks where there may not be enough ambient light for conventional CCTV cameras to be effective. There are CCTV cameras available that work in very low light levels. These eliminate the need to install additional lighting and remove the difficulties that may arise from the Planning Permission that this may require.

As with CCTV, there are many monitored 'panic' or 'assistance' systems available in the marketplace. The recommended and approved system that we have found to be most effective is StaffSafe Digital AV. This is the StaffSafe system with audio and visual capability, allowing the operative in the remote monitoring station to not only speak to those individuals or groups displaying anti-social behaviours but also to see what they are doing via the CCTV system. Details on StaffSafe Digital AV and how to get the best out of the system can be found [here](#).

Robust prevention of substance abuse, (drugs, alcohol, solvents), in our restaurants is an important part of controlling Anti-Social Behaviour. Whenever employees are required to ask individuals or groups to change their behaviour or to leave the restaurant, it is beneficial if the individuals concerned are as rational as possible. Substance abuse can interfere with an individual's ability to think and behave rationally, making them less predictable and more difficult to deal with. Guidance on preventing substance abuse in the restaurant can be found [here](#).

**“Anti-Social Behaviour means behaviour likely to cause harassment, alarm or distress to one or more persons”**



# SECTION ONE The Foundations

For this workbook to be most effective, you should ensure that all of the foundations identified in Section One are in place before moving on to Section Two, Taking Ownership.

### CCTV System

Make  Model

Networked  High Definition  Analogue  Hybrid

Number of Cameras  Internal  External

Is the system password protected

Do all managers have access to the recordings

Do all managers know how to burn footage to disc for the Police

Number of days recording

The following cameras are recommended to help tackle ASB, please tick which you have

Entrance camera with full face image  Collection Point covered

Counter tills focused on customers not tills  External low light cameras

Do you have a Public Awareness Monitor?  What size is the screen?  
(Recommended 27")

Are there any CCTV requirements stated in your Premises License? If so record them below



## SECTION ONE The Foundations

### StaffSafe

Do you have StaffSafe Installed?

Is your system?

Audio Only

Audio and Visual?

(If you're not sure please contact StaffSafe on 01387 702388)

Is your system working? Complete a test call to make sure

Do you have? 3 Grey Activation Fobs

1 Red External Activation Fob

(To order more please contact StaffSafe on 01387 702388)

Are all managers trained on how to use StaffSafe?

Is the shift manager wearing an activation fob?

Do all managers know what the green Anti Social Behaviour button is for on the panel?

(If not ensure all managers are aware)

Are managers using StaffSafe in conjunction with the 5 Steps ASB method?

(see section 3 for more information on the 5 Step Method)

Comments



## SECTION ONE The Foundations

### Substance Abuse

Have you put together a detail plan to tackle substance abuse in the restaurant?

Are managers aware of the plan and adhering to it?

Are incidents being recorder in the Incident Log (Available from PROMPT PROM IRB 00001)

Are regular checks of the toilets being made by both Customer Care & Managers?  
(recommended every 15 minutes)

Is there effective CCTV coverage of the toilet door area?  
(if not look to add an additional camera to cover this area)

Is there a Public Awareness Monitor inside the toilet corridor of the customer toilets?  
(if not look to add an additional monitor in this area)

Are "saloon" style cubicle doors fitted in toilets where drug activity has been identified?

Ensure that there are no areas in the toilets that can be used to hide drug taking  
equipment e.g. loose ceiling tiles, open toilet roll holders or access panels

Check done? (list any actions below)

Action	When	Who

Is there access control on toilet doors?  
(speak to RSG for more information on access control)

Is a sharps disposal kit available in the restaurant?



## SECTION TWO Taking Ownership

### Section 2 – Taking Ownership



It would be nice to think that if Anti-Social Behaviour manifests itself in a restaurant then a third party, the Police/ Gardaí, will always be on hand to attend the restaurant, robustly deal with the individual or group, and maintain order for the benefit of the business, the customers and our employees. However, it is primarily the responsibility of a business to maintain order in its premises and it is absolutely the responsibility of a licensed business to actively prevent crime and disorder in the Licensed Period.

This responsibility, combined with a reduction in Police/Garda resources, means that Franchisees and Business Managers must take the initiative for maintaining order and preventing crime within their restaurants.

Failure to do this may allow Anti-Social Behaviour to develop where it does not already exist, or allow it to escalate where it already exists.

Failure to take ownership will adversely impact on the customer experience and employee wellbeing. It may also attract enforcement scrutiny that is potentially brand damaging and detrimental to the profitability of the restaurant. As a response, in part, to reducing resources, a number of Police/Garda Forces are becoming increasingly robust at leveraging the statutory powers they have to encourage businesses to take more responsibility for controlling Anti-Social Behaviour. These powers are outlined [here](#). By working through this workbook and taking the actions suggested, you should be able to avoid the potential enforcement options available to the Police/Gardaí.

One of the key ways to take ownership and prevent Anti-Social Behaviour is to maintain control of dining areas. A significant amount of Anti-Social Behaviour experienced in restaurants is a result of management teams losing control of dining areas to individuals or groups that then go on to behave in an anti-social manner. Preventing loitering is key to maintaining control of dining areas and, in turn, in preventing Anti- Social Behaviour. Guidance on preventing loitering can be found [here](#).

Finally, in order to own the solutions to Anti-Social Behaviour, it is essential to identify, track and report any issues a restaurant experiences. In the next two sections, there is guidance on raising employee awareness and working in partnership in order to better manage Anti- Social Behaviour. However, in order to do this effectively you need to fully understand the nature and scale of any Anti- Social Behaviour and engage others using facts rather than anecdotes and hearsay. Guidance on Reporting and Tracking Anti-Social Behaviour can be found [here](#).

**“One of the key ways to take ownership and prevent Anti-Social Behaviour is to maintain control of dining areas”**





## SECTION TWO Taking Ownership

### Taking Control of Dining Areas

Review the schedule to make sure there is a Customer Service Leader (CSL) on evening shifts  
(if not speak to the scheduling manager to ensure a CSL is scheduled)

Scheduling Manager spoken to?

CSL now being scheduled?

On the more challenging shifts a manager should be scheduled to work the dining area

Scheduling Manager spoken to?

Manager now being scheduled?

All managers have completed Conflict eLearning in the last 6 months? Record below

NAME	DATE	NAME	DATE

All CSL's have completed the Conflict eLearning in the last 6 months? Record below

NAME	DATE	NAME	DATE

Are regular checks of the toilets being made by both CSL's & Managers?  
(recommended every 15 minutes)

Are all incidents being recorder and reviewed in the Incident Log (Available from PROMPT  
PROM IRB 00001)



## SECTION TWO Taking Ownership

Is there effective CCTV coverage of the toilet door area?  
(if not look to add an additional camera to cover this area)

Is there a Public Awareness Monitor inside the toilet corridor of the customer toilets?  
(if not look to add an additional monitor in this area)

Is there access control on toilet doors?  
(speak to RSG for more information on access control)



## SECTION THREE Awareness

### Section 3 – Awareness

For many people, spending time in an environment where Anti-Social Behaviour is displayed will be an unusual experience; it will be something that they deliberately avoid outside of work. For still more people, being asked to be responsible for managing Anti-Social Behaviour will be even more unusual and potentially daunting. However, as outlined in Section Two, it is primarily the responsibility of a local business to prevent crime and disorder and this means that Franchisees and Business Managers will be expected to make their employees aware of how best to manage Anti-Social Behaviour.

This section outlines practical guidance for those leading the management of Anti-Social Behaviour.

Section one identified that Anti-Social Behaviour is a term for any behaviour likely to cause harassment, alarm or distress. This behaviour can manifest itself in many different ways. Consequently, it would be unhelpful to be overly prescriptive in the instructions that may be shared with an employee. It is also useful for each restaurant to work to a common guidance framework as many individuals or groups that display anti-social behaviours will move between different restaurants. A consistent approach will reinforce the position that Anti-Social Behaviour will not be tolerated in any restaurant. Therefore, generic Anti-Social Behaviour guidance can be found [here](#).

**“A consistent approach will reinforce the position that Anti-Social Behaviour will not be tolerated in any restaurant”.**

This guidance includes a suggested ‘5 Step Method for Managers Approaching Groups’, [here](#), and a ‘6 Point Plan to Encourage a Continuity of Approach’ on a shift by shift, restaurant by restaurant basis, [here](#).

Employees tasked with managing Anti-Social Behaviour often want to know, quite reasonably, their ‘rights’. That is to say, what they can and can’t legitimately do if situations escalate. Guidance on this can be found [here](#). When raising awareness in this area it is of paramount importance to stress that the individual employee is entirely responsible for their actions and that employees should seek every opportunity to avoid any physical contact with individuals.

The application of the ‘5 Step Method for Managers Approaching Groups’ and the ‘6 Point Plan to Encourage a Continuity of Approach’ are supported in the core curriculum training in the area of Anti-Social Behaviour. This training includes one eLearning module and, as an option, all employees within the restaurant have access to this via CAMPUS. The eLearning module is compulsory for new managers coming through the system but the content is useful for existing managers too.

Section One identified the benefit of interacting with individuals who act and respond in a rational way. This consideration also applies when dealing with homeless individuals, who may have a different perspective on generally accepted social norms. In addition to being less likely to behave in accordance with these conventions, they often have ‘less to lose’ so can be less motivated to comply with accepted behavioural norms. This can be problematic if it is a homeless individual that is displaying anti-social behaviours. Guidance on interacting with homeless individuals can be found [here](#).



Just as not every group of teenagers display anti-social behaviours, not every homeless individual will display anti-social behaviours and it is important for consistency to only ever address the behaviour and not to simply apply a blanket approach based on appearance.

Sections One to Three set the foundations for the active management of anti-social behaviour by Franchisees and Business Managers and often this will be enough to stop or displace anti-social behaviour.



## SECTION THREE Awareness

### 5 Step Method

All Managers and Customer Service Leaders in the 5 step method?

List names and dates below

NAME	DATE	NAME	DATE

5 step method actively being used when needed?

### Training

All managers and customer care have completed the Conflict Resolution eLearning module?

Advanced MAYBO course in Conflict Resolution attended by management team?  
(for more information speak to RSG or [lisa@maybo.com](mailto:lisa@maybo.com))



## SECTION THREE Awareness

### 6 Point Plan

6 point plan discussed with all managers?

Are incidents being recorder in the Incident Log (Available from PROMPT PROM IRB 00001)

Incident log is reviewed weekly?

Incident log is discussed at managers meetings?

Incident log reviewed monthly with the Police?

Banning letters being given to main culprits?

Banning folder set up?

Banned individuals images shared with local McDonald's to blanket ban known culprits?



## SECTION FOUR Partnership

### Section 4 – Partnership

Occasionally, responsibly managing dining areas by acting on the guidance in Sections One to Three may not be enough to displace entrenched Anti-Social Behaviour by certain individuals or groups. In such circumstances, Franchisees and Business Managers are advised to build partnerships with external bodies that may be able to help. Typically the most effective partnership will be with the local Police/Garda. Guidance on developing relationships and partnership working with Police/Garda can be found [here](#).

There are a number of benefits associated with working in partnership with Police/Garda. While this is unlikely to gain the restaurant a preferential response if a Police/Garda response is requested, it is likely to gain the restaurant more thorough follow-up once the Police/Garda have actually responded. In Section Five there is guidance on banning individuals. This is always more effective, and only recommended, if it is supported by the Police/Garda or another local initiative. It should be noted that banning is a civil matter and some forces may be reluctant to issue a ban as it is civil law and not criminal law.

Importantly, a genuine partnership approach with Police/Garda will demonstrate a proactive commitment to trying to manage Anti-Social Behaviour and this may diminish the likelihood that the Police/Garda will use the statutory powers outlined in Section Two. Other partnerships can be helpful and the more active partnerships a restaurant is involved with, the more likely it will be in successfully tackling Anti-Social Behaviour. Other potential partners may include shopping centre or retail park security, business crime reduction partnerships (BCRPs), Business Improvement Districts (BIDs), town centre schemes etc.

Many partnerships use a communication tool, such as a radio or social media, to summon assistance or warn of potential troublemakers heading towards the restaurant. There is often a cost associated with these schemes and guidance can be found [here](#)

When working in partnerships with external stakeholders it is recommended to draw up a “commitment” document to demonstrate that you are actively working towards solving any issues yourself. It is also a good way to get external partners to commit to the actions they have promised to help you solve the issues you are witnessing. More information on commitment documents can be found [here](#).

**“Importantly, a genuine partnership approach with Police will demonstrate a proactive commitment to managing Anti-Social Behaviour”.**





## SECTION FOUR Partnership

### Local Police Contact

Find out who your local Police contact is and record below. Details can be found through your local Police website under neighbourhood policing

Police Officer's Name

Police Officer's email

Police Officer's number

Have you made contact with your local police contact and arranged to meet them?

### Other Partnerships

Do you have Retail Park or Town Centre Security?

If so record their contact details below

Security contact name

Security contact number

Have you made contact with the retail park's security team and arranged to meet them?

Identify a contact within the following groups who will be able to work with you to resolve issues. Often these groups meet together so look to attend the next meeting

Business Crime Reduction Partnerships

Local Council Youth Worker

Local Council ASB Team

Local Youth Club Organiser

Town Radio Link

Shopwatch

Pub Watch



## SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

### Section 5 – Tools Available to Manage Anti-Social Behaviour

Acting on the guidance in Sections One to Four will often be enough to displace Anti-Social Behaviour. However, if this is not the case then there remain a number of specific additional tools that you may wish to consider using. These tools may work in isolation or, as a Franchisee or Business Manager, you may need to consider using these tools in combination. Either way, it is recommended that these tools are considered as a hierarchy of controls, with the use of classical music used first and Security Industry approved third party guarding used as a final option.

The use of classical music is a simple but often effective tool to displace Anti-Social Behaviour. If the cause of the Anti-Social Behaviour is groups of youths causing a nuisance, playing music that they don't like, music that makes the restaurant environment less appealing to them, will make it less likely that they will want to hang around. There is academic research that demonstrates that this is an effective tool to displace youth Anti-Social Behaviour. More importantly, most genuine customers state that they do not notice the change of music. More information on the benefits of using classical music, and the practicalities of having this programmed around periods of Anti-Social Behaviour can be found [here](#).

The second tool that should be considered, if the cause of the Anti-Social Behaviour is groups of youths, is temporarily turning off the customer Wi-Fi. The availability of free customer Wi-Fi is of business benefit but it can be abused by individuals who aren't actually customers or by individuals who overstay their welcome. Temporarily turning off the customer Wi-Fi should also be considered if the cause of the Anti-Social Behaviour is loitering or 'nocturnals' who may take up valuable seats in the dining area without making a purchase.

An App that sits on the ISP has been developed to help Franchisees and Business Managers control the availability of Wi-Fi to customers. It is important that this App is used appropriately and not indiscriminately so that the service is available to as many genuine customers as possible for as much of the time as is possible. Guidance and instructions on using the Wi-Fi App can be found [here](#).

In addition to free Wi-Fi, some individuals or groups that display Anti-Social Behaviour are drawn to our restaurants by the availability of charging facilities for mobile devices. Again, this is true of those that loiter as well as groups of youths. It is possible to also control the charging points, making the restaurant a less appealing place to be for those displaying Anti-Social Behaviour. A control switch is now standard in newly built restaurants but can be retrofitted into existing restaurants. Franchisees interested in retrofitting this switching facility can find more information here. Business Managers who consider that their restaurant would benefit from a control switch should discuss this with their Operations Consultant in the first instance and may wish to consult with RSG.

Playing classical music, denying access to free Wi-Fi and charging are tools designed to move individuals and groups on of their own free will. Only if these tools do not work should you consider the tools that are designed to move individuals or groups on against their free will.

The first of these tools is a sign that is designed to signal that something has changed, that the Franchisee or Business Manager will be taking a more proactive and robust stance in relation to managing Anti-Social Behaviour. A sign is available, stating that Anti-Social Behaviour will not be accepted within the restaurant. It is important that this sign is only used once the Franchisee or Business Manager has all the other measures outlined in Section One to Four in place. Some individuals or groups causing Anti-Social Behaviour may view the enforcement of the message on the sign as a challenge. Therefore, enforcement will require; the basics to be in place to provide support to employees, ownership of the problem, awareness of the nature and scale of the problem, and a partnership approach to help enforce compliance. For information about ordering and placement of an Anti-Social Behaviour Sign, please contact RSG.

**“The use of classical music is a simple but often effective tool to displace Anti-Social Behaviour”.**





## SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

Enforcement may include banning individuals. This is most effective when supported by partners, especially the Police/Garda and is only effective if it is applied consistently by all Shift Managers. Issuing a ban without enforcing that ban is counterproductive. Effective banning is rarely as simple as handing out a letter and there are often considerations that are not immediately obvious, such as Data Protection. Where a name, address or an image of an individual is used in the banning process, there will be GDPR implications. Consequently, Franchisees are advised to use the McOpCo banning process and Business Managers must follow the McOpCo banning process which can be found [here](#).

The final tools are designed to physically support Franchisees and Business Managers. The first consideration is the use of a Mosquito device. These devices are only approved for use externally and only for Drive-thru restaurants. These devices are designed exclusively to help manage Anti-Social Behaviour by younger people and are unlikely to be of any benefit in helping to manage Anti-Social Behaviour by other individuals or groups. The principle is similar to the use of classical music in as much as the device emits a sound, normally only audible to younger people, that they do not like and so move away from. More information on Mosquito devices can be found [here](#). These devices are not used in McOpCo restaurants.

The final option when trying to manage Anti-Social Behaviour should be the use of third party guards. This option should only be considered by Franchisees and Business Managers when the Anti-Social Behaviour problem is so serious that none of the considerations above, when used in combination, have displaced a growing or existing Anti-Social Behaviour problem.

There is a Guarding Policy that Franchisees should aim to comply with, and McOpCo Business Managers must comply with. The Guarding Policy sets out when guarding should be considered, how guarding should be administered, the tools and tactics guarding companies may employ, and the contact details for the McOpCo approved guarding companies. The McOpCo approved guarding companies will be able to offer Franchisees a service specifically designed to address Anti-Social Behaviour. The Guarding Policy can be found [here](#) and RSG are also available for further advice and guidance, particularly in relation to body worn cameras, [here](#). These devices are not approved for use by McOpCo employees.

McOpCo Business Managers must only use the McOpCo approved suppliers and Franchisees are advised to do likewise.

However, if a Franchisee wishes to employ the services of a non-approved or preferred guarding company, it is best practice to only use licensed guards from companies that feature on the Security Industry Authorities Approved Contractor Scheme. More details are available [here](#).



# SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

## Tools

Classical Music set up? Call Imagesound on 01246 572990 to make changes

Record the days and times below

M			F		
T			S		
W			S		
T					

Wi-Fi Switch Off times and dates agreed?

Record the days and times below

M			F		
T			S		
W			S		
T					

Are the tablets being removed from the dining area?

Record the days and times below

M			F		
T			S		
W			S		
T					

Are air charges and plug sockets being turned off in the dining area?

Record the days and times below

M			F		
T			S		
W			S		
T					

Banning Letter template written and shared with management team?

Template available from RSG

Banning letter folder created and stored in a safe place?

Police asked to issue the banning letters on your behalf?

ASB Signage in place?

Contact RSG for approved wording



# SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

Mosquito Unit Installed?

Record the days and times below

M			F		
T			S		
W			S		
T					

## Manned Guarding

Is manned guarding required?

contact RSG for approved guarding contractors

Guarding Provider

Account Manager Name

Account Manager Contact details


Record the days and times required below

Guard 1

M		F	
T		S	
W		S	
T			

Guard 2

M		F	
T		S	
W		S	
T			

Guard 3

M		F	
T		S	
W		S	
T			

Guard 4

M		F	
T		S	
W		S	
T			

Review the guarding Assignment Instructions document in the Guarding Company Folder  
Is this up to date and been reviewed in the past 12 months?

Are the guards wearing body cams?

In the box below list any Premises License conditions which feature guarding requirements

--



## SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

### Anti-Social Behaviour Commitment

Anti-Social Behaviour Commitments agreed?  
Franchisee/Operations Consultant

Anti-Social Behaviour Commitment drawn Up?

Stakeholder Commitments Agreed?  
Police, Guarding Provider etc

Final Anti-Social Commitment Document shared with all stakeholder?

# Toolbox Resources





## SECTION ONE The Foundations

### Toolbox: Section 1 – The Foundations

#### 1. a CCTV Minimum Standards

##### CCTV Minimum Standards

This guidance describes the McOpCo standards for CCTV. It includes information on the system and coverage to best support restaurant teams in managing Anti-Social Behaviour. Franchisees are advised to adopt the McOpCo CCTV standards and principles to help protect people as well as the premises.

NB. It should be remembered that only Dallmeier products are considered to have sufficient information security features to be connected to the McDonald's UK Network.

##### *CCTV*

A digital HD IP Video Surveillance System (VSS – formally CCTV) should be installed to include:

- Dallmeier or equivalent Digital or Network Video Recorder (D/NVR)
- D/NVR should be password protected but:
  - All Managers should have access to the CCTV system on a commonly known password and to be able to extract images upon request from the Police/Garda or statutory authority
  - The level of access given to Managers should restrict functionality to the review and recording of images
  - Managers should not have a level of access that gives them access to the System settings

##### *D/NVR set up*

- All units should achieve a minimum of 21 days recording (recommended 31 days). In many locations a Premises Licence will be in operation and it may be a stated Condition of the Licence that a greater number of days recording is required, normally this is 28 or 31 days.
- Franchisees should inform installers of any such Premises Licence Condition
- Cameras viewing the front door should be positioned to give a full identity image of the individual as they enter the restaurant (as described in the Home Office CCTV Operations Guidance 28/09). This is important to support potential banning
- Front counter cameras should be positioned to focus on customer activity, not the tills, with a particular emphasis on identification of an individual if an incident occurs
- 'Collection Points' should also be covered in all restaurants

##### *Use and access to D/NVR*

- Manager user and access rights are important and all managers should be trained to be able to use the CCTV System. However, a balance needs to be struck between allowing functionality that ensures that every Manager can comply with licensing requirements to be able to supply images to the Police/Garda, and ensuring that Managers cannot interfere with the set-up of the machine.
- Manager's user access should allow:
  - The review of recorded images
  - The export of recorded images
  - The ability to cancel error and warning messages from the system
- Manager's user access should not allow access to:
  - Date and time settings
  - Language settings
  - Remote access settings
  - Erasing or stopping tracks
  - Alteration of network settings

**“All managers must be trained such that they can use the CCTV system to identify individuals”.**



## SECTION ONE The Foundations

### • Alteration to camera settings

Compliance with the user access rights described above will also help ensure compliance with GDPR requirements. Camera quality and positioning is key. There is little value to be had investing in a quality recorder if the images that are fed to the recorder come from sub-standard cameras. Equally, there is little value to be had investing in quality cameras but not using these to cover the vulnerable areas of a restaurant. Franchisees should consider installing or enhancing cameras that specifically cover areas of the restaurant that see the highest frequency of Anti-Social Behaviour. Business Managers should discuss any concerns or changes in camera coverage with the RSG.

### Camera setup

- Cameras should be set to record on motion detection and not permanent recording or timer recording
- It is important when using motion detection that areas such as TV monitors and PC screens are removed from the motion detection system to maximize Hard Disk capacity
- Areas outside of the boundary of the restaurant should also not be recorded due to GDPR considerations
- It is important that any PIN Entry Device units (credit card readers) installed on the counter or Kiosks have the keypad obscured using a privacy zone. Under no circumstances must the keypad be visible nor recorded
- Camera positions and suggested settings are detailed below. While not all cameras will have an Anti-Social Behaviour focus, a holistic approach to camera coverage should be considered for Franchisees and Business Managers to create an environment that allows responsible management.

Camera Location	Minimal Setting			Nominal Setting			Maximum Setting			Camera Designation
	Scaling	Bit Rate (mb/s)	Fps	Scaling	Bit Rate (mb/s)	Fps	Scaling	Bit Rate (mb/s)	Fps	
Main doors	DCIF	0.3	2	4CIF	0.8	2	4CIF	1	4	Identify
Internal D/T Windows	CIF	0.2	2	DCIF	0.5	2	2CIF	0.7	3	Observe
No Plate Cam	DCIF	0.4	2	2CIF	0.6	2	4CIF	0.8	3	Recognise
Crew Room	CIF	0.2	2	CIF	0.2	2	CIF	0.4	2	Identify
D/T Build-up	QCIF	0.2	2	CIF	0.2	2	DCIF	0.4	2	Observe
Office	CIF	0.2	2	CIF	0.2	2	DCIF	0.4	2	Observe
Counter/Tills	DCIF	0.4	2	DCIF	0.6	2	DCIF	0.7	3	Recognise
Other Customer Areas	DCIF	0.5	2	2CIF	0.6	2	4CIF	0.8	3	Recognise
Int PlayPlace	DCIF	0.5	2	2CIF	0.6	2	4CIF	0.8	3	Recognise
CashZone	DCIF	0.5	6	2CIF	0.7	6	4CIF	0.8	6	Identify
Kiosks	DCIF	0.6	2	2CIF	0.8	2	4CIF	1	4	Recognise
Tablets	DCIF	0.5	2	2CIF	0.6	2	4CIF	0.8	3	Recognise
Ext PlayPlace	DCIF	0.5	2	2CIF	0.6	2	4CIF	0.8	4	Recognise
Window 3 (Fast Fwd)	CIF	0.2	2	DCIF	0.5	2	2CIF	0.7	3	Observe
Aircharge tables	DCIF	0.6	2	2CIF	0.8	2	4CIF	1	4	Recognise

Hd Cameras	Minimal Setting			Nominal Setting			Maximum Setting		
	Scaling	Bit Rate (mb/s)	Fps	Scaling	Bit Rate (mb/s)	Fps	Scaling	Bit Rate (mb/s)	Fps
Minimum	720p	1.2	6.25	720p	1.5	6.25	1080p	2	6.25



## SECTION ONE The Foundations

### Camera designation

- Cameras used for 'Identification' should be set to a high quality and should include front door and front counter cameras
- Cameras used for 'Observation' can be set to medium quality and might include cameras in the office and crew rooms
- Cameras offering only an overview can be set to medium quality but should have a restricted bit rate, these could include Drive-thru cameras
- Cameras used in areas specifically prone to Anti-Social Behaviour should be of 'Recognise' quality.

### Public Awareness Monitors

These are important to visually demonstrate to individuals entering the restaurant that a CCTV system is used in the restaurant. It should demonstrate that the system is of sufficient quality to identify and recognise them and any Anti-Social Behaviour that they might exhibit. This has been proven to deter many individuals from behaving inappropriately. Whilst effective as a control for Anti-Social Behaviour,

Public Awareness Monitors can be aesthetically displeasing and negatively impact on the look and feel of restaurant design schemes. In order to strike a balance, Public Awareness Monitors should normally be no larger than 27" and restricted to just one monitor in the queue area or by the front door. Positioned in one of these areas the monitor should be visible to everyone using the restaurant.

### CCTV Installers

There are a number of approved installers, contact details of these installers are available to Franchisees considering upgrading their CCTV systems in response to incidents of Anti-Social Behaviour.







## SECTION ONE The Foundations

### 1. b Low Light CCTV

Individuals or groups often engage in Anti-Social Behaviour in areas around the restaurant where light levels are low. Typically these areas are external and conventional CCTV cameras do not provide the quality of images needed to identify individuals or for evidence in the event of enforcement action.

There are several low light CCTV cameras available in the marketplace. RSG advises Franchisees to install the Dallmeier CCTV system as specified for use in McOpCo restaurants.

Nightline CCTV Cameras are specifically designed to capture high quality images in very low light levels, often just using ambient light. These cameras are ideal for external use in areas around the restaurant where Anti-Social Behaviour may occur but where there is limited light, making normal CCTV cameras ineffective.

These areas may include:

- Alleyways around an In-store
- Patio areas with low light levels
- Back yard areas with low light levels

Nightline cameras are manufactured by Dallmeier and are fully compatible with McOpCo approved CCTV systems.

The images below illustrate the difference between a standard low light camera image, on the left, and the image provided by a Nightline camera, on the right.

Franchisees wishing to install a Nightline camera should contact their CCTV installer and specify a Dallmeier Nightline camera.





## SECTION ONE The Foundations

### 1. c StaffSafe AV

#### Using StaffSafe AV

Serious incidents and criminal disorder are thankfully rare occurrences in our restaurants but lower level, persistent Anti-Social Behaviour is becoming increasingly common. One of the key tools for managing Anti-Social Behaviour is a monitored 'panic' alarm system that supports our employees and our customers. StaffSafe is installed as standard in all McOpCo restaurants and Franchisees are advised to install this equipment. The equipment has proved effective, the monitoring station operatives have several years of experience of intervention within the McDonald's environment, and Franchisees can benefit from nationally negotiated rates.

StaffSafe Audio/Visual (AV) enables you to raise an alert to an external monitoring station. Operators at the monitoring station will be able to hear what is being said and in most cases will be able to dial into the restaurant's CCTV system and also see what is happening. Visual capability is only possible using the McDonald's Network if the CCTV system uses the recommended Dallmeier D/NVR or a stand-alone transmission device/separate broadband line. The StaffSafe operator will be able to make verbal announcements and actively assist in remotely managing incidents. This is particularly useful if trying to manage Anti-Social Behaviour as it potentially removes the need for employees to engage directly with individuals or groups displaying anti-social behaviours.

The monitoring station can also call for the emergency services to help deal with serious incidents.

#### Mechanics

The StaffSafe system consists of four elements:

- The main control panel – which will be fixed to a wall at the end of the front counter, this unit contains a microphone and all of the main electronics
- 3 x Grey Activation Buttons – These mobile units should be worn by the Shift Manager and Customer Experience Leader on either their belt or wrist. When the Grey trigger is activated the StaffSafe panel contacts the call centre immediately. The normal music playing in the restaurant will be automatically stopped and a two tone siren will be activated. The monitoring station can then hear what is being said and will dial into your CCTV system so that they can see what is happening also. The Shift Manager will then be able to speak with the operator via the control panel on the front counter.
- 1 x Red Activation Button – This should be given to employees working outside of the building. This is a long-range unit and will activate the StaffSafe system from a range of up to about 100 metres. When the RED trigger is activated the panel does not contact the control centre immediately, the panel on the front counter will make an audible alarm tone to alert the Shift Manager that the person wearing this trigger needs assistance. At this point the Shift Manager should look to ascertain what assistance this person needs. After 1 minute the panel will then contact the control centre and the normal music playing in the restaurant will be automatically stopped and a two tone siren will be activated. The monitoring station can then hear what is being said and will dial into your CCTV system so that they can see what is happening also.
- The Green activation button on the control panel – This button can be pressed to signal to StaffSafe to play a warning script specifically in relation to Anti-Social Behaviour, see additional measures section below

When any of the activation buttons is pressed, a signal is sent to the main control panel. The control panel then places a call directly to the external monitoring station. The music playing in the restaurant will be automatically stopped and the monitoring station can then hear what is being said. The monitoring station can then also make announcements via the restaurant speaker system. These are live announcements, not recordings.

Employees will be able to talk to the monitoring station to give them information via the control panel situated on the front counter. The operator at the monitoring station will then determine if any further action is necessary and relay this to the employee. Whilst the monitoring station can usually see what is going on in the restaurant via the CCTV, it is still important that the employee gives them as much information as possible as this will help them manage the situation quickly and effectively. The employee should consider; who, what, when, where, how?

Additionally, employees should:

- Keep talking to the operator, let them know what is going on



## SECTION ONE The Foundations

- Engage with the customers. Once the incident has been dealt with, this can be an opportunity to go and reassure genuine customers
- If the red activation button is used by staff outside the restaurant, the manager must first find out what the issue is and advise the monitoring station accordingly

### External Speakers

Where problems persist outside of the restaurant, potentially on the Patio Area, an external speaker can be fitted. This should only be considered in a non-residential area and may require approval from a Licensing Officer or the Local Authority.

### Recordings

All audio activations from StaffSafe are recorded and saved at the Call Centre. This means that all incidents can be reviewed after the event in order to determine any learns. Recordings can also be passed to the Police/Garda as evidence. Franchisees should make any requests for audio recordings directly to StaffSafe (+44 1387 702388). Requests from McOpCo Business Managers should be made through RSG.

### FAQs

When should StaffSafe AV be used?

We recommend that you use the unit whenever needed. It is there to help you and there are no penalty costs. The system achieves the best results if it is used as a situation develops rather than once a situation has already escalated.

Why do we recommend the use of StaffSafe AV?

RSG is constantly looking for ways to make our employees and customers feel safe when in our restaurants. We know that this system will give you valuable assistance when dealing with incidents. It also sends a clear message to our customers and employees that we value their safety and we are willing to invest in technology to achieve this. While we recognise that StaffSafe AV is not a cure-all, it does have a proven track record of helping restaurants manage Anti-Social Behaviour and the more serious incidents that happen less commonly.

Should we make test calls?

It is recommended that managers perform test activations on the system on a monthly basis. This can be done by simply activating the system and then telling the operator that it is a test call. Further, it is recommended that any managers who may be unfamiliar with the system make a test call as this way they can better understand how it works and gain confidence in the system.

What happens if someone is using the phone when an activation button is pressed?

The StaffSafe AV unit is designed to override any active phone calls. The unit will automatically cut off any call in progress and then place the call out.

Is StaffSafe AV simply an Anti-Social Behaviour tool or are there other benefits?

The monitoring station operators are highly trained and experienced. They will be able to make calls to any of the emergency services. For example, if there is a medical emergency in the dining area, then the operators will be able to call the ambulance service whilst employees provide first-aid.

Used in combination with a Dallmeier D/NVR, StaffSafe AV can be a stepping stone to StaffSafe Integrated that is used by McOpCo to audibly and visually monitor intruder alarm activations. The ongoing costs of which typically represent saving on most Alarm Receiving Centre (ARC) costs.

How far from the speaker can the operator hear what is going on in the restaurant?

Two to five meters. During busy periods the background noise level in a restaurant can be very high and this reduces the distance.

What if we lose an activation button?

New buttons are available from StaffSafe (+44 1387 702388). These must be individually programmed by StaffSafe as they are coded and unique to individual restaurants.

What if an activation button is pressed by accident?

Just tell the monitoring station that this is a false activation. There will be no penalty charge for this.

How long will the batteries in the activation buttons last?

Under normal conditions the batteries will last for three years and are replaceable.

Are the activation buttons water proof?

The buttons are water resistant but not water proof.

The unit appears not to be working, what do I do?

Check that the LCD display on the front of the unit is on. Try making a test activation with one of the buttons. If this fails then press the large red button on the front of the unit. If after pressing this button nothing happens, call StaffSafe (+44 1387 702388).

Does the unit have a warranty?

The control unit comes with a 1 year warranty as standard. This warranty does not cover deliberate or accidental damage. Any repairs to the unit outside of the warranty will be charged.



## SECTION ONE The Foundations

### 1. d Prevention of Drug Misuse

Substance misuse (drugs, alcohol and solvents) itself may constitute Anti-Social Behaviour and action should be taken to prevent this in the restaurant. Additionally, individuals under the influence of drugs often act less rationally than expected and managing anti-social behaviour shown by these individuals can be more hazardous.

Certain restaurants can attract drug users due to their location, layout or toilet facilities. Restaurant management teams must be alert to the possibility of illegal drug use and drug dealing taking place in or around their restaurant.

There are often indicators in the restaurant to suggest drug use, these can include:

- Burn marks on toilet seats
- Scratch marks on toilet seats or baby changing units
- Burnt silver foil in toilet areas
- Cling film debris found in toilet areas
- Discarded sugar packets found in toilets and excessive sugar packets being removed from condiment bars
- Discarded or hidden hypodermic needles found in and around the restaurant
- The same cars parked in the restaurant car park for prolonged and frequent periods throughout the day without the driver leaving the vehicle

If a problem is identified, the management team must act consistently and apply a consistent strategy to deal with the problem.

It is important to keep a daily record of incidents, using the Incident Log (available to order from PROMPT) to highlight the nature and extent of the problem. This can help identify trends in the day parts and times when drug abuse is evident. It will also form a crucial part of the evidence gathering process that the Police/Garda will expect if you seek their assistance.

Tactics to prevent drug misuse include:

- Regular and detailed checks of toilets throughout the opening hours by managers. This could include additional Travel Paths to check toilet areas every 15 minutes. Increased checks act as a deterrent to anyone wishing to use the toilets for any form of drug activity
- Consistent monitoring of the situation and recording of issues identified
- Effective CCTV coverage of the toilet door area. This will help when building up an intelligence log to partner effectively with the Police/Garda
- Fitting a temporary Public Awareness Monitor outside of the customer toilets. This can be a deterrent to anyone wishing to deal drugs or use our toilets to take drugs
- Consider saloon style cubicle doors in toilets where drug activity has been identified. This will help deter anyone from using the toilets to take drugs and will also help identify anyone who is unconscious in the toilets due to drug misuse.
- Ensure that there are no areas in the toilets that can be used to hide drug taking equipment e.g. loose ceiling tiles, open toilet roll holders or access panels
- Access control on toilet doors should be considered but be aware that 'tail-gating' can reduce the effectiveness of this investment – Contact RSG who can give more details on access control.
- If the problem persists in the overnight/Licensed period, consideration should be given to closing toilet facilities providing the Licence will allow this
- Banning of known individuals may also be considered
- Contact the local Policing/Garda Team to highlight concerns and share the actions already taken. Encourage the Police/Garda to work in partnership to help you resolve the problem

A sharps disposal kit must be available in the restaurant and managers must know how to deal safely with discarded needles. Employees should be reminded not to touch discarded needles and to take extra care when cleaning customer toilet areas or other parts of the restaurant where needles may be discarded or hidden.

