

Pecyn Dogfennau Cyhoeddus

Penallta House,
Tredomen Park,
Ystrad Mynach,
Hengoed CF82 7PG

Ty Penallta,
Parc Tredomen,
Ystrad Mynach,
Hengoed CF82 7PG



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett
(Rhif Ffôn: 01443 864245 Ebst: barrerm@caerphilly.gov.uk)

Dyddiad: Dydd Iau, 4 Tachwedd 2021

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Is-bwyllgor Trwyddedu a Gamblo** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Iau, 11eg Tachwedd, 2021** am **10.00 am** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Bydd y cyfarfod hwn yn cael ei recordio a bydd ar gael i'w weld trwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n bresennol ac/neu sy'n siarad yn ystod ar gael i'r cyhoedd trwy'r recordiad ar wefan y Cyngor yn www.caerffili.gov.uk

Yr eiddoch yn gywir,

Christina Harrhy
PRIF WEITHREDWR

A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

A greener place Man gwyrddach



Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I dderbyn ac ystyried yr adroddiad canlynol:-

- 3 Penderfynu ar Gais am Drwydded Eiddo - Brew Monster Brewing Company Ltd, Uned 1, Lôn-y-Twyn, Caerffili, CF83 1NW.

1 - 42

Cylchrediad:

Cynghorwyr W. Williams (Is Gadeirydd Llywyddu), D. Cushing a J.E. Roberts

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar www.caerffili.gov.uk. ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu. Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r [Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn](#) ar ein gwefan neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio griffd2@caerffili.gov.uk neu ffoniwch 01443 863028.



LICENSING AND GAMBLING SUB COMMITTEE – 11TH NOVEMBER 2021

SUBJECT: DETERMINATION OF PREMISES LICENCE APPLICATION

REPORT BY: LEE MORGAN LICENSING MANAGER

1. Application Details

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Brew Monster Brewing Company Ltd Unit 1 Lon y Twyn Caerphilly CF83 1NW	Brew Monster Brewing Company Ltd Unit 1 Lon y Twyn Caerphilly CF83 1NW	Variation Premises licence

1.1 Application for Variation of Premises Licence

An application has been submitted to vary the premises licence for the above premises. The proposed application for consideration is set out in 1.3 of this report.

1.2 Site Plan/Photographs

The plan of the licensed area is reproduced as **Appendix 1**.

A location plan is reproduced as **Appendix 2**.

1.3 Proposed Trading Times and Licensable Activity

The application for the Variation of the Premises Licence seeks to permit the following Licensable Activities:

- **Supply of Alcohol (on and off sales)**

Saturday 09.00 to 12.00

Sunday 09.00 to 23.00

The following description is taken directly from the application – “amend the times for the supply of alcohol and the hours the premises is open to include Sundays (09.00 to 23.00) and Saturday mornings (9.00 to 23.00) which are not currently included.”

“These will allow us to offer breakfast brunch and lunch on these days.”

1.3.1 Existing Permissions

- **Supply of Alcohol (on and off sales)**

Monday to Saturday, 16:00 to 23:00

New Year's Eve, 16:00 to 02:00 the following morning

- **Late Night Refreshment (indoors only)**

New Year's Eve, 23.00 to 02.00 the following morning

- **Recorded Music (indoor only)**

Monday to Saturday, 16:00 to 23:00

New Year's Eve, 16:00 to 02:00

1.3.2 Existing Conditions

1. The designated premises supervisor will ensure that all staff are trained in their responsibilities with regard to the sale and supply of alcohol. Training records will be maintained for all members of staff and made available for inspection by any authorised officer at any reasonable time. This will include training of underage sales, drug awareness and drunk and disorderly behaviour. All such training to be updated on an annual basis, or for instances when legislation changes and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it.

2. CCTV system shall be installed. The system will be maintained in good working order and operated at all times the premises are open to the public and will continually record when licensable activities take place and for a period of two hours afterwards; the CCTV shall cover all parts of the licensed areas to which the public have access (excluding the toilets). The images shall be retained for a period of 28 days and produced to a Police Officer and any authorised officer of the Licensing Authority and as soon as is reasonably practical upon request

The premises licence holder shall ensure that there are trained members of staff during licensed hours to be able to reproduce and download images into a removable format at the request of any authorised officer of the Licensing Authority or police officer.

3. An incident book shall be kept at the premises and maintained on site. It shall be made available on request to an authorised officer of the local authority or member of the Police. The register will record details of all crimes at the premises, complaints received of a licensing nature, any incidents of disorder, any refusal for the sale of alcohol and any visits by the emergency services.
4. Persons using the smoking shelter will not be permitted to take food or drink outside, and notices to this effect shall be displayed at suitable locations.
5. The premises licence holder shall ensure that there are sufficient litter bins and ashtrays within the vicinity of the premises to collect any waste arising from the carrying on of licensable activities and should also ensure that such receptacles are emptied when full.
6. No waste or bottles shall be moved to external areas between 23:00 and 08:00.
7. The collection of refuse, bottles and recyclable materials shall only take place between 08:00 and 18:00.
8. An approved proof of age scheme shall be adopted, implemented and advertised within the premises such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
9. Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.
10. The premises should be cleared of customers within 30 minutes of the last supply of alcohol on any day.
11. The premises licence holder shall ensure that all drinking glasses used within the premises are of toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.
12. Customers will not have access to the production/brewery area of the building. This area will be closed off and will only be accessible by staff using a keycode.
13. Prominent and clear notices displayed at points where clientele leave the building, instructing them to leave the premises and area quietly.

