



LICENSING AND GAMBLING SUB COMMITTEE

MINUTES OF THE DIGITAL MEETING HELD VIA MICROSOFT TEAMS ON
MONDAY 7TH SEPTEMBER 2020 AT 10.30 A.M.



PRESENT:

Councillor D.W.R. Preece - Chair

Councillors:

Mrs D. Price, W. Williams

Together with:

L. Morgan (Licensing Manager), T. Helps (Licensing Officer), M. Wallbank (Senior Solicitor),
R. Barrett (Committee Services Officer)

Representing the Applicant

Mr G. White (Brew Monster Brewing Company Ltd)

Representing Gwent Police

PC D. Allen

Representing Child Protection

D. Lewis (Child Protection Co-Ordinator)

Representing the Licensing Authority

A. Dicks (Assistant Licensing Manager)

Representing Environmental Health Pollution Control

K. Jennings (District Environmental Health Officer)

Representing Other Persons

Local Ward Members - Councillor C. Elsbury (part of meeting), Councillor J. Fussell (part of meeting)

Local Residents - Dr P. Brown, Mr J. Robinson, Mrs K. Jordan, Mrs K. Newbury (part of meeting)

INTRODUCTION AND RECORDING ARRANGEMENTS

The Chair welcomed all those in attendance and introductions were made. The Chair reminded those present that the meeting was being recorded and would be made available following the meeting via the Council's website – [Click Here to View](#)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from T. Watkins (Environmental Health), Councillor S. Kent (Local Ward Member), Mr J. Harris (Local Resident), Community Councillor H. Jenkins (Local Resident)

2. DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the course of the meeting.

3. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF BREW MONSTER BREWING COMPANY LIMITED, UNIT 1, LON Y TWYN, CAERPHILLY

The Legal Advisor to the Sub Committee outlined the procedure for the meeting, including the order of representations and the opportunities for all parties to ask questions.

Mr Lee Morgan (Licensing Manager) presented the report and outlined the application submitted by Mr Glenn White for a new premises licence located at Brew Monster Brewing Company Ltd, Unit 1, Lon y Twyn, Caerphilly, which sought to permit the following Licensable Activities:-

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

It was noted that the applicant had amended his original application and operating schedule following representations from residents and Responsible Authorities, having originally applied for the licensable activities to commence at 12noon and include Sundays and Christmas Eve. A number of steps had also been volunteered by the applicant as part of the Operating Schedule to promote the Licensing Objectives and were set out in the report.

During the consultation process, representations were received from Gwent Police, Child Protection, Licensing Authority as a Responsible Authority, Environmental Health (H&S) and Environmental Health (Noise Team) who proposed conditions to strengthen the Licensing Objectives and were subsequently accepted by the applicant. No representations were received from Trading Standards or the Fire Service. Relevant representations were also received from 3 Elected Members and 24 residents who objected to the granting of the licence, and full details were appended to the report.

The Licensing Manager also drew the Sub Committee's attention to one typographical error at Section 1.7 of the report where it should reflect that the applicant had reduced their hours for the retail sale of alcohol from 12noon until 4pm (rather than 11am-4pm).

Attention was drawn to the local policy considerations as set out in the report and to the way in which the Sub-Committee would deal with the application. Members were referred to the recommendation set out in the Licensing Manager's report, which recommended that the application for a premises licence be granted subject to conditions, given the lack of objections to the application from Responsible Authorities.

All parties present were afforded the opportunity to ask questions of the Licensing Manager

and none were received. Representations were then invited from the applicant, Mr Glenn White.

Mr White summarised the nature of the application and explained that he was an experienced and responsible premises owner who was looking to expand his existing brewery bar business. He referred to the amended conditions already accepted as part of the application and expressed his commitment to work with interested parties to pre-empt and address any issues around the operation of the premises.

Mr White provided clarification on the hours applied for and explained that he was applying for the sale of alcohol from 4pm-11pm Monday-Friday to address concerns around school opening times, but stated that he was seeking to supply alcohol from 12noon-11pm on Saturdays to accommodate local tourism, and also Sundays and bank holidays if the Sub Committee were minded to grant these hours. Following discussion between the Licensing Manager and the applicant to clarify the hours and days applied for, Mr White confirmed that he had withdrawn the Sunday and bank holidays aspect of licensable activities and was not seeking these days as part of his application.

Mr White made reference to discussions with the Planning department around the hours of operation and the Legal Advisor reminded all parties that Planning and Licensing conditions are two entirely distinct matters. The applicant also responded to queries from local residents relating to the food hygiene rating and drinks promotions at his existing premises, together with queries relating to the access and use of the designated smoking area at the proposed premises.

It was confirmed there were no more questions for the applicant and representations were then invited from Responsible Authorities.

PC Dan Allen from Gwent Police outlined his representation and confirmed that following a site visit and discussion with the applicant, he had no issues with the application as he was satisfied that the premises would be managed responsibly and would meet the 4 Licensing Objectives. It was noted that Gwent Police had advocated conditions in relation to CCTV and participation in the Pubwatch scheme to which the applicant had agreed.

There were no questions for Gwent Police and representations were then invited from Child Protection. Mrs Deborah Lewis (Child Protection Co-Ordinator) confirmed that Child Protection had raised no objection to the application and all of the advocated conditions as set out in the report had been agreed by the applicant. Additionally no concerns had been received from partner agencies, the nearby Twyn School or Education Safeguarding regarding the application.

All parties present were afforded the opportunity to ask questions, and in response to a query from a local resident, the Licensing Manager confirmed that local schools are not formally notified by the Council of any such applications but there is a requirement for the applicant to advertise the application in accordance with the Licensing Act 2003. Notice of premises applications are also available to view on the Council's website and local ward members are notified of the application.