Drug use and drug dealing is a criminal offence and should be reported to the Police/Garda. However, you should be able to demonstrate the proactive measures you have taken to try and address the issue as there is an expectation to reasonably prevent criminal behaviour in the restaurant.



## SECTION TWO Taking Ownership

### Toolbox: Section 2 – Taking Ownership

#### 2. a Police Powers

Anti-Social Behaviour should not be ignored either in or around the restaurant. Not only is Anti-Social Behaviour likely to adversely affect employees and customers, it can also lead to Police enforcement against the restaurant.

The Police have a range of powers that can help you deal with Anti-Social Behaviour, but they increasingly expect businesses to act responsibly and take a lead on managing Anti-Social Behaviour. Businesses that fail to lead are beginning to see Police enforcement taken against them.

Below are just some Police powers that may be exercised against a restaurant if Anti-Social Behaviour is allowed to escalate:

- Section 76 (Closure) of the Anti-Social Behaviour, Police and Crime Act 2014 gives Police, and others, the power to close premises which are allowing persistent Anti-Social Behaviour. Several of our restaurants have been threatened with this power.
- Community Protection Notices (CPNs) could be used against Franchisees or Business Managers, leading to a criminal conviction, serious reputation damage and restaurant closures.
- The Premises Licensing Act 2005 allows responsible authorities to review a licence where a licensed restaurant is deemed to have failed to Prevent Crime and Disorder. The review can lead to a loss of the licence, a reduction of trading hours between 11pm and 5am and/or the imposition of conditions that may adversely impact the profitability of the restaurant

Conversely, the Police have a number of powers that they can use to help us tackle the problem of Anti-Social Behaviour. Gaining Police assistance is most likely and effective when Franchisees and Business Managers successfully engage in a partnership approach to dealing with Anti-Social Behaviour. Police powers include:

#### Breach of the Peace

Breach of the peace is an old common law concept which is used to prevent unlawful violence against people or property. A breach of the peace is not a criminal offence in itself, however special powers exist for the purpose of stopping or preventing anyone from breaching or threatening to breach the peace by committing unlawful violence. Actions which harm another person, or harm his property in his presence, or actions which are likely to provoke such harm, constitutes a Breach of the Peace. The breach of the peace may occur in either public or private. Generally, the police have three options: to attempt to defuse the situation and resolve it without using one of their common law powers, to use their common law powers of arrest, or to use their common law powers of entry.

#### Intentional Harassment, Alarm or Distress - Section 4A Public Order Act

The person, to be guilty, must intend to cause harassment, alarm or distress to another person and doing so must act in a way which is abusive, threatening or insulting. This includes, words, behaviour, and even written signs or other representations. The maximum sentence is 6 months imprisonment. The offence can only be heard in the Magistrates Court.

#### Threatening, Abusive or Insulting Behaviour - Section 5 Public Order Act

This offence involves the use words, behaviour, and even gestures or signs where the defendant is of the opinion that someone may be within hearing. A general defence of the behaviour being reasonable in the circumstances may be available to the defendant. As of January 2014, the government has announced plans to remove the word 'insulting' from the definition of the offence.

- Criminal Behaviour Orders (CBOs) can be served on individuals by the Court and these normally carry a power of arrest if breached.
- Dispersal Notices can be issued, banning a group of known offenders from an area and allowing the Police/Garda to move them on, or arrest them if they refuse.

Additional guidance is available to Franchisees and Business Managers giving advice on how to build effective and supportive partnerships with the Police.

## 2b Garda Powers

### Section 5 Criminal Justice (Public Order) Act 2003 - Closure Order of a catering premises

Application from a Garda not below rank of Inspector to a District Court. Disorder or noise as referred to in subsection (1) of section 4 of the above-named Act has occurred and is likely to recur, and that the making of a closure order is necessary to prevent the recurrence of the disorder or noise.

### Criminal Justice (Public Order) Act 1994

This act provides Gardaí with powers to enforce policing of anti-social behaviour and breach of the peace. The following sections are most commonly used but not limited to Gardaí responding to anti-social incidents.

#### Section 4 - Criminal Justice (Public Order) Act 1994

Makes it an offence to be intoxicated to such an extent that a person is in danger of others or themselves.

#### Section 5 - Criminal Justice (Public Order) Act 1994

Makes it an offence for anyone in a public place to engage in offensive conduct:

- Between the hours of 12 o'clock midnight and 7 o'clock in the morning next following; or
- At any time, after having been requested by a member of An Garda Síochána to desist.

Offensive conduct is unreasonable behaviour which is likely to cause serious offence or serious annoyance to other people. The purpose of this offence was to deal with the types of disorderly behaviour which falls short of threatening behaviour but could nevertheless adversely affect the quality of people's lives.

#### Section 6 - Criminal Justice (Public Order) Act 1994

Makes it an offence for any person in a public place to use threatening, abusive or insulting words or behaviour with the intention of causing a breach of the peace.

#### Section 8 - Criminal Justice (Public Order) Act 1994

Provides Gardaí with powers to direct a person who is engaging in anti-social behaviour or likely to engage in anti-social behaviour to desist in such behaviour and leave the area immediately. Makes it an offence to not comply with the Garda direction.

#### Section 9 - Criminal Justice (Public Order) Act 1994

Makes it an offence for anyone without legal authority or reasonable excuse, who wilfully prevents or interrupts the free passage of any person or vehicle in any public place.

#### Section 10 – Non Fatal Offences against the Person Act, 1997 (Harassment)

Makes it an offence for any person who, without lawful authority or reasonable excuse, by any means including by use of the telephone, harasses another by persistently following, watching, pestering, besetting or communicating with him or her.

### Anti-Social Behaviour Orders (ASBO)

The Criminal Justice Act 2006 provides for proceedings to be taken by Gardaí against adults who engage in anti-social behaviour. Anti-social behaviour occurs where a person causes or, in the circumstances is likely to cause, to one or more persons who are not of the same household as the person:

- Harassment or
- Significant or persistent alarm, distress, fear or intimidation or
- Significant or persistent impairment of their use or enjoyment of their property.

In such circumstances, Gardaí can issue ASBOs which remain in force for 3 months.





## SECTION TWO Taking Ownership

### 2. c Loitering



For the purposes of this guidance, loitering means to linger or hang around in a public place or business where someone has no particular or legal purpose. This can become both a nuisance and a hindrance to the normal course of business. Worse, loitering can also be associated with Anti-Social Behaviour both by individuals and groups. By definition, loitering is a function of time. The more time an individual or group spends in the restaurant the more likely they are to display anti-social behaviours.

The experience of restaurants is that individuals or groups are likely to get bored over time and misbehave. Equally, individuals or groups are likely to get settled and less inclined to move on, wanting to make the restaurant a base that they will move on from only when they want to. To this end, preventing loitering can be a key to preventing Anti-Social Behaviour.

McDonald's does not recognise a set time limit for customers to remain in the restaurant. As a result, Franchisees and Business Managers are free to evaluate on a restaurant by-restaurant, shift-by-shift basis when an individual or group has overstayed their welcome. This approach allows flexibility for Franchisees and Business Managers.

The important thing is to identify loitering and ask the individual or group to move on before they begin to display anti-social behaviours.

Most individuals or groups will move on if asked to do so. However, Section Three offers specific guidance on safely and effectively approaching individuals and groups that employees want to move on. Guidance on Homelessness can be found here and guidance on Physical Interaction can be found here.



## SECTION TWO Taking Ownership

### 2. d Reporting / Tracking

#### ASB Incident Management

The term Anti-Social Behaviour in this guidance is taken to mean behaviour likely to cause harassment, alarm or distress to one or more persons. Examples that can be experienced in McDonald's include rowdy or inconsiderate behaviour by intoxicated individuals, groups of young people, and people begging.

Individuals, groups and circumstances are always different so it is important to assess every situation before approaching people and before taking the steps set out below. Remember, do not put yourself or others at risk.

The guidance below outlines best practice when approaching individuals or groups that you consider responsible for Anti-Social Behaviour in your restaurants. This approved guidance complements Conflict Resolution training and it is recommended that only those employees that have completed Conflict Resolution eLearning engage with individuals or groups responsible for Anti-Social Behaviour.

General points when approaching individuals and groups:

- We will be more successful managing young people if we are reasonable and fair (even when we need to be firm).
- Avoid embarrassing, humiliating or shaming anyone – young people are especially sensitive to this in front of their peers
- Focus on the behaviour that needs to stop – do not judge or criticise the person
- People who are intoxicated can be less inhibited in their behaviour, unpredictable and more difficult to communicate with
- Only a minority of homeless people present challenges such as overstaying and begging, and it is important always to remain polite and respectful
- Be proactive in reducing problems before they become an issue

#### 5 Step Method for Managers

It is often very intimidating for a manager to approach a large group and ask them to leave, so the managers should follow the steps below, keeping dialogue to an absolute minimum. This results in the manager delivering a message rather than a conversation which in most cases results in the group trying to antagonise the manager.

Remember to assess each situation and set of circumstances before taking these steps to ensure you are not placing yourselves or others at risk through escalating it.

1. Approach the person or group in a calm and respectful manner and explain the behaviour that is a concern (be specific e.g. playing loud music) and ask them to stop. Whilst it is important not to get drawn into debate, you can explain why i.e. it is not fair on other customers and that you will have no option but to ask them to leave if the behaviour continues.

2. If the behaviour of concern continues you should approach again and explain that as the behaviour has continued you have to require them to leave the premises. Inform them that if they do not leave you will have no choice but to take further action. As in Step 1, keep the dialogue to a minimum and leave the area once your request has been made. You can let them 'have the last word' as they are leaving as they are doing what you have asked and you should not get into an argument.

3. At this point if the person or group has not left you should ask them again to please leave as they haven't changed their behaviour. If they refuse to leave you can inform them that you have no option but to press the assistance button.

Be clear with them what this does, i.e. That if you press it the CCTV footage and audio footage will be recorded and passed to the Police/Garda and used to either ban them from the restaurant or used by the Police/Garda to prosecute them. If the person/s still refuse to leave the restaurant, activate the Staff Safe system at this point, inform the Operator at the call centre that you have requested that an individual/individuals stop whatever form of ASB they have been indulging in and they have refused so you have requested they leave the restaurant and they have again refused. Staff Safe will now take over the management of this situation and the dialogue between the member of staff and the person/s is over. Staff Safe will now request that the person or group

**“Keeping dialogue to an absolute minimum. This results in the manager delivering a message rather than a conversation”.**



## SECTION TWO Taking Ownership

leave the restaurant immediately and they will also warn them that refusal to leave the restaurant will result in the Police/Garda being dispatched to the restaurant.

4. In the unlikely event that the person or group has not left the restaurant the Staff Safe Operator will be empowered to contact the Police/Garda who will be dispatched to the restaurant. In the majority of cases the person/s will leave prior to Police/Garda coming but it is important that staff do not get involved in any further dialogue with the person or group as this could potentially lead to an escalation of the situation and confrontation.

5. In the majority of cases by the time the Police/Garda arrive on site the person or group has left and the situation is over. However, it is vitally important that we give the Police/Garda a full overview of what happened and why we felt the need to contact the Police/Garda. We must document all the details in our incident log book and use our CCTV to identify the individual(s) to the Police/Garda and provide copies of CCTV footage as required. With the support of the Police/Garda, the individuals who indulge in ASB within our restaurants and cause disruption and distress to our staff and customers, can be identified and banned from the restaurant. It is crucial that all our staff uphold and enforce banning these individuals.

### Post ASB incidents Actions

This encourages consistency, after the anti-social behaviour incident the following actions should be considered;

1. It is recommended that all incidents, however insignificant, should be recorded in the Incident Log. Incident Logs can be ordered from Prompt
2. It is recommended that the Incident Log is reviewed weekly and discussed at a Manager's meeting. The main culprits should be identified and Banning Letters given to the Police/Garda. Full guidance on banning can be found [here](#)
3. If required the Police/Garda should be encouraged to issue the Banning Letter through a home visit.
4. It is recommended that a ban is issued due to aggressive, abusive or threatening behaviour or any damage to the restaurant or staff property. It may be issued following one particular incident of anti-social behaviour or due to the accumulation of incidents of unacceptable behaviour over a period of time
5. It is recommended that a review of the Incident Log and current Banning Letters should be done weekly at restaurant level and monthly with the Police/Garda and a file kept with copies of all Banning Letters and images of offenders kept securely to comply with GDPR requirements. Guidance on this can be found [here](#)
6. Finally, you should consider working with any other McDonald's in the area to ban the individuals from all McDonald's in the area. This should prevent the issue moving to another nearby McDonald's.



## SECTION THREE Awareness

### Toolbox: Section 3 - Awareness

#### 3. a Homelessness Guidance

Roughly 250,000 people approached their Local Authority annually for homelessness assistance. This figure does not include individuals sleeping rough, squatting or living on common ground. This is a challenge for society and McDonald's is sympathetic to the issues raised. Given the number of individuals affected by homelessness it has to be expected that people who are homeless or sleeping rough will occasionally use our restaurants.

At McDonald's we aim to provide a welcoming and safe environment for all customers. However, if the behaviour of any individuals in or around the restaurant impedes our ability to provide this environment then the Franchisee or Business Manager should take reasonable and appropriate steps.

Homeless visitors are entitled to visit McDonald's restaurants and in the vast majority of cases, such visitors do not cause any problems. However, it is our experience that in some cases homeless visitors may cause distress or discomfort to other customers or employees.

#### Behaviours that may cause Distress or Discomfort

Unwanted or adverse behaviours that would warrant management intervention may include:

- Abusive or threatening behaviour towards other customers or employees
- Begging for food or money inside or directly outside the restaurant
- Checking waste bins for stickers or vouchers
- Using the toilets as washing facilities
- Sleeping in or around the restaurant, including the bin areas
- Sitting inside the restaurant without making a purchase for an excessive period of time
- Spending an excessive amount of time in the restaurant after purchasing food/drink

Guidance on loitering can be found here.

#### Managing Adverse Behaviours

The Shift Manager must ensure that the person involved is dealt with in a professional and consistent manner.

When dealing with any conflict situation the Manager should adopt the SAFER® and POPSTM™ dynamic risk assessment models described in the conflict resolution elearning modules.

Managers should be aware that, for some people, homelessness is not just a housing issue but something that is inextricably linked with complex and chaotic life experiences. Mental health problems, drug and alcohol dependencies, street culture activities and institutional experiences (such as prison and the care system) can be closely linked with the more extreme experiences of homelessness.

The Manager must also be aware that some customers will naturally feel sorry for an individual who appears to be homeless and may wish to intervene to support them:

- The Manager must acknowledge any concerns that these customers express and explain to any concerned customers that an individual is being challenged due to their behaviour and not due to their personal circumstances.
- If a customer wishes to buy an individual a meal when they have been asked to leave, they may do so but it must be made clear that the order will only be honoured as a take-away meal. The individual will still have to leave the premises.
- If a customer expresses concerns about the way in which an individual is treated by staff then they should be referred to Customer Services.

#### Guidance on dealing with a specific incident

- The Manager should speak with the individual concerned, using their customer service skills.

**“The Shift Manager must ensure that the person involved is dealt with in a professional and consistent manner”.**



## SECTION THREE Awareness

- Make it clear to the individual that his/her behaviour is not acceptable.
- If their behaviour does not change, the Manager should ask the individual to leave. Again, explain that the reason for their being asked to leave is due to their behaviour.
- If it would assist, the Manager should activate The StaffSafe system, where installed, to assist in removing the individual. If the individual refuses to leave, or becomes aggressive or violent, then Police/Garda assistance should be requested. Managers should not attempt to forcibly remove an individual, guidance on the Use of Force is available [here](#).
- Once an incident is over, the Manager should reassure customers in the dining area, being clear on the reasons why an individual has been asked to leave e.g. due to their behaviour, not their appearance or social group.
- For any incident in which an individual is asked to leave or is removed then an EIRF should be completed and the Franchisee or Business Manager informed of the incident.

### General Guidance

- In some cases individuals may ask for water to be supplied. Restaurants should honour these requests where practical. However, there is no legal requirement to supply hot water and as such the Manager may refuse such a request.
- Managers must also be aware that as an organisation, McDonald's has a duty of care towards vulnerable individuals. Homeless individuals would fall into this category. Franchisees and Business Managers should make reasonable attempts to provide support by contacting the relevant UK /ROI charities (see below).

### Support for Homeless Visitors

- It is recommended that Managers report any homeless individuals they have concerns about to the local support organisations listed below. These organisations may be able to offer direct specialist support to individuals identified.
- It is recommended that your local neighbourhood Policing team are made aware of any issues that you are experiencing.
- In an area experiencing persistent problems relating to homelessness, Franchisees and Business Managers should engage with local stakeholders e.g. the Council or Social Services for help in dealing with the issue

### Contact details for Support Organisations

In England, the Street Link service enables any person to report any individual about whom they have concerns, local charities may then offer that individual direct support. Whilst the Street Link service is only available in England, the charity Shelter will be able to offer local advice to stores in Scotland and Wales. At a national level your local Council's Housing Advice Service will also be able to offer advice on local charities who can help.

#### England

Street Link - 0300 500 0914 or [www.streetlink.org.uk/tellus-about-a-rough-sleeper](http://www.streetlink.org.uk/tellus-about-a-rough-sleeper)

#### Wales

Shelter Cymru - 0845 075 5005

#### Scotland

Shelter Scotland - 0808 800 4444

#### Northern Ireland

Contact your local Council's Housing Advice Service

#### Ireland

In Dublin please call the Focus Ireland Central Placement Services Freephone number: 1800 707 707

In ROI Contact Salvation Army 00351 874 3762 email [Info@salvationarmy.ie](mailto:Info@salvationarmy.ie)

Outside Dublin please check with your local council office



## SECTION THREE Awareness

### 3. b Use of Force Guidance

#### Use of Force Guidance

This section gives guidance in relation to employees physically interacting with customers or 'trespassers', those illegally entering another person's property. In this case, entering a restaurant having been told they are not welcome. There is no definitive policy in this area as the nature of each incident or situation will vary too widely to be covered by a 'one size fits all' policy approach. While the law is slightly different in Scotland to England, Wales, Northern Ireland and ROI, similar principles broadly apply

#### Considerations for the Use of Force

This guidance seeks to help employees be aware of:

- The risks associated with the use of force
- Occasions when force may be necessary and lawful
- Key considerations in the justification of any use of force
- Reporting and support considerations

#### Risks with the Use of Force

It is important to recognise that any application of force on another person without their consent or lawful excuse maybe an assault. This can result in arrest, prosecution and/or disciplinary action.