14. Recorded music will not be played in any outside area at all times on any day.
15. All alcoholic drinks will be consumed indoors within the licensed area.
16. Off-sales will be restricted to the sale of sealed packaged products (bottles, cans, 5 litre microkegs) which are intended for consumption at home.
17. No performance of striptease, lap dancing, entertainment of a sexual nature or other similar adult entertainment will be permitted on the premises.
18. The premises licence holder shall ensure participation in any Pub Watch or similar scheme operating in the locality of the licensed premises.

1.4 RELEVANT CONSIDERATIONS

Caerphilly County Borough Council Licensing Policy **Appendix 3**

National Guidance **Appendix 4**

1.5 RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS

1.5.1 Responsible Authorities:

Fire Safety, the Local Health Board, Heddlu Gwent Police, and Environmental Health Pollution Team, have responded to the application and have indicated that they have no representations / objections in respect of the variation submitted.

1.5.2 Other Persons:

Residents

Document	Date Received	Appendix Reference
Resident A Newhouse Representation	20/10/2021	Appendix 5a
Resident B Booth Representation	20/10/2021	Appendix 5b
Resident C Williams / Griffiths Representation	20/10/2021	Appendix 5c
Resident D Butler Representation	20/10/2021	Appendix 5d
Resident E Newbury Representation	20/10/2021	Appendix 5e

Resident F Brown Representation	20/10/2021	Appendix 5f
Resident G Tilley Representation	20/10/2021	Appendix 5g
Resident H Harris Representation	20/10/2021	Appendix 5h

1.6 **SUMMARY OF REPRESENTATIONS**

Representations have been received from 8 residents during the consultation process.

Resident A expresses concern in relation to noise/disturbance so early on a weekend, the premises emitting unpleasant odours and parking issues in restricted bays and yellow lines. Adding to the hours it is stated would add to the nuisance already being made.

Resident B & C detail identical concerns in that the prior occupant of the unit closed on Saturday afternoons and Sunday. Concern was expressed about the failure to address overturned wastebins associated with the venue. Comment as made in respect of noise nuisance from building works undertaken and use of internal lighting has increased light pollution. Reference is made to the number of works vehicles contributing to parking related issues.

Resident D details concerns at the premises linked to prevention of public nuisance, crime and disorder and public safety before the premises has opened and raises the potential for increased traffic and noise. Reference is made to the withdrawal of Sunday opening from the initial application in September 2020. Noise from building works, odours from brewing, waste bins left on pavements and the parking of employee and works vehicles has caused issues during school drop off/collection times.

Resident E references that the company have yet to trade and there has been insufficient testing of the suitability of the hours tested. Comment is made concerning noise from depositing waste at 2 other licensed premises in the vicinity being audible which is believed will increase when this premises opens. Concern is detailed about the attitude demonstrated by workmen and owner of the premises making use of their garden uncomfortable. Reference is made to abuse / assault suffered on two occasions by persons fuelled by alcohol and occasions when cans and general takeaway litter deposited on vehicles / gardens.

Resident F expresses concern in relation to the applicant reneging on Sunday opening even before opening their premises. Reference is made to incidences of public nuisance in relation to building works and air conditioning units and use of internal lighting throughout the night causing light pollution. The failure of the applicant to issues with waste bins is detailed and parking / non removal of employee / works vehicles is referenced.

Resident G details an objection on behalf of her mother and expresses concern that the proposed changes will have a hugely detrimental effect on mental health and wellbeing. Concern is expressed in relation to noise, mess, smell and disruption if additional hours granted. Reference is made to noise from an air conditioning unit being unacceptable. Issues with a waste bin and depositing of food waste and wrappers into the resident's garden are detailed. Reference is made to the premises having had a detrimental impact on the neighbourhood before it has opened.

Resident H details that he wished to object to application for Saturday and Sunday as this was something that the applicant promised he would not do. Reference is made to agreeing with the contents of the submission by Resident F.

1.7 APPLICANT RESPONSE

The applicant has acknowledged receipt of the resident representations and has indicated that he would respond to the same at the hearing.

1.8 LICENSING ASSESSMENT

The Licensing Assessment is a provisional summary, based on representations received prior to the hearing. The Head of Public Protection, Community and Leisure Services reserves the right to amend or vary the provisions contained in the summary and recommendation, subject to any change in the material facts that become known at the hearing. The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm

In making its decision, the Sub Committee is obliged to have regard to:-

- Licensing Act 2003
- Statutory Guidance issued under S182 of the Licensing Act
- The Council's own licensing policy, and
- All representations made and evidence presented

NOTE: The Sub-Committee may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. Any such actions must be necessary in order to promote the licensing objectives.