Representations were then invited from the Licensing Authority as a Responsible Authority. Mrs Annette Dicks (Assistant Licensing Manager) outlined her representation and confirmed that the Licensing Authority had no concerns regarding the application, but had advocated a number of conditions as set out in the report which were felt to be reasonable and proportionate and had been agreed by the applicant.

There were no questions received for the Licensing Authority and representations were then invited from Environmental Health Pollution Control. Mr Kristian Jennings (District Environmental Health Officer) confirmed that Environmental Health had raised no objections to the application but had proposed conditions to strengthen the Prevention of Public

Nuisance Licensing Objective as set out in the report to which the applicant had agreed.

There were no questions received for Environmental Health and the Sub Committee then moved to the representations from Other Persons.

Councillor Colin Elsbury (St Martins Local Ward Member) was invited to address the Sub Committee and outlined the concerns of residents regarding the application. He explained that the premises is located in a residential area and therefore inappropriate for the area and also questioned the responsibility of the premises owner in view of the drinks promotions advertised on social media for his other businesses.

All parties were afforded the opportunity to ask questions and the applicant responded to the points made by Councillor Elsbury.

Dr P. Brown (Local Resident) was then invited to make his representation and spoke on behalf of several residents of East View in the vicinity of the premises. He explained that objections were based on concerns around public safety and crime and disorder, and the impact that the premises could have on surrounding residential properties. He expressed concerns around the lack of representations from the Fire Service, noise nuisance during the 30-minute drinking-up time and close-down after 11pm, light pollution from the premises, disturbance from the smoking area, noise from the movement of beer kegs, and increased littering. He queried the noise assessment commissioned on behalf of the applicant and was also concerned that children in afterschool clubs to 6pm would be walking past the premises during opening hours. He also expressed concerns that building work had already commenced at the premises which gave the impression that the licence had already been granted.

All parties were afforded the opportunity to ask questions and discussion took place between Mr White and Dr Brown on a number of points raised. Assurances were given that the premises would comply with fire safety legislation and conditions placed on the licence to promote the Licensing Objectives.

Mrs K. Jordan (Local Resident) was then invited to address the Sub Committee and in explaining that her mother's garden is located next to the smoking shelter, expressed concerns about potential noise, light and air pollution arising from the shelter and the impact this could have on her mother. The applicant explained that the shelter would be placed at the furthest possible point from residences and completely enclosed to avoid overlooking or the escape of light. He also anticipated that the shelter would not be heavily used. Mr Robinson (Local Resident) added that one of his bedrooms overlooks the premises and was concerned about noise disturbance from patrons of the premises.

Mr Jennings from Environmental Health provided clarification on the assessments carried out at the premises as part of a separate process in relation to their planning application and gave assurances that the noise, air and light aspects were all issues that were being examined and addressed by the relevant agencies.

Councillor Elsbury gave his apologies for the remainder of the meeting and it was noted that Mrs Newbury (Local Resident) who was due to make representations had left the meeting following connection difficulties. The Sub Committee noted the written representation of Mrs Newbury in the agenda papers.

Mr Robinson (Local Resident) was then invited to address the Sub Committee and asked if the applicant would be prepared to adjust their opening times to match the school closing time of 6pm for afterschool clubs. Mr White explained that he had already adjusted his hours to avoid the busiest times around the school but foresaw no issues after 4pm as numbers at the school would have significantly reduced and pupils do not have a direct view from the school yard into the premises.

All parties were afforded the opportunity to sum up before the Licensing and Gambling Sub Committee retired to make its decision. The Licensing Manager, Responsible Authorities, local residents and Mr White summarised their representations to the Sub Committee.

The Legal Advisor informed all parties present that the Sub Committee would retire to consider the representations made at the meeting and they would be informed in writing of the decision in the next 5 days.

The Sub Committee retired at 12.20 p.m. to make its decision and all other parties left the meeting.

Following consideration of the application for the grant of a new premises licence located at Brew Monster Brewing Company Ltd, Unit 1, Lon y Twyn, Caerphilly, and having regard to the Licensing Manager's report and all the representations made, the Licensing and Gambling Sub Committee unanimously RESOLVED that the application be granted in accordance with the amended operating schedule as follows and subject to conditions numbered 1 to 18 as set out at section 1.10 of the Licensing Officer's report and appended to these minutes:-

- **Supply of Alcohol (on and off sales)**
Monday to Saturday, 16:00 to 23:00
Saturday 12:00 to 23:00
New Year's Eve, 16:00 to 02:00 (the next day)
(Sundays and bank holidays closed save as specified above)
- **Late Night Refreshment (indoors only)**
New Year's Eve, 23.00 to 02.00 (the next day)
- **Recorded Music (indoor only)**
Monday to Saturday, 16:00 to 23:00
New Year's Eve, 16:00 to 02:00 (the next day)

In making their decision, the Sub Committee considered all four Licensing Objectives, the Licensing Act 2003, revised Home Office Guidance and Caerphilly Council's Licensing Policy. The Sub Committee were satisfied that the grant of the license as requested by the applicant would not conflict with the Licensing Objectives if appropriately conditioned.

The Sub Committee considered it necessary to impose the aforementioned conditions for the purposes of ensuring the prevention of public nuisance, the prevention of crime and disorder, and the prevention of harm to children.

The decision notice advised that any person aggrieved by the decision had the right to appeal to the local Magistrates Court within 21 days from the date of written notification of the decision.

The meeting closed at 1.25 p.m.

Section 1.10 of Licensing Report – Conditions applicable to licence

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.