Even where touching another person is lawful, it may escalate the situation and place you, the person you are dealing with, colleagues and customers at increased risk of harm.

Using force may be brand damaging, even if lawful.

#### Occasions when the Use of Force may be necessary and lawful

##### *Self Defence:*

Self-defence is acting to protect yourself or others from assault.

In the rare event of an employee coming under attack from another person, the employee can defend him/herself. An employee can also protect another employee, or other person such as a customer, from an assault. However, every situation is different and just because you may use force it does not mean that you should. For example, it may create greater danger by escalating an incident. Employees are advised that they should only ever use force in exceptional circumstances, and then only when all other options have been explored and exhausted. If an employee feels threatened and at risk of being physically assaulted they should walk away from the situation.

A person will only be justified in the use of force in self-defence if he or she has a genuine and honestly held belief that there is an imminent danger which justifies the force being used. The force used must be reasonable on the basis of that belief.

Employees do not have to wait to be assaulted, they can act proactively to prevent it. However, they need to be able to justify this and explain why they did not choose other options, including walking away. It is important to remember that it is about the employee. The employee must have an honestly held belief, the employee must act reasonably and proportionately, and the employee alone will be responsible and accountable for their actions.

##### *Getting a person to leave the restaurant:*

The law allows the use of reasonable force only if that force is absolutely necessary to remove a 'trespasser' from a restaurant. The general guidance to employees is not to use force to remove a trespassers it could place the employees at risk of assault and/or result in accusations that the employee assaulted the trespasser. It is always best to persuade a person to leave through the use of verbal and non-verbal skills. If they refuse, it may be appropriate to request a Police/Garda response. However, the Police/Garda are not obliged to remove a trespasser from private property. You should expect the limit of police/Garda involvement to be ensuring that there is no breach of the peace i.e. that neither party unnecessarily escalates the incident.

**“It is important that any use of force is necessary, reasonable and proportionate”.**



## SECTION THREE Awareness

### *Protecting Property:*

Whilst the law does allow you to use reasonable force to prevent damage to property, it should be remembered that property can usually be replaced. Our priority is the safety of people over property, so it may be better to request a security or Police/Garda response in such situations rather than physically intervene.

### *Prevention of Crime:*

People sometimes commit criminal offences at our restaurants, including theft and assault. In certain serious circumstances you can detain a person you know to be guilty of an offence, or act to prevent one taking place, using reasonable force if necessary. However, you are not obliged to do this and, importantly, you are not trained or expected to do this. You are advised that this should be left to the Police/Garda or SIA guards. Importantly, you should always assess the situation and act to avoid placing yourself or others at risk.



## SECTION FOUR Partnership

### Toolbox: Section 4 - Partnership

#### 4. a Agency engagement

##### Agency Engagement Best Practice

If you have already implemented the Anti-Social Behaviour foundation measures but still experience some issues, you may wish to start working with the Police/Garda and potentially other partners, to help you manage Anti-Social Behaviour.

Banning of individuals should be considered a 'last resort' and further guidance is available here.

When seeking initial contact with local Policing teams to explore working in partnership regarding ongoing Anti-Social Behaviour issues, you have a number of options:

- Engage Police/Garda contacts you may already have
- Visit your local Police/Garda website to identify the community Police/Garda contacts in your area
- In the UK use the police 101 non-emergency number to request support
- In the ROI there is no non-emergency number, for emergency assistance telephone 999 or 112. In less urgent situations you should contact your local Garda station

Once you have identified a Policing team to work in partnership with, explain that you have tried to tackle the Anti-Social Behaviour issues within your restaurant and now believe that you need to work in partnership with the Police/Garda.

If Banning is to be considered, explain that you would prefer to link with any local scheme they already endorse.

The police/Garda are likely to want to know:

- What measures you have already undertaken to deal with the issue
- What information / local knowledge you may have gathered about the individuals causing the Anti-Social Behaviour, including records of incidents, recorded CCTV, names / nicknames and individuals known to employees. It is important that you arrange to meet the Police/Garda on a regular basis (ideally monthly) to discuss progress and to review intelligence gathered
- Your planned actions at the restaurant and how they can assist
- About the McDonald's Banning Guidance and the physical security measures you have in place (CCTV, StaffSafe, etc.)

##### Other Partners

It will also be useful to identify who else can help you with Anti-Social Behaviour issues. The Police/Garda are normally the most important contact, but they are often linked to other agencies or groups working to reduce Anti-Social Behaviour. These can include statutory and non-statutory partners such as:

- Local Authority officers dealing with Anti-Social Behaviour, often responsible for collating evidence from a number of businesses in the area to work on preventing ASB
- Business Crime Reduction Partnerships (BCRPs), business lead partnerships specifically aimed at reducing local crime and disorder issues
- Business Improvement Districts (BIDs), business partnerships funded from the rates and set up to improve local districts
- Street Pastors / Street Marshals, recognised individuals normally working overnight preventing street disorder or supporting the vulnerable
- Residents' Associations or community groups
- Shopping centre or retail park security
- Schools/Colleges/Universities/Youth Groups/Community Centres

Each partner might have a role to play in assisting you. Understanding the support they can provide will be useful.



NB. Partnership work takes time and effort and you cannot simply expect Police/Garda or others to make Anti-Social Behaviour go away without contributing to this yourself.



## SECTION FOUR Partnership

### 4. b Radio Links

Radio initiatives are provided in many towns and cities to assist retailers. These initiatives may be managed by the Police/Garda, Local Authority, or by private businesses and aim to reduce retail crime and Anti-Social Behaviour. As the primary focus of the schemes is on retail, restaurants may not get the full benefit of these schemes, but the partnership approach to managing Anti-Social Behaviour can prove very useful.

The main aims of these schemes are:

- To tackle and prevent retail crime and Anti-Social Behaviour through effective communication and the prompt reporting of retail crime, anti-social behaviour and criminal activity;
- To promote a sense of security for customers and employees; and
- To improve Police/Garda and business liaison by providing effective communications through two-way radio and dedicated online services.

The schemes usually rent or sell radios or audio equipment with a dedicated radiofrequency. Radios can be a useful tool for linking together the members of a crime reduction partnership. This hands the initiative to those working together to reduce Anti-Social Behaviour.

#### Shop Watch

A Shop Watch scheme is a partnership where retailers work together to prevent theft and Anti-Social Behaviour in retail premises, and to help make areas safer for customers and employees. Police/Garda support the Shop Watch schemes, as they work in conjunction with public safety campaigns and retail crime reduction initiatives.

The group take action against individuals who repeatedly cause issues. This can range from prosecution to 'banning orders' where the individual is not allowed to enter any of the premises operated by the members of the Shop Watch group for a set period of time.

The local Police/Garda will be able to give you more information about the Shop Watch scheme running in your area.

#### Pub Watch

Pub Watch is a community based crime prevention scheme for licensed premises and may support restaurants trading overnight. It is organised by the Licensees themselves to afford each other confidence and support, as well as some form of protection. The scheme, at its simplest, is a message-passing link between Licensees with the objective of combatting violence and other criminality.

Pub Watch also provides better communication between Licensees and Police/Garda, providing a forum for discussion. Similar to Shop Watch, Pub Watch is promoted and supported by the Police/Garda and individuals who cause issues can be banned from premises and face prosecution.

More information can be found at

[www.nationalpubwatch.org.uk](http://www.nationalpubwatch.org.uk)

#### Retail Radio Links

Retail Radio Link is a private radio communications network for local shops and businesses, linking members of the scheme together and with the CCTV Control Room and local Police/Garda.

Joining Retail Radio Link provides a 'permanent talk through' allowing members to hear all calls and speak immediately to any one or all of the other scheme members, to share information or alert one another to anything which gives cause for concern. For more information, speak to your local council who will be able to provide the details of the scheme in your area.

While membership of these schemes will not guarantee a resolution to Anti-Social Behaviour, it does help Franchisees and Business Managers build relationships with the Police/Garda and other businesses. It is important to remember that Anti-Social Behaviour does not just disappear, it is more likely to simply be moved from one location to another. Those businesses that are part of a radio schemes will aim to displace Anti-Social Behaviour problems to businesses outside of the scheme. In this regard membership is always beneficial.

**“It does help Franchisees and Business Managers build relationships with the Police and other businesses”.**



## SECTION FOUR Partnership

### 4. c Guarding Policy

McDonald's sometimes needs to employ manned guarding at our restaurants, either as a result of a legal requirement and/or to control access and prevent disorder in the restaurant. Unprofessional behaviour by the guards reflects badly not only on the guard but also on McDonald's and can be brand damaging. Consequently, McDonald's needs to ensure that:

- Guarding is used only when and where it is appropriate
- Only high quality, professional guards from a reputable company (see below) with their own support infrastructure are to be used
- Only guards trained to Security Industry Authority (SIA) or Private Security Authority (PSA) Door Supervisor level are used, this is a higher level than a standard Security Guard
- All guards must carry out their responsibilities to the highest professional standard

Guards are managed so that:

- The safety of staff, customers and assets are best ensured;
- The managerial burden on restaurants is minimised
- A fair guarding wage is paid that delivers a sustainable, good value service to restaurants – You should expect to pay around £14/€16 p/hr

McDonald's standards in this area will be protected by adopting the following externally benchmarked criteria;

- RSG will nominate preferred security guard suppliers on behalf of the system for McOpCo use and as a Franchisee discretionary option
- RSG will monitor the performance of lead security guard suppliers on behalf of McOpCo stores and Franchisees
- RSG will maintain a light-touch relationship with a select group of other approved suppliers that Franchisees may wish to use
- Alternately, Franchisees might want to use a local supplier. When doing this RSG strongly suggests working through the due diligence contained in Annex 2
- The System must only use security guard suppliers who employ guards who are currently SIA or PSA licensed
- The system will only use security guard suppliers who are current members of the SIA's or PSA's Approved Contractor Scheme or ISO 9001 Approved Contractors.

In the UK the Security Industry Authority (SIA) oversees the regulation of the private security industry under the Private Security Act of 2001. The SIA's remit currently covers England, Wales and Scotland. The SIA has two main duties. One is the compulsory licensing of individuals working in specific sectors of the private security industry; the other is to manage the Approved Contractor Scheme, which measures private security companies against a set of operational and performance standards which are independently assessed.

In the ROI the Private Security Authority (PSA) is the statutory body with responsibility for licensing and regulating the private security industry in Ireland. The PSA is an independent body under the aegis of the Department of Justice and Equality. Established following the passing of the Private Security Services Act in 2004, the PSA started licensing security contractors in 2006 and security employees in 2007

#### Criteria to employ guarding companies

There are a number of reasons to employ a guarding company at our restaurants:

- Legislative requirements: usually under the terms of a Premises Licence in relation to extended hours. A licence may prescribe the number of guards we must employ and between what hours they must be present at the restaurant. Should we fail to observe the requirements of the licence we would be operating illegally and the Licensing Authorities, i.e. the Police/Garda and Local Authority would be able to make us close the restaurant and could even prosecute us.

**“The restaurant management team should always attempt to deal with issues in their restaurant in the first instance”.**



## SECTION FOUR Partnership

- Assessed Risk requirements: the restaurant's management team should always attempt to deal with issues in their restaurant in the first instance. However, on occasions a restaurant may experience serious or ongoing disorder, which is beyond the capacity of the restaurant's managers to effectively control. Under these circumstances it is agreed that the risk to staff or customers warrants the use of guards on a regular basis.
- Forecast Risk requirements: we may need guards to deal with short term, specific circumstances such as a potentially problematic football match, demonstrations etc. In these situations we may need to employ guards only for a single shift or at most for a few days.
- Perceived Risk Requirements: where in the immediate aftermath of a serious security incident, short term guarding is required to give staff reassurance; prevent absence; permit retraining and/or the implementation of remedial security measures.

In all cases, the advice of RSG must be sought by McOpCo restaurants before employing security guards. RSG will act as a gatekeeper for McOpCo. Additionally, RSG will extend this service to any Franchisee that seeks such advice. McOpCo restaurants must not enter into a contractual arrangement with any supplier of security services.

### Responsibilities

RSG will maintain a list of lead security guarding companies. These companies will be selected on the basis of professionalism, costs and their approved status with the SIA and PSA.

McOpCo Restaurants will default to one of these companies but may, in exceptional circumstances, use guards from other companies if approved by RSG. In selecting the leading security guarding companies, RSG will take into account:

- Previous track record with McDonald's
- References from at least two other customers
- Appearance of guards
- Geographic coverage
- Costs
- Flexibility
- SIA's or PSA's Approved Contractor Scheme or ISO 9001 accreditation
- Financial stability of the security company
- The ability of the company to meet McDonald's requirements as set out in this policy

Any McOpCo contracts for security guarding will be the responsibility of RSG and Legal Departments

RSG, having consulted the restaurant management team, will agree the guarding to be employed and will also agree the assignment instructions with the Security Guarding Company for each restaurant. The guards will be required to comply with this protocol at all times. Some of the requirements of the protocol may be restaurant specific but will always include:

- Scheduled times
- Number of guards
- Positioning guide
- Agreed breaks
- Food allowances
- Standards of Appearance and uniform
- Electronic incident reporting
- Responsibilities in relation to trash walks
- Provision of supporting documentation including a Security Guard Log to McDonald's requirements

Additionally, RSG will provide Franchisees with a generic Assignment Instructions document – This will be available via the Intranet and can also be found in Annex 2.



## SECTION FOUR Partnership

### *Security Guarding Companies*

- McOpCo approved Security Guarding Companies will be current members of the SIA's or PSA's Approved Contractor scheme or have equivalent ISO 9001 accreditation
- McOpCo approved Security Guarding Companies will ensure that only SIA or PSA registered Door Supervisors are utilised in McDonald's restaurants
- McOpCo approved Security Guarding Companies will ensure that the agreed number of staff are on duty at the restaurant at the agreed times
- McOpCo approved Security Guarding Companies will be responsible for the supervision of their staff at all times
- McOpCo approved Security Guarding Companies will instruct their staff to conduct themselves within the operating protocols agreed between themselves, RSG and the restaurant's management team
- McOpCo approved Security Guarding Companies will provide monthly reports to designated McDonald's staff on the extent to which any service level agreements have been met
- McOpCo approved Security Guarding Companies have the capability to transmit incident reports to designated members of McDonald's staff electronically
- McOpCo approved Security Guarding Companies will submit electronic invoices promptly to the Accounting Centre
- All McOpCo approved security guards must:
  - Be registered with the Security Industry Authority or Private Security Authority at Door Supervisor level
  - Display their SIA/PSA badge at all times
  - Wear the uniform provided by the guarding company and appear smart
  - Not wear anything that is, or appears to be, McDonald's uniform or insignia
  - Sign in on the Security Guard Log when they arrive at the restaurant
  - Sign out when they have completed their duty
  - Enter details of any incident they have dealt in the Security Guard Log
  - Each entry must be counter signed by McDonald's shift manager
  - Comply with the operating protocol agreed with McDonald's RSG and the Guarding Company



### *Restaurants*

Where security guards are employed in a restaurant the Business Manager must:

- Monitor guarding performance and report any Assignment Instruction non-compliance to the Supplier
  - Ensure that any security incidents involving the guard are reported internally using the EIRF system
  - An Incident Log should be maintained and details recoded for any incident worthy of note. This Incident Book is available from PROMPT (IRB0001)
  - Report any instances of no shows, lateness or unauthorised leaving of the restaurant by the guards to the Supplier
  - The guarding rate will be reviewed regularly and agreed between the relevant guarding companies and RSG. Any rate changes will be communicated appropriately
  - All charges in relation to security guards will be the responsibility of the individual restaurant
- McDonald's staff must never be deployed as a Security Guard.

- NB. Should a staff member be injured whilst fulfilling a security role it is possible that McDonald's (or Franchisee) would have failed to comply with a legal duty of care under the Health and Safety at Work Act 1974 in the UK or Safety, Health and Welfare at Work Act 2005 in ROI. Any such failure, or omission, may result in prosecution.



## SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

### Toolbox: Section 5 - Tools

#### 5. a Body Worn Cameras (BWC)

Body Worn Cameras are video cameras that are worn by a person, usually attached to their clothing or uniform. These devices can often record both visual and audio information. They are increasingly used across different sectors, but most commonly by law enforcement agencies.

A BWC system is likely to be more intrusive than a traditional CCTV surveillance system because of its mobility and the ability to record conversations. BWC devices have the ability to be switched on or off, but it is important to know when and when not to record.

Franchisees are advised that BWC devices are most effective when worn by their approved SIA guards and not by employees. Indeed, BWC devices are not approved for use by McOpCo employees.

Managers or employees within McOpCo restaurants are not permitted to use any BWC devices. BWCs must only be used by approved SIA guards.

It is recognised that, when used appropriately, BWCs can have a positive effect on those displaying anti-social or violent behaviour. However there can be negative impacts if BWCs are used incorrectly by untrained individuals. Thus, on balance, the use of BWCs by employees is not recommended to Franchisees, and is not permitted by McOpCo employees.

Benefits of BWC when used by approved SIA guards:

- Protection. Supports the wearer by promoting confidence and provides a tangible backup in confrontational situations
- Deterrent. Encourages compliance and social behaviour through self-awareness and consideration of implicit consequences
- De-escalation. Verbal notification that recording has commenced often prompts modified behaviour by both parties that de-escalates a situation
- Safety. Reduces the risk of verbal and physical attacks on workers
- Transparency. Contributes significantly to the drive for transparency and accountability at the public interface
- Accuracy. Provides verifiable audio/video reporting including an overview of the scene, time-stamp, verbal exchanges, sequence of events and valuable first-account witness statements
- Time-saving. Minimises lengthy descriptive reports and paperwork
- Evidence. Footage from body-worn video devices is admissible throughout the judicial chain, increasing the chance of a successful outcome and accelerating the judicial process by encouraging early guilty pleas
- Reduces complaints. Members of the public are less likely to make spurious complaints against workers

RSG has reviewed the moral, legal and commercial legitimacy of BWCs in our restaurants by approved SIA guards. It is clear that the use of BWCs across an increasing number of security and enforcement sectors is valid. However, the use of this equipment by SIA guards must be proportionate and used in compliance with all relevant guidance on GDPR and Privacy Laws. The use of less intrusive methods to address the identified need must be fully considered before BWCs are introduced. A review of the Privacy Impact Assessment will show whether the BWC system proposed can be justified as proportionate.