Statutory Power - Licensing Act 2003. This is a Council function which is delegated to this committee to decide.

1.9 **OBSERVATIONS**

This application relates to the variation of an existing premises licence for additional sale of alcohol hours on Saturday and Sunday. No representation / objection responses were received from Fire Safety, the Local Health Board, Heddlu Gwent Police and Environmental Health Pollution Team. The Section 182 Home Office Statutory Guidance recognises Responsible Authorities (RA's) as experts in their field.

In the absence of comments from the Responsible Authorities (RA's), they appear satisfied with the applicant's ability to promote the licensing objectives for the additional hours requested by the variation application.

Members will be aware of the Section 182 Home Office National Guidance, in particular Paragraph 9.12 which states -

'Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.'

Objections have been received during the 28day consultation period from 8 residents. Concern is raised within a number of representations in respect of the applicant's submission for additional hours, despite not having undertaken any licensable activities to date, at the site, at the time of submitting the variation application. However, the council has no discretion or remit to prevent an applicant from making an application to vary an existing licence at any time, whether or not trading and licensable activities have indeed commenced.

Members will only be able to consider the hours sought for Saturday and Sunday as detailed on this variation application and not the merits of the existing licence held.

Members will note the residents' concerns in respect of the applicant being 'untested' given that the company is yet to undertake licensable activities at the site. If the applicant had already commenced licensable activities and operated in line with the licensing objectives, without adverse impact upon residents then, resident fears may

have been allayed. Members are guided to advice offered in relation to hours within the Section 182 Home Office National Guidance Paragraph 10.14 which states:

'Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.'

Members will be required to determine whether granting the additional hours on Saturday (3 hours) between 9.00 and midday and Sunday (14 hours) between 9.00 and 23.00hrs will undermine the licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The 9am hours sought by the applicant are in keeping with those held by a number of alcohol licensed premises in close proximity in the town. As an example, Caerphilly Municipal Club permits alcohol sales on Saturday & Sunday from 09.00 – 02.30. Caerphilly Visitor Centre permits alcohol sales Saturday & Sunday – 10.00 – 18.00, Ten Degrees permits alcohol sales on Saturday – 09.00 - 01.00 and Sunday 10.00 – 00.00, finally the Gatehouse permits alcohol sales Saturday & Sunday 12.00 – 01.00.

Some of the concerns expressed by residents are understandable especially given the applicant is yet to undertake licensable activity from the premise, however the applicant cannot be held responsible for any existing or historic issues that have arisen as a result of activities held other licensed premises in the vicinity.

Should any residents have concerns in relation to noise / nuisance or anti-social behaviour linked to already licensed premises, then these matters should be reported to the Licensing Team for investigation. The matters identified within the comments submitted by residents in relation to this application are being addressed with the relevant premises.

Whilst it is understood that residents will be concerned by the same, matters such as increased traffic and parking will not be a consideration for Members of this Sub-Committee, as they are not considerations under the Licensing Act 2003.

Reference by residents is made to the undermining of the prevention of public nuisance licensing objective from building or renovation work, however such issues do not form part of licensable activity and would therefore not be a consideration for Members as no licensable activities was being undertaken. Clearly, if residents had concerns about the times at which work was being undertaken or noise from works / renovation, these should have been communicated to Environmental Health Pollution team for investigation. Likewise, any concerns in relation to odour or light pollution generated by the premises.

Having examined the public protection database, aside from reports in relation to vermin and missed refuse collection, there does not appear to be any complaints/service

requests in relation to noise, odour or light pollution recorded for the period since the grant of premises licence for Brew Monster in September 2020 to date.

Whilst there have been anticipatory concerns raised in relation to the potential for increased noise and disturbance, if additional hours were approved. Existing conditions already attached to the licence will require that any licensable activity will be indoors only (with the ability to provide off sales in sealed containers.)

Advice is offered in relation to relevant, vexatious or frivolous representations and is provided within Paragraph 9.4 of Section 182 Home Office National Guidance which states *'....In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation....'*

Paragraph 28.23 of the council's licensing policy details that *'Decisions as to the validity of representations will normally be made by officers of the Licensing Authority. In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.'*

Irrespective of the outcome of this application, protection is and will be afforded to local residents' by virtue of Statutory Nuisance provisions of the Environmental Protection Act 1990.

Further protection is afforded where it is evidenced when undertaking licensable activities that a licensee is undermining the licensing objectives both Responsible Authorities and residents have the ability, to apply for a review of the premises licence.

It is worth highlighting that if Members determined to refuse or limit hours for the provision of sale of alcohol as part of this variation. Opening hours of a premises do not constitute a licensable activity, and therefore, the premises could subject to other controls e.g planning, could open and provide for service of breakfast / food for the hours specified.

In relation to references to Planning by residents, Paragraphs 17.11 of the Council's Statement of Licensing policy provides guidance to Members as the two regimes are separate entities and states *'The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.'*

Furthermore Paragraph 17.12 which states *'Where, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes that is different to the licensing hours, the licensee must observe the earlier closing time in order to avoid any breach of their planning permission - for which they may be liable to prosecution under planning law (and vice versa where the licensing hours finish earlier than the planning permission).'*

Paragraph 17.6 details that ‘ *Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.*’

1.10 RECOMMENDATION

Having had regard to comments received from residents but noting the absence of comments from Responsible Authorities, it is recommended that the variation to permit the additional retail sale of alcohol hours sought namely **Saturday 09.00 to 12.00 and Sunday 09.00 to 23.00 be approved.**

Background Papers:

[Link to Statutory Guidance issued under S182 of the Licensing Act 2003](#)

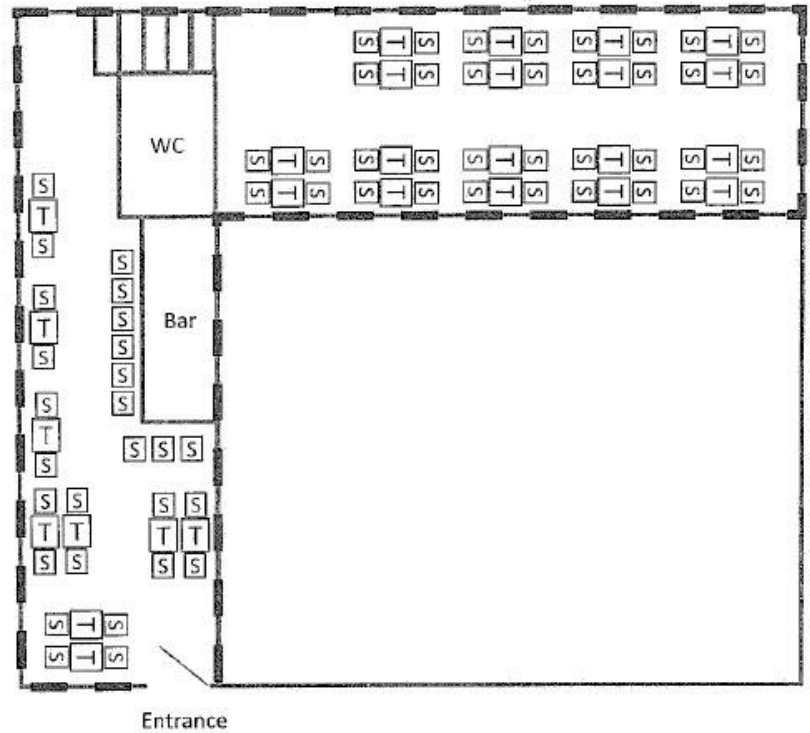
[Link to Caerphilly CBC Statement of Licensing Policy](#)

Date of this report: 2nd November 2021

Author: Lee Morgan – Licensing Manager morgal16@caerphilly.gov.uk

Appendix 1

Licensable Area and Bar Layout
 Unit 1, Lon y Twyn, Caerphilly, CF83 1NW



KEY
 T = Table
 S = Seating

 = Licensable area

NOTES

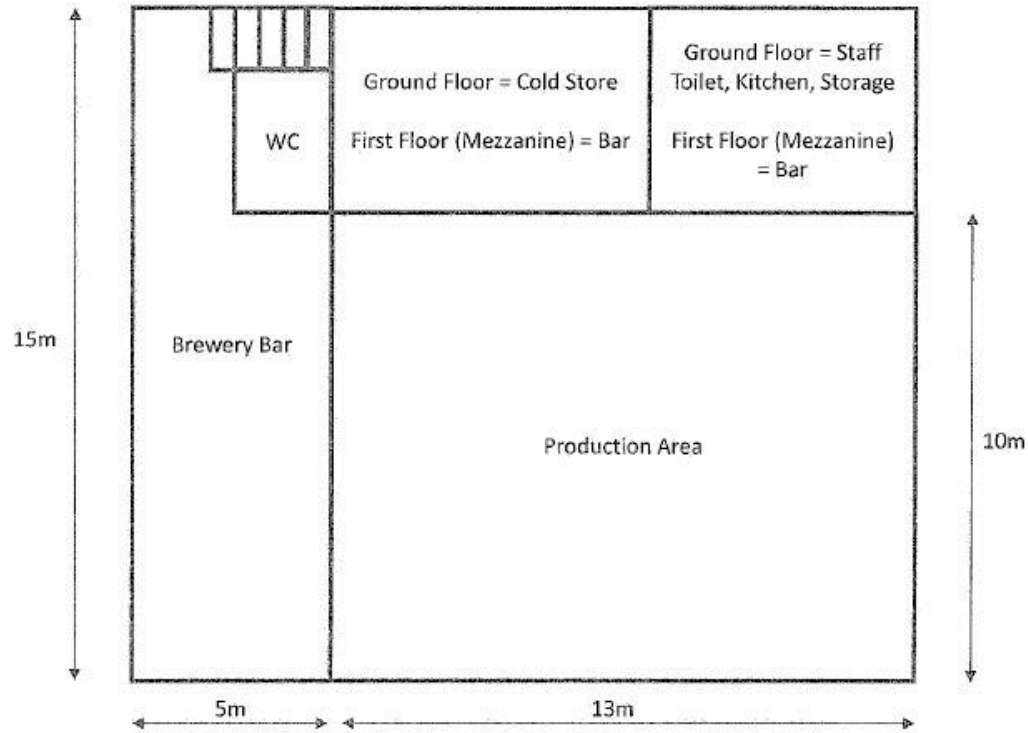
The only raised area of flooring in the public areas is the mezzanine floor which is accessed via stairs. The remainder of the licensable area is on the ground floor and level