There are a number of reasons to use approved SIA or PSA guarding companies only for BWCs including:

- Private Security Industries Act. Guarding activity including guarding premises and property against outbreaks of disorder or against damage is classed as a 'licensable activity' and a 'front line' SIA license is required to ensure compliance to the legislation. This may include providing a physical presence, or carrying out any form of patrol or surveillance, as to deter or otherwise discourage it from happening or to provide information, if it happens, about what has happened.
- Data Control. Information that is collected about individuals is covered by GDPR. The basic legal requirement is to comply with GDPR, however consideration must also be given to the wider legislative environment with relation to

the Freedom of Information Act (FIA) 2000, Human Rights Act (HRA) 1998 and the Protection of Freedoms Act (POFA). We could be liable to prosecution if we fail to comply with any of this legislation.

- Workplace violence. A risk assessment should help identify whether there is a need for individuals to carry out any of the designated activities covered under the Private Security Industry Act 2001 (see above). All approved guards have received additional training in areas of conflict resolution this mitigates the level of risk. This is regulated through the Security Industry Authority (SIA) approval system.

- Customer Perception. McDonald's is a family orientated restaurant and the use of BWCs by our employees could cause unnecessary alarm and adversely affect customer perception of the company.

#### Additional information for Franchisees:

Before the implementation of BWCs within the restaurant, full consideration should be given to the points highlighted above to ensure legislative compliance. It is the duty of the Franchisee to ensure full compliance with all relevant legislation, and to seek such independent, specialist or legal advice as necessary to meet their obligations.

Franchisees are advised to utilise BWCs through SIA approved guards. The use of BWCs by restaurant staff must be carefully considered and assessed. Points to consider include, but are not limited to:

- Has the Privacy Impact Assessment been reviewed and can BWCs be justified as proportionate to the needs of the business?

- Has the GDPR Policy been updated and notification submitted to the Information Commissioner with the next renewal date recorded?

- Does the system chosen produce clear images which the law enforcement bodies (usually the Police/Garda) can use to investigate crime and can these easily be taken from the system when required?

- Has a local workplace violence risk assessment been completed and have suitable and sufficient control measures been documented?

- Have employees been adequately consulted before introducing BWCs?

- Is adequate information, instruction, training and supervision provided to those individuals responsible for using and controlling the BWCs?

- Is clear signage displayed, for example on an individual's uniform, to show that recording is taking place and indicating whether the recording includes audio?

- Is a verbal notification clearly given to the person about to be recorded prior to the BWC controller activating the recording function?







## SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

### 5. b Mosquito

#### Use of Mosquito Equipment

'Mosquito' is a brand name for the Mosquito Anti-Loitering Device. This device emits a high frequency sound that is generally inaudible to people over the age of 25 but is audible, and considered annoying, to most people under the age of 25.

The concept is that 'youths', those under the age of 25, will not want to be in an area where they can hear the Mosquito device. This device can be effective but it is indiscriminate, it will be audible to youths and children who are not engaging in Anti-Social Behaviour as well as those that are.

For this reason, the Mosquito is not approved by RSG for use in McOpCo restaurants.

- The device should only be fitted externally
- (There are 2 types of device available, The Mozy, which is advertised for internal use, and the Mosquito MK4. The Safety, Security & Licensing Department does not endorse the use of The Mozy)
- The device should only be considered for Drive-thru or 'Drive-to' restaurants. The device is not considered suitable for High Street/ In-store locations due to the potential impact on members of the public passing by on a pavement.
- The device should be fitted with a timer to turn it off after a set period of use.
- The device should only be activated when there is an issue and the duration of activation must be limited by a timer that will turn the unit off after a pre-defined period of time.

Used as described above, Planning Permission should not be required to install a Mosquito MK4. The use of the Mosquito MK4 should be recorded in the Incident Log. This will enable the scale of an issue to be assessed as well as the effectiveness of the Mosquito MK4

The Mosquito MK4 is available from Compound Security Systems:

CSS Ltd,  
10 Criccieth Grove,  
Merthyr Tydfil,  
South Wales,  
CF48 1JY

Tel: 01685350418





## SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

### 5. c Classical Music

If your restaurant experiences persistent Anti-Social Behaviour originating from groups of youths, you should consider using classical music at the times when this Anti-Social Behaviour is most prevalent.

The experience of having to walk through a group of youths to enter a restaurant or being disturbed whilst in the dining area by rowdy teenagers can be unnerving. Groups of youths displaying Anti-Social behaviours can cause alarm and distress to other customers, especially the elderly and families.

The concept of playing classical music is simple. When groups of youths are causing a nuisance, playing music that they don't like will mean they are less likely to want to stay in the restaurant. This should assist in displacing the Anti-Social Behaviour.

The effectiveness of this tactic has been tested by Glasgow Caledonian University. Psychologist Dr Raymond MacDonald stated "People will often use music as a badge of identification. It is important to their sense of self. So, if they're faced with some music they don't like they will have a strong adverse response to it and remove themselves from that situation". Importantly, in other research, most other customers stated that they did not notice the classical music and were not put off by this.

Police/Garda forces throughout the UK, ROI and the media have been broadly positive about this crime prevention technique, unlike the use of the Mosquito system which is more polarising.

#### Logistics

The introduction of classical music requires very little effort and has no cost, in summary:

- The music is played over the existing sound system
- ImageSound can remotely re-programme the playlist
- ImageSound can remotely set up the days and times
- Volume can be controlled locally

ImageSound can be contacted on:

Email [Adelle.Richardson@imagesound.co.uk](mailto:Adelle.Richardson@imagesound.co.uk)

Telephone 01246 572 990

The introduction of classical music outside a restaurant is more unusual but can be equally effective at displacing groups of youths that display anti-social behaviours. However, this does require new hardware and additional cost. The system will consist of:

- Directional external speakers
- Management facility to turn the system on and off
- Playlist remotely re-programmed by ImageSound
- Days and times set up remotely by ImageSound
- Volume levels that can be controlled internally

Franchisees can liaise with ImageSound directly. Business Managers should consult with their Operations Consultant or be guided by RSG if they believe that the use of classical music would assist in managing Anti-Social Behaviours. Restaurants based near to residential housing must consider the impact this may have on residents and make a judgement call in whether to install or not



## SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

### 5. d Wi-Fi App

#### Customer Wi-Fi Suspension

Anti-Social Behaviour can result when individuals or groups loiter in restaurants using the free customer Wi-Fi. The customer Wi-Fi service can be temporarily suspended to deter ASB by following the steps shown below.

It is important to note the following:

- Temporarily suspending Wi-Fi will disrupt Wi-Fi service for all customers in the restaurant
- Wi-Fi suspension must not be used for any reason other than ASB
- Managers should inform the individuals causing ASB that Wi-Fi has been suspended and ask them to leave the restaurant. Managers must read the “5 Step Method” before approaching individuals causing ASB

The Shift Manager and Customer Care team can minimise complaints from other customers by apologising and explaining the reason for the suspension of Wi-Fi.

To suspend Customer Wi-Fi:

1. Click on the Wi-Fi Cut Off icon on the ISP desktop



2. Log in with the restaurant email address and password.  
Passwords will be communicated to you separately.

3. Click on the 'Management' icon

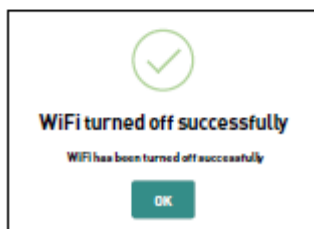


4. Confirm the restaurant details

5. Select the length of time the Wi-Fi should be suspended for and then click 'save'



6. Confirmation will be displayed, click on 'OK' to complete the operation



7. The customer Wi-Fi will not immediately cut-out. It will take two or three minutes for the cut-out to take effect.



## SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

### 5. e Charging Cut-Off

Many individuals and groups who display Anti-Social Behaviour in restaurants are drawn to restaurants by the availability of free Wi-Fi and charging facilities.

New restaurants are constructed with a switch that allows employees to withdraw the power supply to the sockets on the dining area. This may assist in displacing the individuals or groups demonstrating Anti-Social behaviour whilst using the charging facilities.

It is possible to retro-fit a similar switch for existing restaurants. Franchisees wishing to pursue this option should liaise with their electrical maintenance supplier in the first instance. Costs are expected to be around £600/€700. Business Managers who believe their restaurant would benefit from a similar power cut-off switch should speak to their Operations Consultant in the first instance.



## SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

### 5. f Banning

Franchisees and Business Managers should make every effort to provide a restaurant environment that is as safe and secure for our customers and employees as possible. Equally, Franchisees and Business Managers should also seek to find a positive solution to managing Anti-Social Behaviour, but on very rare occasions a reoccurring or serious problem with an individual may make it necessary for that individual to be formally banned.

Banning an individual should be considered a last resort and should only be considered after the Franchisee or Business Manager has worked through the guidance in Section One to Three of the Managing Anti-Social Behaviour Guide.

It should be noted that simply asking someone to leave a restaurant does not necessarily constitute a ban. If a ban is to be applied, the recommended approach is to adopt a documented ban supported by an external partner. Before initiating any banning, you should familiarise yourself with this guidance and have secured the support of an external partner, ideally the local Police/Garda. Guidance on building external partnerships can be found here.

Once an external partner has been identified, explain that you have tried to tackle Anti-Social Behaviour within the restaurant and now believe that banning is an appropriate next step. Further, explain that you would prefer to link to a local scheme that they already endorse. Be aware that an external partner is likely to want to know:

- What measures, if any, you have already undertaken to deal with the issues
- What information / local knowledge you may have gathered about the individuals causing the Anti-Social Behaviour, including records of incidents, recorded CCTV, names /nicknames identified, individuals known to crew members
- What is the restaurant plan and how they can assist?

Remember, partnership work takes time and effort and you cannot simply expect Police/Garda or others to make Anti-Social Behaviour go away without contributing to this yourself.

As a business, there is an entitlement to refuse to serve any person and ask them to refrain from visiting our restaurants. The grounds for banning can vary by incident, but the following criteria indicate potential situations in which expulsion maybe appropriate:

- The individual has engaged in any activity that constitutes a criminal offence - e.g. assault, wilful property damage, etc.
- The individual is interfering with the rights, comfort, or convenience of customers and employees
- The individual has consumed alcoholic beverage or illegal substance on the premises
- The individual has repeatedly loitered or otherwise remained on the premises without a discernible legitimate purpose. Loitering guidance is here.
- The individual has disturbed the ability to conduct business or causes customers or employees to fear for their safety

The above list gives examples, there may be situations warranting banning that are not listed. For consistency, Franchisees and Business Managers should consider banning an individual from more than one restaurant.

#### Process

The process for banning, as outlined below, is designed to protect employees from making wrongful accusations and the risk to employees or customers that could result. Franchisees and Business Managers should take the issuing of a banning notice seriously and every effort should be made to ensure that all the facts are obtained and documented before a ban is given.

- The Business Manager wishing to instigate a banning letter should report the incident involving the member of the public to the Police/Garda and obtain from them an Incident Reference Number and/or comply with the agreed protocol outlined by the external partner
- The Business Manager wishing to issue a Banning Letter should first create a Banning Folder, where a copy of the Banning Letter and supporting evidence must be kept. Blank Banning letters are available on the Intranet or here.
- The Banning Folder should be kept secure in an office in order to comply with data protection considerations

• The Banning Letter should be issued by the external partner i.e. Police/Garda if possible however banning is a civil matter and many Police/Garda forces will not issue these due to this.

There is no upper time limit on bans, but a minimum period of 12 months is standard practice in Retail. Also, there is no need to offer a right of appeal. If in doubt, it is recommended that Franchisees and Business Managers align their banning procedures to that of any locally-run scheme.

### Example Banning Notice



**Banning Notice**

McDonald's  
(Insert Restaurant Address)  
(Insert Date)

Dear (Insert Name),

**REF: NOTICE OF EXCLUSION: FROM (Insert Restaurant Address)**

We are entitled to refuse to serve any person and ask them to refrain from visiting our restaurants.

This letter is to inform you that McDonald's is no longer prepared to allow you to enter (any of its restaurants / the restaurants listed above) for any reason whatsoever, including the purchase of goods either in the restaurant, through the "Drive Thru", using an ordering kiosk or McDonald's App.

We also give you notice that if you do enter any restaurant outlined above, you will be considered a trespasser. Our employees will ask you to leave the premises and if you refuse, the Police will be called and asked to supervise your removal to ensure that there is no breach of the peace.

A copy of this letter and CCTV footage of your inappropriate behaviour may be made available to the Police and may be used as evidence.

In the event that you continue to enter, we reserve the right to take whatever further action we deem appropriate.

Yours sincerely

(Sign)  
Business Manager



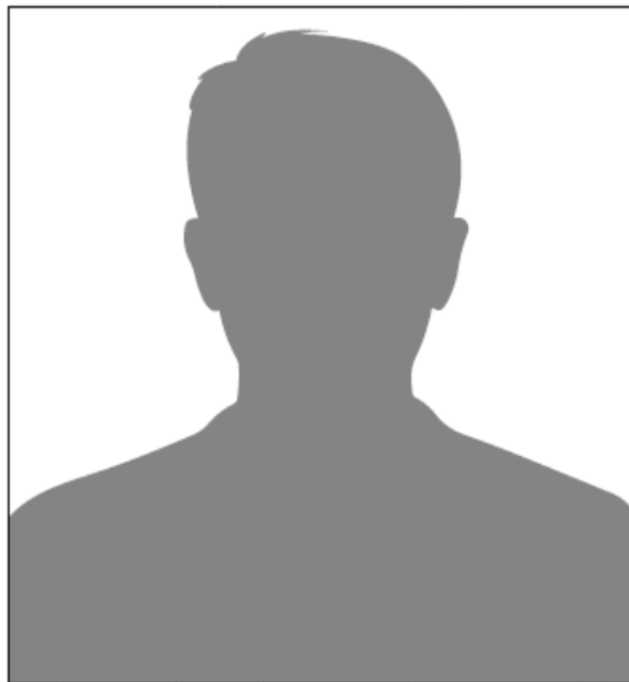
## SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

Example Entry in Banning Folder

### **Persons Banned from (Restaurant Name) McDonald's**

Name: (Individual's Name)



Date Banned: (Date)

Banning Letter Issued: Yes/No

Reason Banned: (Enter Reason)



## SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

### 5.g Anti-Social Behaviour Commitment

With our vast experience of meeting with the Police/Garda and other agencies in relation to any issue they are always more willing to support and offer resource if they can see that you are doing something to help yourself. As such when looking to build relationships with external bodies such as the Police/Garda it is important to develop and produce a list of “commitments” that the restaurant and management team are willing to do, in this case to tackle Anti-Social Behaviour. Even if you are not ready to meet with any external partners it is a good idea to produce this type of document so that the whole team are aware of the tactics you want to use and are aligned in the expectation of delivering them. A consistent approach is always the most effective way to tackle any issue.

An “ASB Commitment” document demonstrates to external partners that you are taking the issues seriously and are open with what you are doing. It is beneficial when the time is right to meet with the Police/Garda and Guarding Provider (if being used) to talk through your commitment document and then discuss what commitments they are willing to commit to. These can then be added to the document to create your ASB Commitment. When completing your commitments be mindful not to over commit and only put those things down which you feel are achievable in the restaurant. Once the final commitment document has been drawn up you will need to share this with all stakeholders and be prepared to be challenged if you do not deliver on your commitments, but at the same time don't be afraid to challenge other stakeholders if they don't deliver on their commitments.

#### Example ASB Commitment

##### McDonald's

1. Public Wi-Fi to be turned off from 17:00 – 22:00 7 days a week
2. Classical Music to be played from 17:00 until 22:00 7 days a week
3. Tablets will be removed from the dining area from 20:00 and stored in the tablet safe
4. Plug sockets and air charges are to be turned off from 17:00 – 22:00 7 days a week
5. All managers to re-sit the online Conflict Management training
6. Business Manager to work through the ASB guidance document on the Intranet
7. Shift managers to wear the Staff Safe trigger at all times (3 grey and 1 red should be available) and the 5 step method adopted
8. Banning process followed and banning letters passed to local Police/Garda ASB team
9. Meet monthly with the local Police/Garda ASB team to review incidents and offenders and to pass over banning letters
10. Put together a banning letters file so all letters are kept with a record of banned dates
11. Images of banned individuals kept for managers to review to ensure individuals are not allowed to return to the restaurant once banned, this should be reviewed by Managers, Dining Area and Till staff
12. Ensure banned individuals are discussed at shift change over by introducing a ASB Shift Handover
13. Ensure that shift managers are engaging with Police/Garda officers when they enter the restaurant
14. Support the Police/Garda when they ask individuals to leave, they should not be served again that evening, the same applies when a manager asks someone to leave, they should not then be served until the next day.
15. A new incident log will be ordered and all incidents to be captured in the incident log with images of the offenders added to each incident taken from the CCTV





## SECTION FIVE Tools

Available to Manage Anti-Social Behaviour

16. All Managers to be trained in how to burn CCTV images and are to give footage to the police/Garda immediately when asked.
17. All Managers to be trained on the Staff Safe 5 Step method
18. All managers to be trained on how to disable the Wi-Fi
19. Establish contacts at KFC, Odeon and Dominoes for Information sharing purposes. Consider having an arrangement where banned individuals are not allowed to enter any other retailer on the site
20. Build better relationships with site security team
21. Hold a managers meeting to discuss the above and to reiterate the importance of consistency and adherence

### **Guarding Provider**

22. Guarding team to complete ASB training
23. Minimum of one guard to wear a bodycam
24. Guards to review the images of banned individuals and refuse entry

### **Police/Garda**

25. Find out the details of the next Retail Park meeting
26. Pass the details of the local Youth Club to the Business Manager at McDonald's
27. Issue McDonald's Banning Letters alongside ASB Contracts
28. Meet the Business Manager on a monthly basis initially to review the incident log and to accept banning letters
29. Provide a Police force Logo for use on McDonald's banning letters. McDonald's will add a strap line to the banning letter which states "Working in conjunction with xxxxxxxxx Police to tackle Anti-Social Behaviour"





# **McDonald's Litter Management Plan**

**St Clears**

## **Introduction**

This litter management plan will be placed in the stores Environmental folder. The management of the restaurant will be responsible for routinely reviewing and updating the litter plan, and will record litter patrols as set out below.

These initial steps should be undertaken before the restaurant first opens, and then reviewed on a weekly basis for the first four weeks, and then reviewed every six months or sooner if necessary.

The following plan is a guide for store managers

### **Step 1 - Get To Know the Area around the Restaurant**

Managers should walk local roads, footpaths, parks etc. at different times of the day and evening.