There are no other licensable activities other than those shown in the above plan

There will be no outdoor licensable areas

We plan to have 2 separate WC's, one of which will be suitable for disabled customers.

Premises Layout
Unit 1, Lon y Twyn, Caerphilly, CF83 1NW





Gadewir y dudalen hon yn wag yn fwriadol

APPENDIX 3

Caerphilly County Borough Council Licensing Policy Relevant Extracts

11.1 Licensed premises have significant potential to impact adversely on persons living and working (including those carrying on business) in the area around the premises, and also further afield through public nuisances that arise from their operation. It is therefore important that in considering the promotion of this licensing objective, Licensing Authorities and Responsible Authorities focus on the effect of the licensable activities at the specific premises on these parties which may be disproportionate and unreasonable.

11.2 The definition of what may be considered as a potential or actual 'public nuisance' is to be interpreted in line with its broad common law meaning established through relevant case law. This is the interpretation which the Licensing Authority will apply when considering such matters. Matters giving rise to 'public nuisance' are mainly accepted to include issues relating to noise, light pollution, odour and litter. It may also arise as a result of the adverse effects of dust, insects, accumulations or any other matter which is determined to have an adverse impact on the living and working environment of other persons living and working in the area of the licenced premises.

11.3 The Licensing Authority recognises that limiting the public nuisance that may be associated with licensed premises and their operation is an important factor for health and well-being. The Licensing Authority recognises the key links to health and well-being from public nuisance in terms of disturbed sleep, stress caused by nuisance and pollution. Disturbed sleep and stress can add to residents' mental and physical health issues, and their wider wellbeing. Lack of sleep can have an impact on the immune system and can contribute to heart disease and diabetes. Lack of sleep can also contribute to anxiety and depression. Stress can contribute to anxiety and depression, and cardio-vascular diseases. Applicants should consider the potential impact their premise may have on public nuisance particularly from noise and put in place mitigating measures. 16

11.4 The Licensing Authority expects applicants for premises licences and club premises certificates to have made relevant enquiries and considerations about the local area before submitting their application. The purpose of this is to enable the applicant to consider the most appropriate controls for potential inclusion in the operating schedule with a view to ensuring their activities do not undermine the licensing objective with regard to the prevention of public nuisance. It is important to recognise that the impacts of licensed activity are not contained within a building. Inevitably there is a wider impact as people travel to and from the premises or congregate outside whilst it is in operation. Nuisance is best managed by careful consideration of the suitability of the selected site and any necessary mitigation at an early stage.

11.5 Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance. When a suitable site is identified, operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to those who may be impacted by their activities. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks.

11.6 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the

premises, particularly where: • they are situated in a residential or noise sensitive area; or • extended opening hours are proposed.

11.7 The Licensing Authority recognises that beyond the immediate area surrounding the licensed premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.

11.8 Applicants are encouraged to engage with the Licensing Authority and other relevant Responsible Authorities (such as Environmental Health) at an early stage and prior to the submission of an application, wherever reasonably practicable. These Authorities will be able to provide advice in respect of appropriate control measures that may be put in place, and included in the operating schedule, to mitigate the potential risks of public nuisance occurring.

14.5 Unreasonable, frivolous and vexatious representations will be disregarded. Representations that have been made and considered elsewhere, for example as an objection to a planning application, may also be disregarded where consideration of such representations would be duplication.

16.2 Therefore, any person is able to make representations in relation to certain types of applications as an "Other Person" However; all representations must relate to the licensing objectives and may not be frivolous or vexatious.

17.6 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.

17.11 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.

17.12 Where, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes that is different to the licensing hours, the licensee must observe the earlier closing time in order to avoid any breach of their planning permission - for which they may be liable to prosecution under planning law (and vice versa where the licensing hours finish earlier than the planning permission).

19.5 A licence may be issued subject to conditions, which must be complied with at all times whilst the premise is being used for licensable activities during the times specified in the licence. Failure to comply with the terms and conditions of a licence or if licensable activities are carried out without a premises licence, may result in a fine, which is unlimited or a term of imprisonment of up to 6 months, or both.