### **Step 2 – Assess Needs**

Assess the arrangements needed to prevent a build-up of litter. Observe where McDonald's litter is being left and the periods when it builds up. A minimum of 100 metres in all directions around the restaurant should be assessed.

If you need further information when assessing the needs of a litter patrol plan, consider contacting your local council's street cleansing officer who will know of any heavily or frequently littered areas. Try to determine the extent and times of other street cleaning services e.g. the local council's street cleaners.

### **Step 3 – Plan and Document**

Plan and document the litter patrol route and frequency etc. i.e. the Litter Patrol Plan. The Litter Patrol Plan should clearly identify the route and frequency of patrols. Blank plan sheets are supplied in the Environment File. A blank plan for photocopying is attached. A simple map of the litter patrol area, showing the route, should be produced for easy reference for restaurant staff.

### **Step 4 – Implement Patrols**

Schedule sufficient crew, entering their names in the shift floor plan and implement the patrols. Communicate clearly the requirements of the Litter Patrol Plan. Provide the necessary equipment to carry out the patrols.

### **Step 5 – Review**

Review the Litter Patrol Plan every 6 months or sooner if there is a major change which may affect litter build-up. For new restaurants review the plan weekly for the first four weeks of trading.

### Litter Patrol Standards

Litter Patrol should remove litter as follows:

AREA	REMOVE
Within the McDonald's boundary	All litter
Within the immediate area around the restaurant – (guide distance – 10 metres from the restaurant or car park boundary)	All McDonald's litter
Within the whole litter patrol area – (minimum 100 metres from the restaurant or car park boundary)	All McDonald's litter

- **Frequency** – the frequency and extent of litter patrols will be determined by the management assessment, typically 3 per day, however 1 per day should be used as a minimum level. The most effective times for these patrols will be determined by the management assessment.
- The need for a wider area litter patrol should be assessed by managers using knowledge built up of the local area and any concerns brought to their attention.
- The patrols should be flexible to meet the needs of your neighbours and of special events. The frequency and extent of litter patrols will be determined by the management assessment.

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/01/20

gan Alwyn B Nixon BSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.02.2020

## Appeal Decision

Site visit made on 14/01/20

by Alwyn B Nixon BSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18.02.2020

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**Appeal Ref: APP/M6825/A/19/3240281**

**Site address: Land at St Clears Roundabout, Old Tenby Road, St Clears, Carmarthenshire**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Draycott Investments and Developments against the decision of Carmarthenshire County Council.
  - The application Ref W/37120, dated 14 November 2017, was refused by notice dated 27 September 2019.
  - The development proposed is development of site with the erection of both a freestanding restaurant and a freestanding coffee shop, both with associated drive through facility; installation of access road, associated car park, patio areas, extraction equipment and wider associated works to the site.
- 

### Decision

1. The appeal is allowed and planning permission is granted for development of site with the erection of both a freestanding restaurant and a freestanding coffee shop, both with associated drive through facility; installation of access road, associated car park, patio areas, extraction equipment and wider associated works at land adjacent to St Clears Roundabout, Old Tenby Road, St Clears, Carmarthenshire in accordance with the terms of the application, Ref W/37120, dated 14 November 2017, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

### Application for costs

2. An application for costs was made by Draycott Investments and Developments against the Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue is the acceptability of the proposed development, having regard to its location substantively beyond the development limits for St Clears and to other material considerations.

## Reasons

4. The application was recommended for approval by the Council's professional officers but was refused planning permission for the sole reason that the proposal is contrary to policy GP2 *Development Limits* of the adopted Carmarthenshire Local Development Plan (LDP) in that it is located outside the development limit of St Clears as defined in the Plan.
5. LDP policy GP2 defines development limits for a range of settlement types within Carmarthenshire's identified settlement framework. It states that proposals within defined development limits will be permitted, subject to other policies and proposals of the Plan, national policies and other material considerations. The accompanying text within the written statement explains the purposes of defining development limits as including to prevent inappropriate development in the countryside; to prevent coalescence of settlements, ribbon development or a fragmented development pattern; and to promote effective and appropriate use of land concentrating growth within defined settlements.
6. From the above it is clear that policy GP2 seeks to direct new development primarily to locations within the development limits of the settlements identified by the Plan. Whilst the logical corollary to this is that it is not generally permissive of proposals outside the development limits of settlements, policy GP2 does not explicitly prohibit all development in such locations.
7. The appellant points to LDP policy EMP2 *New Employment Proposals*, which permits (subject to certain provisos) employment developments which are within, adjacent or directly related to the development limit of a defined settlement. However, I consider that this section of the LDP is primarily aimed at proposals for B1-B8 employment development rather than Class A3 uses as proposed here. Consequently, although the proposed restaurant and coffee shop facilities plainly would bring significant employment opportunity to the locality, they do not fall neatly within the ambit of LDP policy EMP2, as contended by the appellant.
8. I fully recognise the Council's concern to ensure that new development is sustainably located, relates well to the existing pattern of development and that the character of the countryside is protected from unnecessary development. However, in this case there is strong justification for the proposal, notwithstanding its location outside the defined development limit. The principal purpose of the development is to provide combined drive-through and eat-in refreshment facilities for travellers on the primary strategic A40 and A477 routes through south-west Wales. Both routes carry large numbers of holiday, tourism, commercial and other traffic and are of major importance to the regional economy. The appeal site location, where the A477 joins the A40, is an obvious potential location for such a facility; this is not disputed by the Council and it does not suggest that a preferable location exists elsewhere. I consider that the Council's opposition to the proposal based on its location outside the defined development limit is negated by the proposal's clear locational requirements linked to the strategic road network.
9. Moreover, notwithstanding that the main body of the site lies outside the settlement development limits, it adjoins the built-up area of St Clears and is within walking distance of the core of the service centre where other local facilities exist. The site is also located directly across the A4066 into St Clears from the existing Travelodge. Overall, I consider that the site performs well as regards accessibility considerations and that the proposal would contribute to the sustainability of St Clears through the provision of additional employment opportunities and an increase in the range and



number of local facilities. Although some objectors express concern about a possible adverse effect upon existing businesses in St Clears, competition between individual businesses is not a relevant planning consideration. There is no evidence to suggest that the proposal would harm the viability or vitality of the retail centre, and the Council does not seek to argue that this would be the case. On the evidence before me I am satisfied that no sequentially preferable site relative to the town centre exists which is suitable to accommodate the proposed drive-through/eat-in facilities.

10. Although located outside the development limits identified in the LDP, the prevailing character of the site's environs is edge-of-settlement rather than open countryside, with visible development close by in most directions. The locality does not possess any designation indicating any special landscape sensitivity or value. Moreover, the developed character of the site's environs is likely to be reinforced as the housing site on its north-east side is delivered. Given the presence of this housing allocation the appeal proposal would not result in a materially harmful erosion of the gap separating the development limits of St Clears and Pwll Trap. In summary the proposal would relate well to the existing built form of the locality and would not harm the area's character and appearance.
11. Overall, therefore, I conclude that whilst the site of the proposal lies largely outside the defined development limit of St Clears, the specific locational requirement of the development due to its primary function as a service facility on the strategic road network constitutes a cogent and overriding justification for the development's location beyond the development limit. On this basis I find that the location of the proposed development is justified. Since the proposed development would also be located on the edge of the built-up area and relate well to the existing settlement form, I conclude that the proposal is nonetheless broadly consistent with LDP policy GP2 and that it is in accordance with the Plan as a whole.
12. In reaching my decision I have considered all other matters. The access arrangements to the site are supported by Transport Assessment evidence. I am satisfied with the adequacy of this evidence and that the vehicular and pedestrian access arrangements proposed are satisfactory and consistent with national highway safety standards, based on surveyed conditions at this location. The development design pays due regard to relevant ecological considerations, including potential effects on the nearby SAC, in respect of which an appropriate assessment has been carried out. The proposed parking arrangements are acceptable, and whilst some additional details are needed concerning matters such as landscaping and drainage, these are matters which can be resolved by the imposition of conditions.
13. The appellant has executed a section 106 unilateral undertaking concerning a financial contribution to fund the incorporation of a pedestrian phase into the signalised junction a few hundred metres east of the site. However, notwithstanding the undertaking the appellant contends that a requirement for such a contribution would not meet the tests for planning obligations. Whilst I recognise that the contribution was sought by the Council following the comments of the Highways Authority, I find insufficient evidence before me to conclude that the provision of a pedestrian phase at the signalised junction is necessary to make the proposal acceptable in planning terms. The signalised junction is a considerable distance away from the site and there is no evidence indicating that the development would alter conditions at the junction to an extent that would threaten its continued safe operation in its existing form. My decision to grant planning permission is therefore not dependent upon the unilateral undertaking.

14. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. I consider that, subject to the conditions that I have decided should be imposed, my decision to allow the appeal and grant planning permission is consistent with objectives identified by the Welsh Ministers of supporting businesses to drive prosperity, tackling regional inequality, building resilient communities and delivering modern and connected infrastructure.
15. I have had regard to all other matters raised by other interested parties who have commented, either at application or appeal stage. However, I find nothing in those submissions which alters the balance of my conclusions on the main issue, as set out above.
16. I have considered what conditions are necessary in addition to the standard conditions identifying the time limit for commencement and the approved drawings and details. as a result of my decision to allow the appeal. I agree that conditions are needed relating to the site access (including visibility splays) and internal circulation, parking and turning areas, to ensure that these elements of the development are properly provided (conditions 3-5). Conditions relating to a Construction Traffic Management Plan, Delivery Management Plan and footway improvements on the A4066 are also needed in the interests of highway safety (6-8). Conditions relating to foul and surface water drainage (9-10), existing landscape features protection and new landscaping (11-12), noise regulation (13-16), archaeological investigation (17) and pollution prevention (18) are also necessary, to secure the development's acceptability in respect of these matters.
17. For the reasons given and having taken into account all matters raised, I allow the appeal.

*Alwyn B Nixon*

**Inspector**

**Planning permission granted by Appeal decision APP/M6825/A/19/3240281:**

**Schedule of conditions**

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
  - Block plan (2002N) received on 7 May 2019;
  - Existing site plan (2003H) received on 7 May 2019;
  - Location plan (2001J) received on 7 May 2019;
  - Proposed site plan (2004P) received on 7 May 2019;
  - Site masterplan (2067L) received on 7 May 2019;

- Arboricultural development report dated April 2019 received on 7 May 2019;
- General arrangement and planting plan (210) received on 7 May 2019;
- Landscape concept scheme dated March 2019 received on 7 May 2019;
- Transport Assessment Summary Report dated 9 May received on 10 May 2019;
- Sections A, B and C plan (8180424/4200) received on 15 November 2018;
- Site survey plan (sheet 1 of 2) (8180424/4101) received on 15 November 2018;
- Site survey plan (sheet 2 of 2) (8180424/4102) received on 15 November 2018;
- Drainage report dated September 2018 received on 31 October 2018;
- Drainage strategy (sheet 1 of 2) (SK05 P4) received on 31 October 2018;
- Drainage strategy (sheet 2 of 2) (SK06 P4) received on 31 October 2018;
- Litter management plan received on 1 June 2019;
- Noise impact assessment dated May 2018 received on 22 May 2018;
- Archaeology Report dated July 2017 received on 24 April 2018;
- Fencing details with photo received on 6 March 2018;
- McDonalds proposed elevations (2005A) received on 6 March 2018;
- McDonalds proposed internal layout (2006A) received on 6 March 2018;
- Proposed lighting layout and schedule (DWG01) received on 6 March 2018;
- Typical barrier and lamp post details received on 6 March 2018;
- Outdoor play equipment received on 6 March 2018;
- Design and access statement (Final V5) received on 6 March 2018;
- Planning and sequential statement (Final V5) received on 6 March 2018;
- Transport assessment (February 2018 Part 1 of 2) received on 6 March 2018;
- Transport assessment (February 2018 Part 2 of 2) received on 6 March 2018;
- Costa Balustrade (Balustrade-01) received on 14 November 2017;
- Costa COD DT Canopy received on 14 November 2017;
- Costa elevations (1800(side)-01C) received on 14 November 2017;
- Costa general arrangement plan (1800(side)-02C) received on 14 November 2017;
- Costa roof plan (1800(side)-03B) received on 14 November 2017;
- McDonalds Kitchen Extract schematic (1001) received on 14 November 2017;

- Brochure – December 2016 – Alpine – square edges received on 14 November 2017;
  - EQ003 Play frame received on 14 November 2017;
  - McDonalds euroline patio furniture received on 14 November 2017;
  - Mitsubishi Cassette unit – typical details received on 14 November 2017;
  - The Poseidon tensile umbrella received on 14 November 2017;
  - The Poseidon tensile umbrella speech sheet received on 14 November 2017;
  - UHS mill bench, stool and table received on 14 November 2017;
  - Ecological assessment dated July 2017 received on 14 November 2017;
  - McDonalds Kitchen Extract Odour Control received on 14 November 2017;
  - McDonalds HVAC Roof layout with attenuation drawing (02) received on 10 July 2019.
- 3) Prior to the occupation of the development herewith approved, the required access roads, footways and footpaths from the existing public highway shall be laid out and constructed in accordance with the plans herewith approved to at least basecourse level, and with the visibility splays provided.
  - 4) Prior to any use of the access by vehicular traffic, visibility splays of 2.4 metres x 43 metres to the west side and 2.4 metres x 57 metres to east side of the centre line of the access in relation to the nearer edge of carriageway, shall be formed and thereafter retained at all times. There shall at no time be any obstruction above 0.9 metres within the splay area.
  - 5) The parking spaces, turning areas and circulation layout shown on the approved plans shall be provided prior to commencement of use of the development herewith approved. Thereafter they shall be retained, unobstructed, for these purposes.
  - 6) Prior to any part of the development being brought into use, a detailed Delivery Management Plan for the development shall be submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with the approved details.
  - 7) No development shall take place until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the CTMP.
  - 8) Development shall not begin until details of the proposed pedestrian improvements along the A4066 Old Tenby Road, as set out in the ADL Transport Assessment Summary dated 9 May 2019, have been submitted to and approved in writing by the local planning authority. The development shall not be brought into use until the improvements have been constructed in accordance with the approved details.
  - 9) Development shall not begin until a scheme for the upgrading of the St Clears Waste Water Treatment Works to allow it to accommodate the foul discharges from the development without increasing the risk of breaches to the discharge consent for the treatment works has been submitted to and approved in writing by the local planning authority. The development shall not be brought into use

until the Waste Water Treatment Works has been upgraded in accordance with the approved details.

- 10) Development shall not begin until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development and retained thereafter.
- 11) All site operations shall be undertaken in compliance with the approved landscape constraint and protection information, as defined in the Arboricultural development report dated April 2019 and landscape concept scheme dated March 2019 received on 7 May 2019.  
Any construction operations and/or access within the defined construction exclusion zone(s) (CEZ) shall be limited to those undertaken in compliance with the recommendations of BS5837.  
CEZ(s) shall be fully implemented prior to the commencement of any works associated with the development; and thereafter maintained in entirety, throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site. Any existing landscape elements, or part thereof, identified for protection which, within a period of 5 years after development works are removed, die, become diseased, damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the landscape element in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification and in such positions as may be agreed in writing with the local planning authority, and thereafter likewise conditioned for a further period of five years.
- 12) No development or site clearance shall take place until a comprehensive detailed Landscape Design Scheme (LDS), has been submitted to and approved in writing by the local planning authority. The LDS shall deliver proposals which effectively integrate appropriate site-specific landscape, ecological and biodiversity objectives and functions. The LDS shall be in compliance with relevant guidance as provided by the local planning authority and the principles of the landscape and ecological information submitted within the Arboricultural development report dated April 2019 and landscape concept scheme dated March 2019 received on 7 May 2019, and Section 6.2 of the Ecological Assessment dated July 2017 received on 14 November 2017.  
The approved LDS shall be fully implemented prior to the occupation of the development. Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved LDS which, within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.
- 13) The cumulative rating level of the noise emitted from all plant/machinery associated with the proposed development shall not exceed the existing background noise level, which shall be determined at the nearest noise sensitive property or at another location that is deemed suitable by the authority. The background noise levels are defined as follows:
  - 49dB between the hours of 07:00 and 19:00
  - 40dB between the hours of 19:00 and 23:00

- 34dB between the hours of 23:00 and 07:00

Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound; background noise levels shall be expressed as LA90 1hr and the ambient noise levels shall be expressed at Laeq 1hr.

- 14) The plant shall be suitably designed in order to ensure it exhibits no features that require a character correction as defined in BS 4142: 2014 Methods for rating and assessing industrial and commercial sound, as a result of any tonality, impulsivity, other specific characteristics and/or intermittency internally or externally to any noise sensitive property.
- 15) At the written request of the local planning authority, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142: 2014 Methods for rating and assessing industrial and commercial sound to determine whether noise arising from development complies with conditions 13 and 14 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Conditions 13 and 14 are not complied with then the submitted assessment shall also include mitigation measures to ensure compliance with these conditions. The development shall thereafter operate in accordance with the approved details.
- 16) The plant associated with the proposed development shall be as set out in the Noise Impact Assessment dated May 2018 received on 22 May 2018 and the McDonalds HVAC Roof layout with attenuation drawing (02) received on 9 July 2019 and shall provide the following levels of noise attenuation:

Plant Item	Required sound reduction	
	Daytime (0700-1900)	Night time (1900-0700)
• AC01C1 MUZ-SF25VE	5 dB	5 dB
• AC02C1 MUZ-SF25VE	5 dB	5 dB
• S1 IDF2BDX150	25 dB	30 dB
• S2 IDF2BDX150	25 dB	30dB
• E1 BW10-500	15 dB	15dB
• EF1 BW10-500	N/A	8 dB

- 17) No development shall take place until a qualified and competent archaeologist has submitted a written scheme of investigation (WSI) for approval in writing by the local planning authority. This WSI will describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time. On behalf of the local planning authority, their archaeological advisors (DAT DM) will monitor all aspects of this work through to the final discharging of the condition. This work will not be deemed complete until all aspects of the WSI have been addressed and the final report submitted and approved.
- 18) No development approved by this permission shall be commenced until a Pollution Prevention Method Statement (PPMS) detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the local planning authority. The details of the PPMS shall be implemented as approved. As a minimum the PPMS must include the following:

- Storage facilities for all fuels, oils and chemicals.
- Any water features on the site and how they will be protected.
- How any watercourses will be crossed or confirmation that this is not applicable.
- Any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site.
- Details of the nature, type and quantity of materials to be imported on to the site.
- Measures for dealing with any contaminated material (demolition waste or excavated waste).
- Details of waste types that will be produced and how they will be managed.
- Details of any invasive species on site and how they will be managed.
- Identification of any buried services, such as foul sewers, so that they are protected.
- Details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0300 065 3000.

Reasons for conditions:

- 1) Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2) To define the extent of the permission.
- 3)-8) In the interests of highway safety (LDP policies GP1 and TR3).
- 9)-10) To ensure the installation of an appropriate drainage scheme and to prevent the pollution of the environment (LDP policies GP1, EP2 and EP3).
- 11)-12) To protect existing landscape and ecological features and ensure the provision, establishment and maintenance of an appropriate landscaping scheme (LDP policy GP1).
- 13)-16) In the interests of safeguarding residential amenity (LDP policy GP1).
- 17) To protect historic environment interests whilst enabling development (LDP policies EQ1 and SP13).
- 18) To prevent pollution of the environment (LDP policies GP1 and EP3).



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/01/20

gan Alwyn B Nixon BSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.02.2020

## Appeal Decision

Site visit made on 14/01/20

by Alwyn B Nixon BSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18.02.2020

Cyf yr apêl: APP/M6825/A/19/3240281

Cyfeiriad y safle: Tir wrth Gylchfan Sanclêr, Old Tenby Road, Sanclêr, Sir Gaerfyrddin

**Mae Gweinidogion Cymru wedi trosglwyddo'r awdurdod i benderfynu ar yr apêl hon i mi fel yr Arolygydd penodedig.**

- Cyflwynir yr apêl o dan adran 78 Deddf Cynllunio Gwlad a Thref 1990 yn erbyn gwrthod rhoi caniatâd cynllunio.
- Cyflwynir yr apêl gan Draycott Investments and Developments yn erbyn penderfyniad Cyngor Sir Gaerfyrddin.
- Gwrthodwyd y cais, Cyf W/37120, dyddiedig 14 Tachwedd 2017, trwy hysbysiad dyddiedig 27 Medi 2019.
- Y datblygiad a gynigir yw datblygu'r safle trwy godi bwyty annibynnol a siop goffi annibynnol, y mae cyfleuster gyrru trwodd yn gysylltiedig â'r ddau; gosod ffordd fynediad, maes parcio cysylltiedig, ardaloedd patio, offer echdynnu a gwaith cysylltiedig ehangach ar y safle.

### Penderfyniad

1. Caniateir yr apêl a rhoddir caniatâd cynllunio i ddatblygu'r safle trwy godi bwyty annibynnol a siop goffi annibynnol, y mae cyfleuster gyrru trwodd yn gysylltiedig â'r ddau; gosod ffordd fynediad, maes parcio cysylltiedig, ardaloedd patio, offer echdynnu a gwaith cysylltiedig ehangach ar dir gerllaw Cylchfan Sanclêr, Old Tenby Road, Sanclêr, Sir Gaerfyrddin yn unol â thelerau'r cais, Cyf W/37120, dyddiedig 14 Tachwedd 2017, a'r cynlluniau a gyflwynwyd gydag ef, yn ddarostyngedig i'r amodau a amlinellir yn yr atodlen ar ddiwedd y penderfyniad hwn.

### Cais am gostau

2. Cyflwynodd Draycott Investments and Developments gais am gostau yn erbyn y Cyngor. Mae'r cais hwn yn destun Penderfyniad ar wahân.

### Y Prif Fater

3. Y prif fater yw derbynioldeb y datblygiad arfaethedig, o ystyried ei leoliad ymhell y tu hwnt i'r terfynau datblygu ar gyfer Sanclêr ac ystyriaethau eraill perthnasol.

### Rhesymau

4. Argymhellodd swyddogion proffesiynol y Cyngor y dylid cymeradwyo'r cais, ond gwrthodwyd rhoi caniatâd cynllunio iddo dim ond oherwydd bod y cynnig yn groes i bolisi GP2 *Terfynau Datblygu* Cynllun Datblygu Lleol (CDLI) mabwysiedig Sir



Gaerfyrddin gan ei fod wedi'i leoli y tu allan i derfyn datblygu Sanclêr, fel y'i diffinnir yn y Cynllun.

5. Mae polisi GP2 y CDLI yn diffinio'r terfynau datblygu ar gyfer amryw fathau o aneddiadau o fewn fframwaith aneddiadau dynodedig Sir Gaerfyrddin. Mae'n datgan y bydd cynigion o fewn terfynau datblygu diffiniedig yn cael eu caniatáu, yn amodol ar bolisiau a chynigion eraill y Cynllun, polisiau cenedlaethol ac ystyriaethau eraill perthnasol. Yn ôl y testun sy'n cyd-fynd â'r datganiad ysgrifenedig, mae dibenion diffinio terfynau datblygu yn cynnwys atal datblygiad amhriodol yng nghefn gwlad; atal aneddiadau rhag cyfuno, datblygiad hirgul neu batrwm datblygu tameidiog; a hybu defnydd effeithiol a phriodol o dir sy'n canolbwyntio twf o fewn aneddiadau diffiniedig.
6. O'r uchod, mae'n amlwg bod polisi GP2 yn ceisio cyfeirio datblygiad newydd yn bennaf at leoliadau o fewn terfynau datblygu'r aneddiadau a amlygwyd gan y Cynllun. Er bod hynny'n golygu ei bod yn rhesymegol dod i'r casgliad na chaniateir cynigion y tu allan i derfynau datblygu aneddiadau yn gyffredinol, nid yw polisi GP2 yn gwahardd pob datblygiad yn y cyfryw leoliadau yn llwyr.
7. Mae'r apelydd yn cyfeirio at bolisi EMP2 *Cynigion Cyflogaeth Newydd* y CDLI, sy'n caniatáu (yn ddarostyngedig i amodau penodol) datblygiadau cyflogaeth sydd o fewn, gerllaw neu'n uniongyrchol gysylltiedig â therfyn datblygu anheddiad diffiniedig. Fodd bynnag, credaf fod y rhan hon o'r CDLI wedi'i hanelu'n bennaf at ddatblygiadau cyflogaeth B1-B8 yn hytrach na defnyddiau Dosbarth A3, fel y cynigir yma. O ganlyniad, er y byddai'r cyfleusterau bwyty a siop goffi arfaethedig yn sicr yn dod â chyfleoedd cyflogaeth arwyddocaol i'r ardal, nid ydynt yn syrthio'n daclus o fewn cwmpas polisi EMP2 y CDLI, fel y dadleuir gan yr apelydd.
8. Rwyf yn llwyr gydnabod awydd y Cyngor i sicrhau bod datblygiad newydd yn cael ei leoli'n gynaliadwy, ei fod yn cydweddu'n dda â'r patrwm datblygu presennol a bod cymeriad cefn gwlad yn cael ei warchod rhag datblygiad diangen. Fodd bynnag, mae cyfiawnhad cryf i'r cynnig yn yr achos hwn, er gwaethaf ei leoliad y tu allan i'r terfyn datblygu diffiniedig. Prif ddiben y datblygiad yw darparu cyfleusterau lluniaeth gyrru trwodd a bwyta dan do cyfunol i bobl sy'n teithio ar brif lwybrau strategol yr A40 a'r A477 trwy dde-orllewin Cymru. Mae'r ddau lwybr yn cludo llawer iawn o draffig gwyliau, traffig twristiaeth, traffig masnachol a thraffig arall, ac maen nhw'n bwysig iawn i'r economi ranbarthol. Mae lleoliad safle'r apêl, lle mae'r A477 yn ymuno â'r A40, yn lleoliad posibl amlwg ar gyfer cyfleuster o'r fath; nid yw'r Cyngor yn anghytuno ac nid yw'n awgrymu bod lleoliad amgen yn bodoli yn rhywle arall. Ystyriaf fod gwrthwynebiad y Cyngor i'r cynnig, yn seiliedig ar ei leoliad y tu allan i'r terfyn datblygu diffiniedig, wedi'i negyddu gan ofynion lleoliadol clir y cynnig yn gysylltiedig â'r rhwydwaith ffyrdd strategol.
9. At hynny, er bod prif ran y safle y tu allan i derfynau datblygu'r anheddiad, mae'n cyffinio ag ardal adeiledig Sanclêr ac o fewn pellter cerdded o graidd y ganolfan wasanaeth lle mae cyfleusterau lleol eraill yn bodoli. Mae'r safle hefyd wedi'i leoli'n union ar draws yr A4066 i Sanclêr o'r Travelodge presennol. At ei gilydd, ystyriaf fod y safle'n addas o ran ystyriaethau hygyrchedd ac y byddai'r cynnig yn cyfrannu at gynaliadwyedd Sanclêr trwy ddarparu cyfleoedd cyflogaeth ychwanegol a chynyddu ystod a nifer y cyfleusterau lleol. Er bod rhai gwrthwynebwyr yn mynegi pryder ynghylch effaith niweidiol bosibl ar fusnesau presennol yn Sanclêr, nid yw cystadleuaeth rhwng busnesau unigol yn ystyriaeth gynllunio berthnasol. Nid oes tystiolaeth i awgrymu y byddai'r cynnig yn niweidio hyfywedd neu fywiogrwydd y ganolfan fanwerthu, ac nid yw'r Cyngor yn ceisio dadlau hynny. Ar sail y dystiolaeth sydd ger fy mron, rwyf yn fodlon nad oes safle dilyniantol amgen yn bodoli yn

berthynol i ganol y dref sy'n addas i gynnal y cyfleusterau gyrru trwodd/bwyta dan do arfaethedig.

10. Er bod y safle wedi'i leoli y tu allan i'r terfynau datblygu a amlygwyd yn y CDLI, mae cymeriad yr ardal o'i amgylch yn debyg i gyrion anheddiad yn gyffredinol yn hytrach na chefn gwlad agored, ac mae datblygiad i'w weld yn agos i'r rhan fwyaf o gyfeiriadau. Nid yw'r ardal yn meddu ar unrhyw ddynodiad sy'n dangos bod gan y dirwedd unrhyw sensitifrwydd neu werth arbennig. At hynny, mae cymeriad datblygedig yr ardal o amgylch y safle yn debygol o gael ei atgyfnerthu wrth i'r safle tai ar ei ochr ogledd-ddwyreiniol gael ei gyflawni. O ystyried presenoldeb y dyraniad tai hwn, ni fyddai cynnig yr apêl yn arwain at erydu'r bwloch sy'n gwahanu terfynau datblygu Sanclêr a Phwll Trap mewn ffordd berthnasol niweidiol. I grynhoi, byddai'r cynnig yn cydweddu'n dda â ffurf adeiledig bresennol yr ardal ac ni fyddai'n niweidio ei chymeriad a'i golwg.
11. At ei gilydd, felly, er bod safle'r cynnig y tu allan i derfyn datblygu diffiniedig Sanclêr i raddau helaeth, deuf i'r casgliad bod gofyniad lleoliadol penodol y datblygiad, o ganlyniad i'w brif swyddogaeth fel cyfleuster gwasanaeth ar y rhwydwaith ffyrdd strategol, yn gyfiawnhad cymhellol a thra phwysig dros leoli'r datblygu y tu hwnt i'r terfyn datblygu. Ar y sail hon, deuf i'r casgliad bod cyfiawnhad dros leoliad y datblygiad arfaethedig. Gan y byddai'r datblygiad arfaethedig hefyd wedi'i leoli ar gyrion yr ardal adeiledig ac yn cyd-weddu'n dda â ffurf bresennol yr anheddiad, deuf i'r casgliad bod y cynnig yn cyd-fynd yn fras â pholisi GP2 y CDLI a'i fod yn cydymffurfio â'r Cynllun yn ei gyfanrwydd.
12. Rwyf wedi ystyried yr holl faterion eraill wrth ddod i'm penderfyniad. Ategir y trefniadau mynediad i'r safle gan dystiolaeth Asesiad Trafnidiaeth. Rwyf yn fodlon ar ddigonoldeb y dystiolaeth hon a bod y trefniadau mynediad arfaethedig ar gyfer cerbydau a cherddwyr yn foddhaol ac yn gyson â safonau cenedlaethol diogelwch ar y priffyrdd, yn seiliedig ar yr amodau a arolygwyd yn y lleoliad hwn. Mae'r datblygiad yn rhoi sylw i ystyriaethau ecolegol perthnasol, gan gynnwys effeithiau posibl ar yr Ardal Cadwraeth Arbennig gyfagos, y cynhaliwyd asesiad priodol yn ei chylch. Mae'r trefniadau parcio arfaethedig yn dderbyniol, ac er bod angen rhai manylion ychwanegol ynglŷn â materion fel tirweddu a draenio, gellir datrys y materion hyn trwy osod amodau.
13. Mae'r apelydd wedi cyflawni ymgymeriad unochrog adran 106 ynglŷn â chyfraniad ariannol i gyllido golau i gerddwyr wrth y gyffordd â goleuadau ychydig gannoedd o fetrau i'r dwyrain o'r safle. Fodd bynnag, er gwaethaf yr ymgymeriad, mae'r apelydd yn dadlau na fyddai gofyniad ar gyfer cyfraniad o'r fath yn bodloni'r profion ar gyfer rhwymedigaethau cynllunio. Er y cydnabyddaf fod y Cyngor wedi ceisio'r cyfraniad yn dilyn sylwadau'r Awdurdod Priffyrdd, nid oes digon o dystiolaeth ger fy mron i ddod i'r casgliad bod angen darparu golau i gerddwyr wrth y gyffordd â goleuadau i wneud y cynnig yn dderbyniol o safbwynt cynllunio. Mae'r gyffordd â goleuadau cryn bellter oddi wrth y safle ac nid oes dystiolaeth i ddangos y byddai'r datblygiad yn newid yr amodau wrth y gyffordd i'r fath raddau a fyddai'n bygwth ei gweithrediad diogel parhaus ar ei ffurf bresennol. Felly, nid yw fy mhenderfyniad i roi caniatâd cynllunio yn dibynnu ar yr ymgymeriad unochrog.
14. Rwyf wedi ystyried y ddyletswydd i wella llesiant economaidd, cymdeithasol, amgylcheddol a diwylliannol Cymru, yn unol â'r egwyddor datblygu cynaliadwy, o dan adran 3 Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 ("Deddf 2015"). Rwyf o'r farn, yn ddarostyngedig i'r amodau yr wyf wedi penderfynu y dylid eu gosod, bod fy mhenderfyniad i ganiatáu'r apêl a rhoi caniatâd cynllunio yn cyd-fynd â'r amcanion a amlygwyd gan Weinidogion Cymru, sef cefnogi busnesau i sbarduno ffyniant, mynd i'r

afael ag anghydraddoldeb rhanbarthol, creu cymunedau cydnerth a darparu seilwaith modern a chysylltiedig.

15. Rwyf wedi ystyried yr holl faterion eraill a godwyd gan bartion eraill â buddiant sydd wedi gwneud sylwadau, naill ai ar adeg y cais neu'r apêl. Fodd bynnag, ni welaf unrhyw beth yn y cyflwyniadau hynny sy'n newid cydbwysedd fy nghasgliadau ar y prif fater, fel yr amlinellwyd uchod.
16. Rwyf wedi ystyried pa amodau sy'n angenrheidiol yn ychwanegol at yr amodau safonol sy'n amlygu'r terfyn amser ar gyfer cychwyn a'r lluniadau a'r manylion cymeradwy, o ganlyniad i'm penderfyniad i ganiatáu'r apêl. Cytunaf fod angen amodau ynglŷn â'r mynediad i'r safle (gan gynnwys lleiniau gwelededd) a chylchrediad mewnol, ac ardaloedd parcio a throi, i sicrhau bod yr elfennau hyn o'r datblygiad yn cael eu darparu'n briodol (amodau 3-5). Mae angen amodau sy'n ymwneud â Chynllun Rheoli Traffig Adeiladu, Cynllun Rheoli Cyflawni a gwelliannau i'r llwybr troed ar yr A4066 hefyd er mwyn diogelwch ar y priffyrdd (6-8). Mae amodau yn ymwneud â draenio dŵr brwnt a dŵr wyneb (9-10), gwarchod nodweddion presennol y dirwedd a thirweddu newydd (11-12), rheoleiddio sŵn (13-16), archwiliadau archaeolegol (17) ac atal llygredd (18) yn angenrheidiol hefyd, i sicrhau derbynioldeb y datblygiad mewn perthynas â'r materion hyn.
17. Am y rhesymau a roddwyd ac ar ôl ystyried yr holl faterion a godwyd, caniatâf yr apêl.