28.1 When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

28.3 Representations can be made either be in support of an application or to express objections to an application being granted. However the Licensing Authority can only accept

“relevant representations.” A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the Licensing Objectives

28.4 An example of a representation that would not be relevant would be a representation from a local business person about the commercial damage that competition from a new licensed premise would do to their own business. On the other hand, a representation by a business person that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be a relevant representation.

28.5 Representations should relate to the impact of licensable activities carried on from premises on the Licensing Objectives.

28.6 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.

28.7 Whilst the Licensing Authority expects representations to be evidence based, there is no requirement for a Responsible Authority or other person to produce a recorded history of problems at premises to support their representations, and it is recognised that in fact this would not be possible for new premises.

28.9 Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each Responsible Authority to determine when they have appropriate grounds to do so.

28.21 Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

28.22 The Licensing Authority will also reject as invalid, any representations from other persons that are deemed to be frivolous or vexatious. A representation might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause. Frivolous representations are essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

28.23 Decisions as to the validity of representations will normally be made by officers of the Licensing Authority. In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

Gadewir y dudalen hon yn wag yn fwriadol

Extract National Guidance issued under Section 182 of the Licensing Act 2003

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing

authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

8.15 Any person (if an individual aged 18 or over) who is carrying on or who proposes to carry on a business which involves the use of premises (any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period.

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants

are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what

might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

Gadewir y dudalen hon yn wag yn fwriadol

[REDACTED]

Caerphilly

[REDACTED]

Caerphilly County Borough Council
Directorate of the Environment

No.

Date Received 20 OCT 2021

Date Answered

Referred to

19 October 2021

Dear Caerphilly Licensing Section

Brew Monster Brewing Company Limited

Unit 1, Lon y Twyn, Caerphilly, CF83 1NW

I want to object to the application to vary the license at these premises. These premises are set in a quiet residential area, surrounded by residential properties and streets on which local children play.

It is inappropriate to create noise and disturbance from so early on a weekend day, or so late into the night, when most residents are resting from their weekday work.

The previous use of the building as a plumbers merchants caused minimal noise and no nuisance, whereas Brew Monster are already making lots of noise and also emitting unpleasant odours, and parking on yellow lines and beyond the time limits in parking bays. Extending hours on a Saturday and opening on a Sunday will just add to the nuisance they are already making.

This development has been poorly located – it would have been more appropriate on an industrial estate, as Tiny Rebel and Well Drawn are. It is unfair that local residents have to suffer for such a bad decision.

[REDACTED]

Terry Newhouse

Gadewir y dudalen hon yn wag yn fwriadol

Licensing Section (Premises Sale of Alcohol Objection)

Caerphilly County Borough Council

Penallta House

Tredomen Park

Ystrad Mynach

Hengoed

CF82 7PG

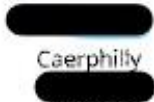
Caerphilly County Borough Council
Directorate of the Environment

No.

Date Received 20 OCT 2021

Date Answered

Referred to



19th October 2021

Dear Sir/Madam

OBJECTION TO THE VARYING OF PREMISES LICENCE OF BREW MONSTER AT UNIT 1 LON-Y-TWYN, CAERPHILLY

I object to the extension of the premises licences for the above venue under a number of licensing objectives:

PREVENTION OF CRIME & DISORDER

As I live in a quiet residential area, the increase in volume of visitors to the area would be noticeable. The previous occupant of the unit closed Saturday afternoons and all day Sunday. I understand that Brew Monster initially withdrew their application for Sunday opening. It is very concerning that they are going back on that thinking even before the doors have opened.

PUBLIC SAFETY

There have been incidents of large industrial bins being left on the carriageway. They have been overturned by youths and left with contents spilling onto the roadway. When the residents informed the staff of this issue, they were assured that the bins would be removed. They were not, and indeed were left there throughout the week. Whilst I fully appreciate that Brew Monster cannot be held responsible for passing youths, they did not remedy the situation when made aware of it.

PREVENTION OF PUBLIC NUISANCE

There have already been incidents of public nuisance before the venue is even open. Whilst building work has been going on, noise levels have been at an unacceptable level (not helped by the fact that the doors were often open). Anti-social hours with the work have also been noted (6am starts and 2am finishes). There is an air-con unit on the premises which operates at a rather loud level, even when the doors are closed. In addition to the fact that the use of internal lighting has increased the local light pollution, this does not seem to portray the venue as being very sensitive to their neighbours.

PROTECTION OF CHILDREN FROM HARM

A number of work vehicles have been causing congestion since the beginning of redevelopment work. The streets outside the venue are often filled with vehicles belonging to workers on site. This causes nuisance at school times, as parents and others now park on pavements and double yellow lines as all parking bays are taken. This impacts on the movements of schoolchildren and the general public. Also, it has been noted that a staff member's car has been broken down in the road for two weeks now, causing further congestion.