*Alwyn B Nixon*

## **Arolygydd**

### **Caniatâd cynllunio wedi'i roi gan benderfyniad Apêl APP/M6825/A/19/3240281:**

#### **Atodlen amodau**

- 1) Bydd y datblygiad yn dechrau o fewn pum mlynedd o ddyddiad y penderfyniad hwn.
- 2) Bydd y datblygiad yn cael ei gynnal yn unol â'r cynlluniau a'r dogfennau cymeradwy canlynol:
  - Cynllun bloc (2002N) a dderbyniwyd ar 7 Mai 2019;
  - Cynllun safle presennol (2003H) a dderbyniwyd ar 7 Mai 2019;
  - Cynllun lleoliad (2001J) a dderbyniwyd ar 7 Mai 2019;
  - Cynllun safle arfaethedig (2004P) a dderbyniwyd ar 7 Mai 2019;
  - Prif gynllun safle (2067L) a dderbyniwyd ar 7 Mai 2019;
  - Adroddiad datblygiad coedyddiaeth dyddiedig mis Ebrill 2019 a dderbyniwyd ar 7 Mai 2019;
  - Cynllun plannu a threfniant cyffredinol (210) a dderbyniwyd ar 7 Mai 2019;
  - Cynllun cysyniad tirweddu dyddiedig mis Mawrth 2019 a dderbyniwyd ar 7 Mai 2019;

- Adroddiad Crynodeb o Asesiad Trafnidiaeth dyddiedig 9 Mai a dderbyniwyd ar 10 Mai 2019;
- Cynllun trychiadau A, B ac C (8180424/4200) a dderbyniwyd ar 15 Tachwedd 2018;
- Cynllun arolwg safle (dalen 1 o 2) (8180424/4101) a dderbyniwyd ar 15 Tachwedd 2018;
- Cynllun arolwg safle (dalen 2 o 2) (8180424/4102) a dderbyniwyd ar 15 Tachwedd 2018;
- Adroddiad draenio dyddiedig mis Medi 2018 a dderbyniwyd ar 31 Hydref 2018;
- Strategaeth ddraenio (dalen 1 o 2) (SK05 P4) a dderbyniwyd ar 31 Hydref 2018;
- Strategaeth ddraenio (dalen 2 o 2) (SK06 P4) a dderbyniwyd ar 31 Hydref 2018;
- Cynllun rheoli sbwriel a dderbyniwyd ar 1 Mehefin 2019;
- Asesiad o effaith sŵn dyddiedig mis Mai 2018 a dderbyniwyd ar 22 Mai 2018;
- Adroddiad archaeoleg dyddiedig mis Gorffennaf 2017 a dderbyniwyd ar 24 Ebrill 2018;
- Manylion ffensys gyda llun a dderbyniwyd ar 6 Mawrth 2018;
- Gweddau arfaethedig McDonalds (2005A) a dderbyniwyd ar 6 Mawrth 2018;
- Gosodiad mewnol arfaethedig McDonalds (2006A) a dderbyniwyd ar 6 Mawrth 2018;
- Gosodiad goleuadau arfaethedig ac atodlen (DWG01) a dderbyniwyd ar 6 Mawrth 2018;
- Manylion rhwystrau a pholion lampau nodweddiadol a dderbyniwyd ar 6 Mawrth 2018;
- Cyfarpar chwarae awyr agored a dderbyniwyd ar 6 Mawrth 2018;
- Datganiad dylunio a mynediad (Terfynol V5) a dderbyniwyd ar 6 Mawrth 2018;
- Datganiad cynllunio a dilyniannol (Terfynol V5) a dderbyniwyd ar 6 Mawrth 2018;
- Asesiad trafndiaeth (Chwefror 2018 Rhan 1 o 2) a dderbyniwyd ar 6 Mawrth 2018;
- Asesiad trafndiaeth (Chwefror 2018 Rhan 2 o 2) a dderbyniwyd ar 6 Mawrth 2018;
- Balwstrad Costa (Balwstrad-01) a dderbyniwyd ar 14 Tachwedd 2017;
- Canopi COD DT Costa a dderbyniwyd ar 14 Tachwedd 2017;
- Gweddau Costa (1800(ochr)-01C) a dderbyniwyd ar 14 Tachwedd 2017;
- Cynllun trefniant cyffredinol Costa (1800(ochr)-02C) a dderbyniwyd ar 14 Tachwedd 2017;

- Cynllun to Costa (1800(ochr)-03B a dderbyniwyd ar 14 Tachwedd 2017;
  - Diagram Offer Echdynnu Cegin McDonalds (1001) a dderbyniwyd ar 14 Tachwedd 2017;
  - Llyfryn – Rhagfyr 2016 – Alpaidd – ymylon sgwâr a dderbyniwyd ar 14 Tachwedd 2017;
  - EQ003 Ffrâm chwarae a dderbyniwyd ar 14 Tachwedd 2017;
  - Dodrefn patio Euroline McDonalds a dderbyniwyd ar 14 Tachwedd 2017;
  - Uned gasét Mitsubishi – manylion nodweddiadol a dderbyniwyd ar 14 Tachwedd 2017;
  - Ymbarél dynnol Poseidon a dderbyniwyd ar 14 Tachwedd 2017;
  - Cynfas ymbarél dynnol Poseidon a dderbyniwyd ar 14 Tachwedd 2017;
  - Mainc hir, stôl a bwrdd UHS a dderbyniwyd ar 14 Tachwedd 2017;
  - Aseiad ecolegol dyddiedig mis Gorffennaf 2017 a dderbyniwyd ar 14 Tachwedd 2017;
  - Offer Rheoli Arogleuon Cegin McDonalds a dderbyniwyd ar 14 Tachwedd 2017;
  - Gosodiad to HVAC McDonalds gyda lluniad gwanhau (02) a dderbyniwyd ar 10 Gorffennaf 2019.
- 3) Cyn i'r datblygiad a gymeradwyir drwy hyn gael ei feddiannu, bydd y ffyrdd mynediad, y troedffyrdd a'r llwybrau troed o'r briffordd bresennol sy'n angenrheidiol yn cael eu gosod allan a'u hadeiladu yn unol â'r cynlluniau a gymeradwyir drwy hyn hyd at lefel haen waelod o leiaf, a bydd y lleiniau gweledd yn cael eu darparu.
  - 4) Cyn i draffig cerbydol ddefnyddio'r fynedfa mewn unrhyw ffordd, bydd lleiniau gweledd o 2.4 metr x 43 metr i'r ochr orllewinol a 2.4 metr x 57 metr i'r ochr ddwyreiniol o'r llinell ganol mewn perthynas ag ymyl agosaf y ffordd gerbydau, yn cael eu ffurfio a'u cadw bob amser wedi hynny. Ni chaniateir unrhyw rwystr uwchlaw 0.9 metr o fewn ardal y llain weledd ar unrhyw adeg.
  - 5) Bydd y lleoedd parcio, yr ardaloedd troi a'r gosodiad cylchredeg a ddangosir ar y cynlluniau cymeradwy yn cael eu darparu cyn i'r datblygiad a gymeradwyir drwy hyn ddechrau cael ei ddefnyddio. Byddant yn cael eu cadw, yn ddirwystr, at y dibenion hyn wedi hynny.
  - 6) Cyn i unrhyw ran o'r datblygiad ddechrau cael ei defnyddio, bydd Cynllun Rheoli Cyflawni manwl ar gyfer y datblygiad yn cael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo ganddo'n ysgrifenedig. Bydd y datblygiad yn gweithredu gan gydymffurfio'n llwyr â'r manylion cymeradwy.
  - 7) Ni chaniateir i unrhyw ddatblygiad ddechrau hyd nes bod Cynllun Rheoli Traffig Adeiladu (CTMP) manwl wedi cael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo ganddo'n ysgrifenedig. Bydd y datblygiad yn cael ei gynnal yn unol â'r CTMP.
  - 8) Ni chaniateir i'r datblygiad ddechrau hyd nes bod manylion y gwelliannau arfaethedig i gerddwyr ar hyd yr A4066 Old Tenby Road, fel y'u hamlinellir yn y Crynodeb o Aseiad Trafnidiaeth ADL dyddiedig 9 Mai 2019, wedi cael eu cyflwyno i'r awdurdod cynllunio lleol a'u cymeradwyo ganddo'n ysgrifenedig. Ni chaniateir i'r datblygiad gael ei ddefnyddio hyd nes bod y gwelliannau wedi cael eu hadeiladu yn unol â'r manylion cymeradwy.

- 9) Ni chaniateir i'r datblygiad ddechrau hyd nes bod cynllun ar gyfer uwchraddio Gwaith Trin Dŵr Gwastraff Sanclêr, i ganiatáu iddo ymdopi â'r gollyngiadau brwnt o'r datblygiad heb gynyddu'r perygl o dorri'r caniatâd gollwng ar gyfer y gwaith trin, wedi cael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo ganddo'n ysgrifenedig. Ni chaniateir i'r datblygiad gael ei ddefnyddio hyd nes bod y Gwaith Trin Dŵr Gwastraff wedi cael ei uwchraddio yn unol â'r manylion cymeradwy.
- 10) Ni chaniateir i'r datblygiad ddechrau hyd nes bod manylion cynllun ar gyfer gwaredu dŵr brwnt a dŵr wyneb wedi cael ei gyflwyno i'r awdurdod cynllunio lleol a'i gytuno ganddo'n ysgrifenedig. Bydd y cynllun yn cael ei weithredu yn unol â'r manylion cymeradwy cyn i'r datblygiad gael ei ddefnyddio ac yn cael ei gadw wedi hynny.
- 11) Bydd holl weithrediadau'r safle yn cael eu cynnal yn unol â'r wybodaeth gymeradwy ynghylch cyfyngu a gwarchod y dirwedd, fel y'i diffinnir yn yr adroddiad datblygiad coedyddiaeth, dyddiedig mis Ebrill 2019, a'r cynllun cysyniad tirweddu, dyddiedig mis Mawrth 2019 a dderbyniwyd ar 7 Mai 2019. Bydd unrhyw weithrediadau adeiladu a/neu fynediad o fewn y parth(au) gwahardd adeiladu diffiniedig (CEZ) yn gyfyngedig i'r rhai a gynhelir yn unol ag argymhellion BS5837. Rhoddir y CEZ(s) ar waith yn llawn cyn i unrhyw waith sy'n gysylltiedig â'r datblygiad ddechrau; ac fe'u cynhelir wedi hynny yn eu cyfanrwydd, drwy gydol yr holl waith datblygu a hyd nes bod yr holl offer, peiriannau a deunyddiau sy'n weddill wedi cael eu symud ymaith o'r safle. Os bydd unrhyw elfennau presennol o'r dirwedd, neu ran ohonynt, a amlygwyd i'w gwarchod sydd, o fewn cyfnod o 5 mlynedd ar ôl y gwaith datblygu yn cael eu symud ymaith, yn marw, yn mynd yn afiach, yn cael eu difrodi neu'n ddiffygiol fel arall, i'r fath raddau, ym marn yr awdurdod cynllunio lleol, nad yw swyddogaeth yr elfen dirweddu yn cael ei chyflawni mwyach o ran y gymeradwyaeth gynllunio hon, byddant yn cael eu hamnewid yn ystod y tymor plannu nesaf ag elfennau cyfnewid o fanyleb a maint tebyg ac yn y cyfryw leoliadau ag y cytunir arnynt yn ysgrifenedig â'r awdurdod cynllunio lleol, ac yn cael eu cynnal yn yr un modd wedi hynny am gyfnod arall o bum mlynedd.
- 12) Ni fydd unrhyw waith datblygu na chlririo safle yn digwydd hyd nes bod Cynllun Dylunio Tirwedd (LDS) manwl a chynhwysfawr wedi cael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo ganddo'n ysgrifenedig. Bydd yr LDS yn cyflwyno cynigion sy'n integreiddio amcanion a swyddogaethau tirwedd, ecolegol a bioamrywiaeth priodol sy'n benodol i'r safle mewn modd effeithiol. Bydd yr LDS yn cydymffurfio â chanllawiau perthnasol a ddarperir gan yr awdurdod cynllunio lleol ac egwyddorion y wybodaeth dirweddol ac ecolegol a gyflwynwyd yn yr adroddiad datblygiad coedyddiaeth, dyddiedig mis Ebrill 2019, a'r cynllun cysyniad tirweddu, dyddiedig mis Mawrth 2019 a dderbyniwyd ar 7 Mai 2019, ac Adran 6.2 yr Aseiad Ecolegol, dyddiedig mis Gorffennaf 2017 a dderbyniwyd ar 14 Tachwedd 2017. Bydd yr LDS cymeradwy yn cael ei weithredu'n llawn cyn i'r datblygiad gael ei feddiannu. Bydd unrhyw elfennau tirwedd newydd sy'n cael eu hadeiladu, eu plannu neu eu hadu; neu elfennau presennol o'r dirwedd a gedwir; yn unol â'r LDS cymeradwy, o fewn cyfnod o 5 mlynedd ar ôl gweithredu sy'n cael eu symud ymaith; yn marw; yn mynd yn afiach; yn cael eu difrodi neu'n ddiffygiol fel arall, i'r fath raddau, ym marn yr awdurdod cynllunio lleol, nad yw swyddogaeth yr elfen dirweddu yn cael ei chyflawni mwyach o ran y gymeradwyaeth gynllunio hon, byddant yn cael eu hamnewid yn ystod y tymor plannu neu hadu nesaf ag elfennau cyfnewid o fanyleb a maint tebyg.

- 13) Ni chaniateir i lefel gronol y sŵn sy'n dod o'r holl offer/peiriannau sy'n gysylltiedig â'r datblygiad arfaethedig fynd yn fwy na'r lefel sŵn cefndir bresennol, a bennir wrth yr eiddo agosaf sy'n sensitif i sŵn neu wrth leoliad arall y mae'r awdurdod yn ystyried ei fod yn addas. Diffinnir y lefelau sŵn cefndir fel a ganlyn:
- 49dB rhwng 07:00 a 19:00 o'r gloch
  - 40dB rhwng 19:00 a 23:00 o'r gloch
  - 34dB rhwng 23:00 a 07:00 o'r gloch

Bydd y mesuriadau a'r asesiadau'n cael eu gwneud yn unol â BS 4142: 2014 Dulliau ar gyfer graddio ac asesu sŵn diwydiannol a masnachol; bydd lefelau sŵn cefndir yn cael eu mynegi fel LA90 1hr a bydd lefelau sŵn amgylchynol yn cael eu mynegi fel Laeq 1hr.

- 14) Bydd yr offer yn cael ei ddylunio'n addas er mwyn sicrhau nad yw'n dangos unrhyw nodweddion y mae angen cywiro eu cymeriad fel y diffinnir yn BS 4142: 2014 Dulliau ar gyfer graddio ac asesu sŵn diwydiannol a masnachol, o ganlyniad i unrhyw nodweddion tonyddiaeth, nodweddion ergydiol, nodweddion penodol eraill a/neu ysbeidioldeb yn fewnol neu'n allanol i unrhyw eiddo sy'n sensitif i sŵn.
- 15) Ar gais ysgrifenedig yr awdurdod cynllunio lleol, bydd y gweithredwr, o fewn cyfnod o 1 mis, yn cynnal a chyflwyno i'r awdurdod asesiad sŵn sy'n cydymffurfio â BS 4142: 2014 Dulliau ar gyfer graddio ac asesu sŵn diwydiannol a masnachol, er mwyn pennu a yw'r sŵn sy'n dod o'r datblygiad yn cydymffurfio ag amodau 13 a 14 uchod. Bydd yr asesiad yn cael ei gynnal dan oruchwyliaeth yr Awdurdod Lleol. Os na chydymffurfir ag Amodau 13 a 14, bydd yr asesiad a gyflwynir hefyd yn cynnwys mesurau lliniaru i sicrhau y cydymffurfir â'r amodau hyn. Bydd y datblygiad yn gweithredu wedi hynny yn unol â'r manylion cymeradwy.
- 16) Bydd yr offer sy'n gysylltiedig â'r datblygiad arfaethedig fel yr amlinellir yn yr Asesiad o Effaith Sŵn, dyddiedig mis Mai 2018 a dderbyniwyd ar 22 Mai 2018, a gosodiad to HVAC McDonalds gyda lluniad gwanhau (02), a dderbyniwyd ar 9 Gorffennaf 2019, a bydd yn gwanhau sŵn i'r lefelau canlynol:

Eitem Offer	Lleihad sŵn sy'n ofynnol	
	Dydd (0700-1900)	Nos (1900-0700)
• AC01C1 MUZ-SF25VE	5 dB	5 dB
• AC02C1 MUZ-SF25VE	5 dB	5 dB
• S1 IDF2BDX150	25 dB	30 dB
• S2 IDF2BDX150	25 dB	30dB
• E1 BW10-500	15 dB	15dB
• EF1 BW10-500	Dd/B	8 dB

- 17) Ni chaniateir i unrhyw ddatblygiad ddigwydd hyd nes bod archaeolegydd cymwysedig a chymwys wedi cyflwyno cynllun ymchwilio ysgrifenedig (WSI) i'w gymeradwyo'n ysgrifenedig gan yr awdurdod cynllunio lleol. Bydd yr WSI hwn yn disgrifio gwahanol gamau'r gwaith ac yn dangos y darparwyd adnoddau llawn ac amser digonol iddo. Ar ran yr awdurdod cynllunio lleol, bydd eu cynghorwyr archaeolegol (DAT DM) yn monitro pob agwedd ar y gwaith hwn hyd at ryddhau'r amod yn derfynol. Ni ystyrir bod y gwaith hwn wedi'i gwblhau hyd nes

bod pob agwedd ar yr WSI wedi derbyn sylw a'r adroddiad terfynol wedi'i gyflwyno a'i gymeradwyo.

- 18) Ni chaniateir i unrhyw ddatblygiad a gymeradwyir gan y caniatâd hwn ddechrau hyd nes bod Datganiad o Ddull Atal Llygredd (PPMS), sy'n manylu ar yr holl fesurau atal llygredd sy'n angenrheidiol ar gyfer cam adeiladu a gweithredol y datblygiad, wedi'i gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo ganddo'n ysgrifenedig. Bydd manylion y PPMS yn cael eu gweithredu fel y'u cymeradwywyd. Mae'n rhaid i'r PPMS gynnwys y canlynol o leiaf:
- Cyfleusterau storio ar gyfer yr holl danwyddau, olewau a chemegion.
  - Unrhyw nodweddion dŵr ar y safle a sut y byddant yn cael eu gwarchod.
  - Sut y bydd unrhyw gyrsiau dŵr yn cael eu croesi neu gadarnhad nad yw hyn yn berthnasol.
  - Unrhyw ffynonellau llygredd (gan gynnwys silt), llwybrau posibl i'r llygredd hwnnw fynd i mewn i unrhyw gyrsiau dŵr yng nghyffiniau'r safle a mesurau rheoli llygredd priodol i'w gweithredu ar y safle.
  - Manylion ynghylch natur, math a swm y deunyddiau sydd i'w cludo i mewn i'r safle.
  - Mesurau ar gyfer ymdrin ag unrhyw ddeunydd halogedig (gwastraff dymchwel neu wastraff cloddio).
  - Manylion y mathau o wastraff a fydd yn cael eu cynhyrchu a sut y byddant yn cael eu rheoli.
  - Manylion unrhyw rywogaethau goresgynnol ar y safle a sut y byddant yn cael eu rheoli.
  - Amlygu unrhyw wasanaethau claddedig, fel carthffosydd budr, fel y gellir eu gwarchod.
  - Manylion cysylltiadau argyfwng, er enghraifft llinell gymorth Llygredd Cyfoeth Naturiol Cymru 0300 065 3000.

Rhesymau dros yr amodau:

- 1) Mae'n rhaid ei osod yn unol ag Adran 91 Deddf Cynllunio Gwlad a Thref 1990.
- 2) I ddiffinio graddau'r caniatâd.
- 3)-8) Er mwyn diogelwch ar y priffyrdd (polisiau GP1 a TR3 y CDLI).
- 9)-10) I sicrhau bod cynllun draenio priodol yn cael ei osod ac i atal llygru'r amgylchedd (polisiau GP1, EP2 ac EP3 y CDLI).
- 11)-12) I warchod nodweddion tirweddol ac ecolegol presennol a sicrhau bod cynllun tirweddol priodol yn cael ei ddarparu, ei sefydlu a'i gynnal (polisi GP1 y CDLI).
- 13)-16) Er mwyn diogelu amwynder preswyl (polisi GP1 y CDLI).
- 17) I warchod buddiannau'r amgylchedd hanesyddol ar yr un pryd â galluogi'r datblygiad (polisiau EQ1 ac SP13 y CDLI).
- 18) I atal llygru'r amgylchedd (polisiau GP1 ac EP3 y CDLI).



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- 1:50,000 OS mapping
- 1:25,000 OS mapping
- OS VectorMap District
- OS VectorMap Local
- Historic map 1935-1936
- Historic map 1914-1919 (Llanelli area)
- Historic map 1898-1907
- Historic map 1876-1890

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