Yours faithfully,

Carol Booth

Gadewir y dudalen hon yn wag yn fwriadol

Licensing Section (Premises Sale of Alcohol Objection)

Caerphilly County Borough Council

Penallta House

Tredomen Park

Ystrad Mynach

Hengoed

CF82 7PG

Caerphilly County Borough Council
Directorate of the Environment

No.

Date Received 20 OCT 2021

Date Answered

Referred to

Caerphilly

19th October 2021

Dear Sir/Madam

OBJECTION TO THE VARYING OF PREMISES LICENCE OF BREW MONSTER AT UNIT 1 LON-Y-TWYN, CAERPHILLY

We object to the extension of the premises licences for the above venue under a number of licensing objectives:

PREVENTION OF CRIME & DISORDER

As we live in a quiet residential area, the increase in volume of visitors to the area would be noticeable. The previous occupant of the unit closed Saturday afternoons and all day Sunday. We understand that Brew Monster initially withdrew their application for Sunday opening. It is very concerning that they are going back on that thinking even before the doors have opened.

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Yours faithfully,



 Martin Williams & Rhian Griffiths

Gadewir y dudalen hon yn wag yn fwriadol

We are objecting to the application to vary the licence by Brew Monster (unit 1, Lon y Twn, Caerphilly. On the basis of prevention of public nuisance, prevention of crime and disorder, and public safety. These problems are already occurring, even before the premises have opened.

- 1 This is a quiet residential area, and increased levels of noise and traffic will become a nuisance to residents. Brew Monster accepted at their initial application in September 2020, and withdrew Sunday opening at that point.

They are now renegeing upon this, even before the opening under the existing licence. This change would enable them to open for 14 hours per day over the weekend.

- 2 There has already been incidents of public nuisance, with regards to noise levels from the premises while construction work is done, including anti-social start and finish times on the site.
- 3 Odours from brewing make going into our garden, when brewing is taking place, very unpleasant, although it was stated there would be none, compared to an industrial scale brewery.
- 4 Waste bins are being left on the public pavement 24/7, these have on occasion, been tipped over and even rolled down the road by youths
- 5 Various vehicles owned by Brew Monster are left parked in short stay bays for days at a time, along with contractor and visitors to site, causing issues during school drop offs and pick up.
- 6

We cannot see any reason why the variation in licence can be considered, until at least they can show a proven track record, as and when they actually decide to open the premises, which we believe won't be until 2022

Martin & Alison Butler, [REDACTED] Caerphilly, [REDACTED]

Caerphilly County Borough Council
Directorate of the Environment

No.

Date Received 20 OCT 2021

Date Answered

Referred to

Gadewir y dudalen hon yn wag yn fwriadol

We are objecting to the application to vary a premises license by Brew Monster of Unit 1, Lon-y-Twyn, Caerphilly and wish the following points to be taken into consideration.

1. The company haven't even started to trade yet! Work is still being undertaken and the company haven't begun to operate under the initial terms granted by CCBC which excluded those now being sought. There has not been a sufficient 'testing' of the suitability of the opening hours already granted.
2. We already experience a persistent level of noise from both the [REDACTED] on the corner of [REDACTED] and [REDACTED] and the newly-formed [REDACTED] [REDACTED]. This takes the form of emptying large amounts of glass bottles etc into industrial waste bins primarily in the early hours of the morning on an almost daily basis. There is no doubt that this level of disturbance will increase once Brew Monster are open for business on the existing agreed hours without further extensions.
3. Whilst exterior building work has been, and continues to be carried out, we have been subjected to comments shouted to us and also taunting of our dog from the workmen on the scaffolding around the building which directly overlooks our rear garden, making it uncomfortable to sit out and have the peaceful enjoyment of our own garden. We cite this as an example of the owner's attitude and lack of responsibility towards his neighbours. On which point you will also find our neighbours have a personal complaint.
I have to say that we are genuinely concerned about any repercussions to us and our property as a result of raising these issues
4. We have also recently been subjected to abuse and assault on two separate incidents within the last 3 months carried out by people fuelled by alcohol. We constantly find our gardens and cars covered with cans and general take away litter as a result of those who are either just publicly irresponsible or again fuelled by alcohol. We were assured that this was not such an establishment and the CCBC agreed with that statement in order to award the license however the allowing another outlet for the purchase of alcohol from 9am until 11pm on weekends can only exacerbate the existing problems.
5. The car parking around the area is already at a dangerous level (an accident waiting to happen) and we are most concerned about the increased congestion, the increase in parking bearing in mind the lack of parking for residents (we have no resident parking allowances)

Kim and Clive Newbury
[REDACTED]

Caerphilly County Borough Council
Directorate of the Environment

No.

Date Received 20 OCT 2021

Date Answered

Gadewir y dudalen hon yn wag yn fwriadol

Caerphilly County Borough Council
Directorate of the Environment

No.

Date Received 20 OCT 2021

Caerphilly,
[REDACTED]

19th October 2021
[REDACTED]

Date Answered

Dear Sirs,

Referred to

Re: Application to vary a premises licence Brew Monster Brewing Company .

We are objecting to the application to vary a premises licence by Brew Monster (Unit 1, Lon-y-Twyn, Caerphilly) on the basis of prevention of public nuisance, prevention of crime and disorder, and public safety. Incidents of this type have already occurred, even before the premises has opened to the public:

1. This is a quiet residential area; increased levels of noise and traffic in the area will become a nuisance to residents. This has not occurred before, as the previous retail plumbing company closed on Saturday afternoons and all-day Sunday. Brew Monster accepted this at their initial licence application in September 2020 and withdrew Sunday opening at that point. However, they are now renegeing upon this, even before opening under the existing licence, looking to increase hours on a Saturday and introduce Sunday trading at 9am, with the sale of alcohol for fourteen hours per day across the weekend.
2. There have already been incidences of public nuisance in terms of unnecessary noise levels while the work to change the premises has been undertaken, this being in addition to their anti-social 6am starts and 2am finishes. The air conditioning unit exceeds 50 – 70 decibels at 25 metres when the doors are left open, which happens regularly. It is still audible and unpleasantly noisy to residents even with the doors closed. The use of internal lighting throughout the night has increased light pollution out of the large glass window, into the street and adjoining houses/gardens.
3. Two large industrial waste bins are permanently left on the pavement, blocking access alongside the premises. Staff were alerted by residents to an incident, where one bin was pushed out along the road and left outside a resident's house in an adjoining street by passing youths. The other bin was overturned and left in the road, becoming a hazard to traffic and pedestrians. Residents were assured by staff that the bins would be removed from the street (when not being collected) but they remain outside the premises on the public highway throughout the week.
4. Since redevelopment began in early 2021, numerous work vehicles have regularly caused congestion to the road. In addition, for the past two weeks, a broken-down vehicle (owned by a Brew Monster staff member) has been left in the parking bay on Lon-y-Twyn. Brew Monster vans and their contractor's vehicles when parking all day, are stopping public use of one hour on-road parking. This is particularly problematic at school drop-off/pick-up times, with parents and others parking on pavements and double-yellow lines, adding further nuisance to residents and the general public, impacting movement of schoolchildren and affecting public safety.

Yours sincerely,

[REDACTED]
Dr. Paul Brown

[REDACTED]
Mrs. Brigid Brown

P.S. If application goes to a committee meeting, I would wish to attend and if allowed speak.

Gadewir y dudalen hon yn wag yn fwriadol

Caerphilly County Borough Council
Directorate of the Environment

No. [REDACTED]

Date Received: 20 OCT 2021 [REDACTED]

Date Answered [REDACTED]

Referred to [REDACTED]

Caerphilly

Re: Brew Monster Brewing Company Limited
Address of Premises or Club Premises: Unit 1, Lon Y Twyn, Caerphilly. CF83 1NW.

Type of Application: Application to vary a premises licence.

Proposed Licensable Activities or Qualifying Club Activities: Sale of Alcohol 09.00-23.00 on Saturdays and Sundays

Dear Sir/Madam

I am writing on behalf of my mother Marjorie Tilley, who lives at [REDACTED] Caerphilly, [REDACTED]. Her boundary wall is shared by Brew Monster at the above address. At [REDACTED] she wishes to spend peaceful weekends with her family and fears the change in licence would have a hugely detrimental effect on her mental health and wellbeing.

I wish to object in the strongest terms to the application to vary a premises licence. The noise, mess, smell of the brewery and disruption to the residents of East View will be intolerable if the premises licence is changed to 09.00-23.00 on Saturdays and Sundays.

In the initial planning meeting, the managing director Glenn White promised that he wanted to be a part of the community and promised he would not open on Sundays and not open earlier than 12pm. These promises were recorded in the online meeting attended by councillors and residents.

The noise levels are currently unacceptable due to the air conditioning unit which is constantly on and audible in my garden.

Industrial bins have been tipped over by members of the public, causing a nuisance and upset. One bin was overturned and left in the road, causing a hazard to pedestrians and traffic. Staff promised these bins would not be left outside but they remain there.

Food waste and wrappers have already been thrown into my garden from Brew Monster staff. The increase in this pollution and anti-social behaviour is unacceptable and likely to worsen if it's open longer.

The disruption, noise and pollution have already had a detrimental effect on the neighbourhood and that is before Brew Monster has opened to the public.

I urge the licensing committee not to grant this change to vary the premises licence.

Yours sincerely

A black rectangular redaction box covering the signature of the sender.

p.p. Marjorie Tilley

Name -

James Harris

Email Address -

Phone Number -

Date Submitted -

20/10/2021 20:44:34

Message -

I wish to reject the request by Brew Monster to have its selling times changed to sell alcohol on Saturdays and Sundays between 09:00 & 23:00. This is not in accordance with what they originally said they would do. Pls refer to ***** letter which I whole heartedly endorse as it lists the many disagreements that exist concerning Brew Monsters aggressive behaviour riding shoddy over any concern for residents nearby.

Gadewir y dudalen hon yn wag yn fwriadol